City of
Panama City Beach

Council Chambers |
17007 Panama City Beach Pkwy |
Panama City Beach, FL 32413

CITY COUNCIL
REGULAR MEETING AGENDA
THURSDAY, JULY 25, 2024
9:00 AM

A. CALL TO ORDER AND ROLL CALL

B. INVOCATION LED BY PASTOR BRAD ZIMANEK FROM GULFVIEW UNITED METHODIST CHURCH

C. PLEDGE OF ALLEGIANCE LED BY COUNCILMAN ETHAN REGISTER

D. COMMUNITY ANNOUNCEMENTS

D.1 Community Announcements
Item Memo
07.25.2024.Community Announcements.pdf

E. APPROVAL OF MINUTES

E.1 July 11, 2024 Special Meeting / Beach Safety Workshop Minutes
Item Memo
07.11.2024.Council Speical Meeting - Beach Work Shop Minutes.draft.pdf

E.2 July 11, 2024 Special Meeting Minutes
Item Memo
07.11.2024.Council Special Meeting Minutes.draft.pdf

F. APPROVAL OF AGENDA, AND ADDITIONS OR DELETIONS

G. PRESENTATIONS

G.1 Employee Years of Service Awards
Item Memo
Employee Service Awards 7.25.24.pdf

G.2 Stormwater Presentation by Kathy Younce, Interim Public Works Director
Item Memo
Stormwater Capital Improvement Projects.pdf

H. PUBLIC COMMENTS – CONSENT AGENDA AND NON-AGENDA BUSINESS (LIMITED TO THREE MINUTES)

I. <u>CONSENT AGENDA</u>

I.1
RESOLUTION NO. 24-155, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE ALLOCATION OF $98,708.00 OF FEDERAL FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JAG PROGRAM FUNDS TO BAY COUNTY FOR THE

BAY COUNTY REAL-TIME CRIME CENTER AND DESIGNATING THE MAYOR AS THE CITY'S AUTHORIZED REPRESENTATIVE.

Item Memo
Res 24-155.Edward Byrne Jag Program Allocation.pdf
Bay ROC. Letter of Support.pdf

J. REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

J.1 **ORDINANCE NO. 1650 AMENDING CHAPTER 7 OF THE CITY'S CODE RELATED TO BEACH SAFETY FLAG WARNING SYSTEM ENFORCEMENT, FIRST READING / PUBLIC HEARING.**
Item Memo
Ord 1650.Beach Safety Flag Warning System.First Reading.pdf

J.2 **RESOLUTION NO. 24-156, ANNUAL FIRE SERVICE ASSESSMENT, PUBLIC HEARING.**
Item Memo
Res 24-156.Fire Assessment FY 2024-2025.pdf
PCB Fire Report FY 2025 Final.pdf
Bay County Public Notice.Assessments.Affidavit Proof of Publication.pdf
News Herald Public Notice.Assessments.Affidavit Proof of Publication.pdf

J.3 **RESOLUTION NO. 24-157, ANNUAL STORMWATER ASSESSMENT, PUBLIC HEARING.**
Item Memo
Res 24-157.SW Assessment.FY 2024-2025.pdf
Bay County Public Notice.Assessments.Affidavit Proof of Publication.pdf
News Herald Public Notice.Assessments.Affidavit Proof of Publication.pdf

J.4 ***RESOLUTION NO. 24-158, ANNUAL CRA ASSESSMENT, PUBLIC HEARING.**
Item Memo
Res 24-158.CRA Assessment FY 2024-2025.pdf
PCB CRA Report FY 2025 Final.pdf
Bay County Public Notice.Assessments.Affidavit Proof of Publication.pdf
News Herald Public Notice.Assessments.Affidavit Proof of Publication.pdf

J.5 ***RESOLUTION NO. 24-159, APPROVING AN EXTENSION OF THE PROFESSIONAL SERVICES AGREEMENT WITH THE CORRADINO GROUP.**
Item Memo
Res 24-159.Extension of Interim PSA.Corradino Group.pdf
Corradino.Professional Services Agreement CRA Program Management.lmf.pdf

J.6 **RESOLUTION NO. 24-160, APPROVING AN AGREEMENT WITH NEW LINE SKATEPARKS FL, INC. FOR THE DESIGN AND CONSTRUCTION OF THE FRANK BROWN PARK SKATEPARK PROJECT.**

Item Memo
Res 24-160.Agreement with New Line Skateparks FL Inc..pdf
Exh A.Contract signed by New Line Skatepark FL.pdf
New Line Skate Parks Submittal Response.PDF

J.7 ***RESOLUTION NO. 24-161, AUTHORIZING CHANGE ORDERS TO THE CITY'S AGREEMENT WITH CWR CONTRACTING, INC. FOR THE CONSTRUCTION OF THE FRONT BEACH ROAD SEGMENT 3 PROJECT.**

Item Memo
Res 24-161.CWR.FBR Seg 3.Chang Order Add Contingency.pdf

J.8 **DISCUSSION / ACTION ITEM, DRAFT ORDINANCE 1651 RELATED TO THE CONDUCT OF ELECTIONS PROPOSING A CHANGE FROM APRIL TO NOVEMBER FOR CITY ELECTIONS.**
Item Memo
Ord. 1651.November Election Date.DRAFT.pdf

J.9 **DISCUSSION / ACTION ITEM, BEACH SAFETY.**
Item Memo
Beach Safety Discussion Topics.pdf
Public Rescue Tube Program.png
Cost_Breakdown_for_Partnership_2024_js.pdf
Cost Breakdown for Partnership - FY 2025 Estimate.pdf

K. CITY MANAGER REPORT

L. CITY ATTORNEY REPORT

M. COUNCIL COMMENTS

N. ADJOURN

***** 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** , JOINTLY AND CONCURRENTLY, AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT LATTER CAPACITY. ACTION ITEMS NOTED WITH AN ASTERICK.

****** AT EACH OF ITS REGULAR OR SPECIAL MEETINGS, THE CITY COUNCIL ALSO SITS, EX-OFFICIO, AS **THE LAW ENFORCEMENT TRUST BOARD**, JOINTLY AND CONCURRENTLY, AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT LATTER CAPACITY. ACTION ITEMS NOTED WITH TWO ASTERICKS.

PAUL CASTO	**X**
MARY COBURN	**X**
MICHAEL JARMAN	**X**
ETHAN REGISTER	**X**
STUART TETTEMER	**X**

I certify that the Council members listed above have been contacted and given the opportunity to include items on this agenda.

/s/ City Clerk **Date**

PAUL CASTO	**X**
MARY COBURN	**X**
MICHAEL JARMAN	**X**
ETHAN REGISTER	**X**
STUART TETTEMER	**X**

I certify that the Council members listed above have been contacted and given the opportunity to include items on this agenda.

/s/ City Clerk **Date**

The Agenda Packet is posted on the City's website at WWW.PCBFL.GOV by close of business on the Friday before the meeting. City Council meetings are live streamed on the City's website WWW.PCBFL.GOV and City Facebook page "PANAMA CITY BEACH-GOVERNMENT". One or more members of other City Boards may appear and speak at this meeting. 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 for this purpose, 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 (2020).

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Lynne Fasone, City Council	***2. MEETING DATE:*** July 25, 2024
3. REQUESTED MOTION/ACTION: Report community events / announcements within the City of PCB.	
4. AGENDA: COMMUNITY ANNOUNCEMENTS	***5. IS THIS ITEM BUDGETED (IF APPLICABLE)?:*** N/A Detailed Budget Amendment Attached: N/A
	6. IDENTIFY STRATEGIC PRIORITY: Quality of Life N/A N/A
7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED? Report community events / announcements within the City of PCB.	
07.25.2024.Community Announcements.pdf	

City of
Panama City Beach

17007 PCB Parkway
PCB, FL 32413
www.pcbfl.gov

Community Announcements

for the
July 25, 2024
City Council Special Meeting

Date	Event	Location
July 25, August 1, August 8 & August 15 at 7:00 PM	**Summer Concert Series**	Aaron Bessant Park
August 3 & 4	**USA Softball Emerald Coast Tournament**	Frank Brown Park
Thursday, August 8 5:00 PM instead of 6:00 PM	**Next City Council Meeting – Special Meeting**	City Hall

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Lynne Fasone, City Council	***2. MEETING DATE:*** July 25, 2024

3. REQUESTED MOTION/ACTION:

Review and approve City Council's July 11, 2024 special meeting / budget workshop minutes.

4. AGENDA: APPROVAL OF MINUTES	***5. IS THIS ITEM BUDGETED (IF APPLICABLE)?:*** N/A Detailed Budget Amendment Attached: N/A
	6. IDENTIFY STRATEGIC PRIORITY:

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

Per the City Charter and Florida Statutes, the City Clerk shall prepare meeting minutes for each City Council meeting.

07.11.2024.Council Speical Meeting - Beach Work Shop Minutes.draft.pdf

City of
Panama City Beach

PCB City Hall
17007 PCB Parkway
PCB, FL 32413
P: (850) 233-5100
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MINUTES of the **July 11, 2024** Special Meeting / Beach Safety Workshop of the City Council of the City of Panama City Beach, Florida, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency.

Mayor Stuart Tettemer called the July 11 2024 special meeting to order at 4:00 p.m.

ROLL CALL
COUNCILMAN PAUL CASTO
COUNCILMEMBER MARY COBURN
COUNCILMAN ETHAN REGISTER
VICE MAYOR MICHAEL JARMAN
MAYOR STUART TETTEMER

A quorum was present with all five members of City Council. Others present were City Manager Drew Whitman, Assistant City Manager Holly White, City Attorney Cole Davis, City Clerk Lynne Fasone, Directors, staff, and members of the public and press.

PRESENTATION - BEACH FLAG SYSTEM BY CHIEF RAY MORGAN
Chief Ray Morgan thanked Council for the opportunity to present and discuss beach safety this evening. Chief Morgan turned the podium over to Director Daryl Paul. Director Paul presented the **attached** Beach Flag System PowerPoint. Mayor Tettemer thanked Director Paul.

Mayor Tettemer inquired as to how often the flags were change throughout the day. Director Paul reported as the rips and conditions develop. Mayor Tettemer inquired if Director Paul thought the City should ever fly a green flag. Director Paul reported the City needed to be consistent.

Councilman Register if AlertBay had a geofence and if alters were received even if a person was not signed up. Manager Whitman reported yes and clarified that TDC sends out the alters. Councilman Register inquired as to how may flags the City is responsible for changing. Director Paul reported the City of PCB has 28 flags and we are responsible for changing 26. Councilman Register inquired as to how long it takes to change/update the flags. Director Paul reported they needed about 45 minutes to change/update the flags. Councilman Register thanked Chief Morgan, Director Paul and the Beach Safety Department for their tireless work.

Councilmember Coburn inquired if there was a way to mark the rip currents. Director Paul reported yes, the lifeguards at the guarded beaches do mark the beaches when a rip is present, however, each flag costs about $100 and often turn into souvenirs at the unguarded beaches.

Vice Mayor Jarman inquired if more rips were present during any particular time of year. Director Paul stated no, rips occur anytime of the year and can linger for days. Director Paul further explained that it is particularly hazardous when the beach looks calm, and the day is nice. A brief discussion regarding north winds, currents, and coastal sea breeze took place.

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Councilman Casto asked for clarification, were the guarded beaches located at the City Pier, Rick Seltzer Park and the private resort. Director Paul concurred and further explained that Rick Seltzer Park was a County park/guarded beach. Councilman Casto inquired if rovers were used to cover the rest of the beaches. Director Paul explained that they do not consider beaches to be guarded when covered by a rover. Councilman Casto inquired as to how many lifeguards were on staff. Director Paul reported 9 full-time and 6 seasonal. Councilman Casto inquired if Director Paul thought that there were enough lifeguards on staff to do the job effectively. Manager Whitman stated no.

Councilman Casto inquired if the City had done, or had a professional, do a plan as to what was needed. Councilman Casto added that the TDC should be given a copy if so. A brief discussion regarding data sawing 90% of the drownings were unfortunately tourists, not locals.

Director Paul discussed prevention, proactive education, and making contact with over 1 million beachgoers in 2023. Discussion regarding not recreating the wheel and the various existing beach safety plans out there that may work for the City took place. Director Paul discussed one lifeguard per every 1/8th mile of beach may be difficult to maintain on our shoreline. Councilman Casto recommended the City get a plan to the TDC. A brief discussion regarding the difference between a lifeguarded beach versus a roving beach took place.

Mayor Tettemer inquired if there were hot spots on the beach that would make good lifeguarded beaches. Director Paul stated yes that he had a heat map showing the locations, which amounted to basically everywhere.

Discussion regarding the flag system being based on rip currents per the United States Lifesaving Association (USLA). Director Paul reported the City's flag system mirrors the USLA because the City is accredited through that agency. Director Paul stressed that the information presented to visitors and beachgoers needed to be consistent. Director Paul discussed observing beachgoers coming onto the beach with eyes looking down because they are carrying supplies and watching where they were walking. Director Paul added that it appeared as though beachgoers tended to miss flags and signs because of looking down.

Councilmember Coburn inquired if there were any best practices that came to mind that the City could adopt. Director Paul discussed being an accredited agency by USLA and what that agency encourages. Councilmember Coburn recommended Council/staff think outside of the box. A brief discussion regarding the meaning of "undertow," wave heights and jetties took place.

Vice Mayor Jarman inquired if from Beach Rescue's metrics there were less rescues at guarded beaches. Director Paul stated yes.

Mayor Tettemer announced that Council was on schedule, on time, and as time permitted, he would allow a few public comments. Mayor Tettemer added that the public was also welcome to comment during Council's next meeting.

DISCUSSION / ACTION ITEM, BEACH SAFETY
Mayor Tettemer called for comments from the public.

1. Mr. Hill – Mr. Hill noted here was here on behalf of the Rotary Club. Mr. Hill commented that Rotary stands by ready to partner with the City. Mr. Hill discussed the benefits of public rescue tubes, similar to the tubes being used in Hawaii and Navarre, Florida. Mr. Hill commented further that he had talked with a number of attorneys and risk was minimal to the City. Mr. Hill recommended the City change its law to follow the "Good Samaritan Law" in Hawaii.

A brief discussion regarding the City's possible liability took place. Attorney Davis reported that the legal team would do further research.

2. Mr. White – Mr. White commented that he had researched rip currents all over the world and since the dredging and beach renourishment he felt that rips appeared to be happening more often on the beach. Mr. White recommended putting a flag system out in the water. Mr. White further discussed his flag system with LED lights and a touch button that connects to emergency responders.

Mayor Tettemer closed the public comment period. Mayor Tettemer called for comments from Council.

Mayor Tettemer noted that he would like to see more lifeguarded beaches and asked staff to work with the TDC to find out how the City can make that happen with the TDC's additional funding. Mayor Tettemer note he would also like to look at funding more private/public partnership.

Councilmember Coburn concurred with Mayor Tettemer. Councilmember Coburn recommended looking at the capital costs for setting up lifeguards at resorts, look at the different beach access and choose which ones should be guarded by lifeguard and still have rovers.

Councilman Register noted he was in favor of those ideas as well. Councilman Register recommended taking preventative actions such as meeting with beach vendors and Dan Rowe at the TDC to start a beach ambassador program. Councilman Register further discussed how a beach ambassador program might work and how the program may be able to be funded using TDC marketing funds.

Councilman Casto noted that he loved Councilman Register's idea and would support that program using new marketing money. Councilman Casto also noted that he like the Rotary's idea of the rescue tubes. Councilman Casto recommended looking into requiring, on the single red flag days, swimmers be required to have some type of floatation device to enter the gulf. Councilman Casto thanked the TDC for stepping up and provided the City with additional funding.

Vice Mayor Jarman noted all of the Councilmember's ideas were good ideas. Vice Mayor Jarman recommended getting with the TDC on the rescue tubes, also looking at AI software that would complement the City's Beach Rescue program. Vice Mayor Jarman noted that he also liked the beach ambassador program.

Mayor Tettemer summarized Council's direction as: 1) Investigating a subsidized program, including capital cost; 2) Councilman Register's idea of a beach ambassador program, including funding and if anything needed to be done with respect to a city ordinance; 3) Options with respect to the rescue tubes and partnering with the Rotary; 4) Investigating Councilman Casto's idea of flotation devices being required on single red flags days; and 5) Vice Mayor Jarman's idea of AI software. Mayor Tettemer inquired if Council was in favor of going forward with all five of these options. Councilmember Coburn added getting more information on Mr. White's idea with respect to an LED flag system. Councilmembers concurred.

Mayor Tettemer noted that Council would recess for about 5 minutes and those wishing to speak further on beach safety could do so at the 5:00 p.m. meeting.

With nothing further, Mayor Tettemer adjourned the Workshop by unanimous consent at 4:54 p.m.

READ AND APPROVED this _____ day of July, 2024.

_____
Stuart Tettemer, Mayor
City of Panama City Beach, Florida

ATTEST:

_____
Lynne Fasone, MMC, City Clerk

***** ACTION ITEMS NOTED WITH AN ASTERISK ARE TAKEN BOTH BY THE CITY COUNCIL AND THE PANAMA CITY BEACH REDEVELOPMENT AGENCY JOINTLY AND CONCURRENTLY. IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.

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CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Lynne Fasone, City Council	***2. MEETING DATE:*** July 25, 2024

3. REQUESTED MOTION/ACTION:

Review and approve City Council's July 11, 2024 special meeting minutes.

4. AGENDA: APPROVAL OF MINUTES	***5. IS THIS ITEM BUDGETED (IF APPLICABLE)?:*** N/A Detailed Budget Amendment Attached: N/A
	6. IDENTIFY STRATEGIC PRIORITY:

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

Per the City Charter and Florida Statutes, the City Clerk shall prepare meeting minutes for each City Council meeting.

07.11.2024.Council Special Meeting Minutes.draft.pdf

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DRAFT

MINUTES of the **July 11, 2024** Special Meeting of the City Council of the City of Panama City Beach, Florida, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency.

Mayor Stuart Tettemer called the July 11, 2024 special meeting to order at 5:00 p.m.

ROLL CALL

COUNCILMEMBER MARY COBURN
COUNCILMAN ETHAN REGISTER
VICE MAYOR MICHAEL JARMAN
COUNCILMAN PAUL CASTO
MAYOR STUART TETTEMER

A quorum was present with all five members of City Council. Others present were City Manager Drew Whitman, Assistant City Manager Holly White, City Attorney Cole Davis, City Clerk Lynne Fasone, Directors, staff, and members of the public and press.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Rob Raines with The Ark Church led the invocation. Councilmember Mary Coburn led the Pledge of Allegiance.

COMMUNITY ANNOUNCEMENTS

Mayor Tettemer presented community announcements.

APPROVAL OF MEETING MINUTES

Mayor Tettemer called for approval of the June 27, 2024 regular meeting minutes. **Vice Mayor Jarman so moved. Councilmember Coburn seconded the motion. The June 27 meeting minutes were unanimously approved by a (5-0) roll call vote.**

Councilmember Coburn	Aye
Councilman Register	Aye
Vice Mayor Jarman	Aye
Councilman Casto	Aye
Mayor Tettemer	Aye

APPROVAL OF AGENDA

Mayor Tettemer called for approval and/or deletions to the agenda. Hearing and seeing none, **Vice Mayor Jarman moved to approve the agenda, as amended. Councilman Casto seconded the motion. All were unanimously in favor of approval of the agenda as amended by a (5-0) roll call vote.**

Councilmember Coburn	Aye
Councilman Register	Aye
Vice Mayor Jarman	Aye
Councilman Casto	Aye
Mayor Tettemer	Aye

PRESENTATION

On behalf of City Council, Councilmember Coburn presented Parks & Recreation Director Cheryl Joyner with a proclamation recognizing July as Park & Recreation Month.

PUBLIC COMMENTS - NON-AGENDA BUSINESS (LIMITED TO THREE MINUTES)

Mayor Tettemer provided instructions and then opened the floor to non-agenda business public comments, limited to three minutes each.

Mayor Tettemer called for comments pertaining to beach safety.

1. Rex Reid - Mr. Reid thanked the TDC for providing additional beach safety funding. Mr. Reid discussed tourist impacts on the beach and alternative funding, the fire assessment, funding from the TDC, and permitting the City to piggyback on another tax and/or bed tax to help fund these programs.
2. Bob (inaudible) – Bob thanked the City for its efforts and suggested that an area for people to swim in the gulf be roped off area, perhaps attach the rope to buoys, to help people out if they were to get stuck.
3. Alisha Redmon – Ms. Redmon discussed her husband drowning in the gul trying to save another swimmer. Ms. Redmon recommended that there be lifesaving devices on this beach. Ms. Redmon discussed "Stacy's Law." Ms. Redmon commented further on lifesaving devices, education being key and the importance of flag system.
4. David Chapman, Panama City – Mr. Chapman noted that he was the City's sole public partner with respect to the lifeguard program. Mr. Chapman commented that the City had the ability to find the money, if it was important to everyone. Mr. Chapman commented that he was hopeful that other organizations would participate in the lifeguard public/private program. Mr. Chapman thanked Council and First Responders.
5. Chris (inaudible) – Chris comment on the United States Lifeguard Association's flag system and a Washington Post article that ran last year. Chris suggested that Council reach out to Broward County and Okaloosa County about their spending.
6. Jack Smith – Mr. Smith noted that he published PCB Life and seven other papers. Mr. Smith commented that Director Paul was 110% correct in his presentation. Mr. Smith recommended that Council partner with vendors on the beach and that every penny of funding go to humans, more lifeguards.
7. Captain Gary Wayne Beck, 2601 Beech Street –Mr. Beck commented that in 2012 he invented a surf rescue system that would turn anyone into a lifeguard. Mr. Beck became agitated, spoke about his constitutional right to speak, and threatened declaration of war. Mayor Tettemer called Mr. Beck to order.
8. Frank Sewell – Mr. Sewell commented that a number of people were walking out in the street, not in crosswalks. Mr. Sewell recommended that Council add the flashing lights at crosswalks on Front Beach Road.

Hearing and seeing no further comments on beach safety, Mayor Tettemer closed that public comment period. Mayor Tettemer opened the floor to public comments on non-agenda items.

1. Patricia East Lullwater Lane - Patricia noted that she understood this was outside of the City's preview, however she wanted to make Council aware of her objection, as well as other neighbors on her street. Ms. Patricia stated she objected to the Oxford House Drug and Rehab Residence now operating in her neighborhood. Ms. Patricia further commented on the reasons why she objected.

Mayor Tettemer asked Ms. Patricia to please submit her comments to Council in writing as he and other Councilmembers would love to read them. Ms. Patricia asked for Council's assistance.

2. Robert, 16235 East Lullwater – Robert noted that the Oxford house was about two houses down from a Park of which the residents walk and ride their bikes up and down the street.

Mayor Tettemer recommended that the beach safety comments be addressed later in the meeting when Council was addressing that topic. Mayor Tettemer asked Manager Whitman to respond to the other public comments.

Manager Whitman reported, with respect to Mr. Sewell's comments, the City was in the process of upgrading some crosswalks and others would be upgraded as the CRA was done. Manger Whitman asked Mr. Sewell to please let him know which crosswalks he was referring to. Manager Whitman reported with respect to the Oxford Home, the City had not received any paperwork on the house and further discussed the Federal Fair Housing Act. Manager Whitman noted that he was aware of the Oxford Home, and he had asked Legal to look into it.

Mayor Tettemer thanked everyone for the robust discussion.

CONSENT AGENDA

Mayor Tettemer asked Clerk Fasone to read the Consent Agenda.

RESOLUTION NO. 24-151, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A TASK ORDER WITH JRA ARCHITECTS, INC. FOR ARCHITECTURAL DESIGN SERVICES RELATED TO THE POLICE K9 TRAINING FACILITY IN THE AMOUNT OF $139,568.00, AND DESIGNATING USE OF ARPA FUNDS FOR THE PROJECT.

RESOLUTION NO. 24-152, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A SUBORDINATION AGREEMENT FOR PARCEL 800.2R WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR DRAINAGE PURPOSES RELATED TO S.R. 30A (US 98/PANAMA CITY BEACH PARKWAY) FROM EAST OF R. JACKSON BOULEVARD TO THE HATHAWAY BRIDGE.

RESOLUTION NO. 24-153, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A TASK ORDER WITH INFRASTRUCTURE SOLUTION SERVICES, LLC FOR ENGINEERING SERVICES RELATED TO THE REPLACEMENT OF FILTER UNITS AT THE CITY'S WASTEWATER TREATMENT FACILITY IN THE AMOUNT OF $76,000,00.

RESOLUTION NO. 24-154, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH POLYDYNE, INC. FOR THE PURCHASE OF WASTEWATER TREATMENT RESIDUALS DEWATERING POLYMER FOR THE CITY'S WASTEWATER TREATMENT FACILITY.

ACTION ITEM - BY MOTION, AUTHORIZING THE HIRING OF SIX ADDITIONAL FULL-TIME LIFEGUARDS FOR THE BEACH SAFETY DIVISION AND ELIMINATING SEASONAL LIFEGUARDS IN FUTURE BUDGETS.

Mayor Tettemer noted the Consent Agenda was available to Council. **Vice Mayor Jarman moved to approve the Consent Agenda. Councilman Casto seconded the motion. All were unanimously in favor of approval of the Consent Agenda by a (5-0) roll call vote.**

Councilmember Coburn	Aye
Councilman Register	Aye
Vice Mayor Jarman	Aye
Councilman Casto	Aye
Mayor Tettemer	Aye

DRAFT

REGULAR AGENDA- DISCUSSION/ACTION ITEMS

ITEM 1. ORDINANCE NO. 1647, AMENDING CHAPTER 4, ARTICLE II, OF THE CITY'S CODE RELATED TO SPECIAL EVENTS; SECOND READING, PUBLIC HEARING.

Mayor Tettemer invited Attorney Davis to comment. Mr. Davis read Ordinance 1647 by title only. Mr. Davis reported this was the second reading of Ordinance 1647 and, as directed by Council, Staff drafted an amendment to the special events ordinance that would essentially make a second event a conditional use, add provisions for additional cell service, how a hearing would be conducted, due process, the process for appeals.

Mayor Tettemer opened the public hearing. Hearing and seeing no comments, Mayor Tettemer closed the public hearing.

Mayor Tettemer noted this item was available to Council. **Councilmember Coburn moved to approve Ordinance 1647. Vice Mayor Jarman seconded the motion. All were unanimously in favor of approval of Ordinance No. 1647 by a (5-0) roll call vote.**

Councilmember Coburn	Aye
Councilman Register	Aye
Vice Mayor Jarman	Aye
Councilman Casto	Aye
Mayor Tettemer	Aye

ITEM 2. ORDINANCE NO. 1649, AMENDING CHAPTER 5, ARTICLE II, RELATED TO ANIMAL CONTROL; FIRST READING, PUBLIC HEARING.

Mayor Tettemer introduced Attorney Davis. Attorney Davis read Ordinance No. 1649 by title only. Mr. Davis reported this ordinance was discussed at Council's June 27th meeting, and Staff was directed to bring the ordinance back for first reading with additional changes. Mr. Davis explained that Ordinance 1649 would repeal the requirement for licensing cats and dogs, and proposes that, rather than require an annual permit, a permit for fowl or livestock be valid unless written permission of neighboring owners was revoked, prohibits the keeping of roosters, the City Manager's authority to revoke the permit was removed as well as "60 days" was changed to "30 days," as suggested by Council.

Mayor Tettemer opened the public hearing. Hearing and seeing no comments, Mayor Tettemer closed the public hearing.

Mayor Tettemer noted this item was available to Council. **Councilman Casto moved to approve Ordinance 1649. Councilmember Coburn seconded the motion.**

Councilman Register noted that he was not in favor of this ordinance as the City already had a nuisance ordinance with Code Enforcement. Councilman Register added that he was not in favor of government being involved and he had stated his reasons clearly at the last meeting. Councilman Register asked Attorney Davis to explain the animal nuisance section of the Code. Attorney Davis briefly explained.

Vice Mayor Jarman asked for clarity on the vote, should the motion be repealed or withdrawn. After a brief discussion on process, Councilmembers decided to move forward with a vote on the current motion.

The motion to approve Ordinance No. 1649 passed by a roll call vote of (3-2).

Councilmember Coburn	Aye
Councilman Register	No
Vice Mayor Jarman	No
Councilman Casto	Aye
Mayor Tettemer	Aye

CITY MANAGER REPORT –No report today.

CITY ATTORNEY REPORT – Attorney Davis clarified with respect to some of the beach safety comments, there was some discussion about changing the flag warning system and signs, those are set by the Department of Environmental Protection and by statue they have to be uniform throughout the State. Attorney Davis added that if Council desires to make those changes the City could petition the State, however, there would be a bit of work to do.

COUNCIL COMMENTS – Mayor Tettemer called for comments from Council.

Councilman Casto thanked everyone for a good workshop and added that some great ideas came out of the workshop, and he hoped the Council follows through with some of the good ideas.

Councilman Register offered his condolences to the lady in the crowd who lost her husband. Councilman Register noted that he watched some of the past debates from a county race with a lot of comments about the CRA. Councilman Register noted he cared very deeply for the CRA and its purpose to beautify the and improve our CRA corridor. Councilman Register added that it was his understanding negotiations have stalled. Councilman Register recommended that Council direct Staff to reach back out to the County to restart those negotiations. Councilmembers briefly discussed the best way to direct Staff. Council members directed the City Manager and the City Attorney to go back to the table and negotiate with the County and then bring that back to the Council to decide. Attorney Davis clarified that Council was giving the City Manager and City Attorney direction to meet with their counterparts and once they have a cohesive direction to present that to the Council. Councilmember concurred. Lastly, Councilman Register thanked the public safety officials for keeping everyone safe while a lot of people were in town for the 4th of July.

Councilmember Coburn thanked the residents who came out to speak this evening.

Vice Mayor Jarman concurred with Councilmember Coburn and added that Council would find solutions working with the TDC.

Mayor Tettemer thanked Vice Mayor Jarman for suggesting the workshop. Mayor Tettemer thanked Chief Ray and Director Paul for their guidance and the public for their input. **Mayor Tettemer recommended that Council direct Staff to get some options to them on where to set-up an additional lifeguarded beach yet this year, with the criteria being most dangerous and having a large number of public accesses. Councilmembers concurred.** Discussion regarding when the City may receive the additional public safety money from the TDC requiring the passage of an ordinance by the County Commission took place. Council thanked the TDC for finding additional safety funds.

Mayor Tettemer thanked the Beach Safety Team, Code Enforcement and the Police Department for their hard work. Mayor Tettemer asked for God's guidance and blessings. Mayor Tettemer noted that Council's next meeting was scheduled for July 25th at 9:00 am and invited everyone to enjoy tonight's concert at Aaron Bessant Park.

With nothing further, Mayor Tettemer adjourned the meeting by unanimous consent at 5:57 p.m.

READ AND APPROVED this _____ day of July, 2024.

_____
Stuart Tettemer, Mayor
City of Panama City Beach, Florida

ATTEST:

_____
Lynne Fasone, MMC, City Clerk

***** ACTION ITEMS NOTED WITH AN ASTERISK ARE TAKEN BOTH BY THE CITY COUNCIL AND THE PANAMA CITY BEACH REDEVELOPMENT AGENCY JOINTLY AND CONCURRENTLY. IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.

DRAFT

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Julie Roeder, Administration	***2. MEETING DATE:*** July 25, 2024

3. REQUESTED MOTION/ACTION:

Recognize employees for years of service with the City.

4. AGENDA: PRESENTATIONS	***5. IS THIS ITEM BUDGETED (IF APPLICABLE)?:*** N/A Detailed Budget Amendment Attached: N/A
	6. IDENTIFY STRATEGIC PRIORITY: Quality of Life Quality of Life N/A

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

Recognition of employee service.

Employee Service Awards 7.25.24.pdf

City of
Panama City Beach

PCB City Hall
17007 PCB Parkway
PCB, FL. 32413
P: (850) 233-5100
F: (850) 233-5108
www.pcbfl.gov

City Council Meeting
July 25, 2024

Employee Plaque Presentations

Public Works Department
Jovani Bell – 10 Years

Fire Department
Calvin Tayes – 5 Years

Parks and Recreation Department
Regina Appleby – 5 Years

Mayor Stuart Tettemer
Vice Mayor Michael Jarman
Ward 1 Paul Casto
Ward 2 Ethan Register
Ward 3 Mary Coburn
City Manager Drew Whitman
Asst. City Mgr. Holly White

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Kathy Younce, Public Works	***2. MEETING DATE:*** July 25, 2024

3. REQUESTED MOTION/ACTION:

View presentation from City Staff about stormwater capital improvement projects.

4. AGENDA:

PRESENTATIONS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: N/A

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY:
Quality of Life
Attractive Community
Public Safety

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

City Staff has prepared a brief presentation about stormwater capital improvement projects to update the City Council and the public about projects completed to date as well as future initiatives. These projects are funded by a combination of stormwater assessment fees and federal and state grants.

Stormwater Capital Improvement Projects.pdf

STORMWATER CAPITAL IMPROVEMENT PROJECTS

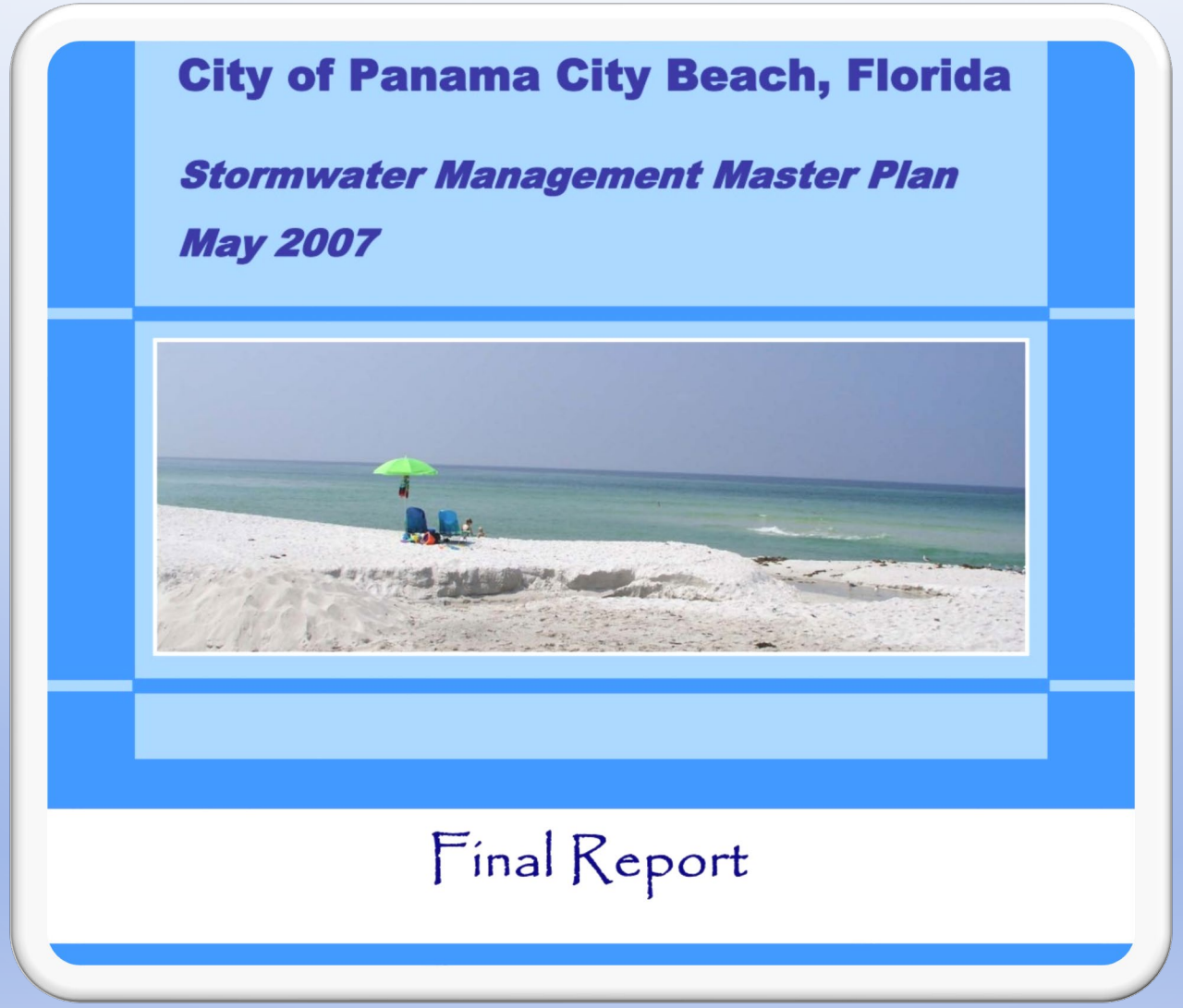
FUNDING FOR CAPITAL IMPROVEMENT PROJECTS (CIP) IS PROVIDED BY STORMWATER ASSESSMENT FEES & GRANTS

ON MAY 25, 2006, THE CITY OF PANAMA CITY BEACH ADOPTED A RESOLUTION PROVIDING FOR THE INITIAL IMPLEMENTATION OF THE STORMWATER SERVICE ASSESSMENT PROGRAM. ONCE SUFFICIENT FUNDING WAS ACCUMULATED, DESIGN AND THEN CONSTRUCTION OF THE FIRST CAPITAL PROJECT BEGAN.

In May of 2007, the City of Panama City Beach Contracted with a Consultant to Provide Engineering Services to Prepare a Stormwater Master Plan & Stormwater Model For The City Limits

Included in this Plan

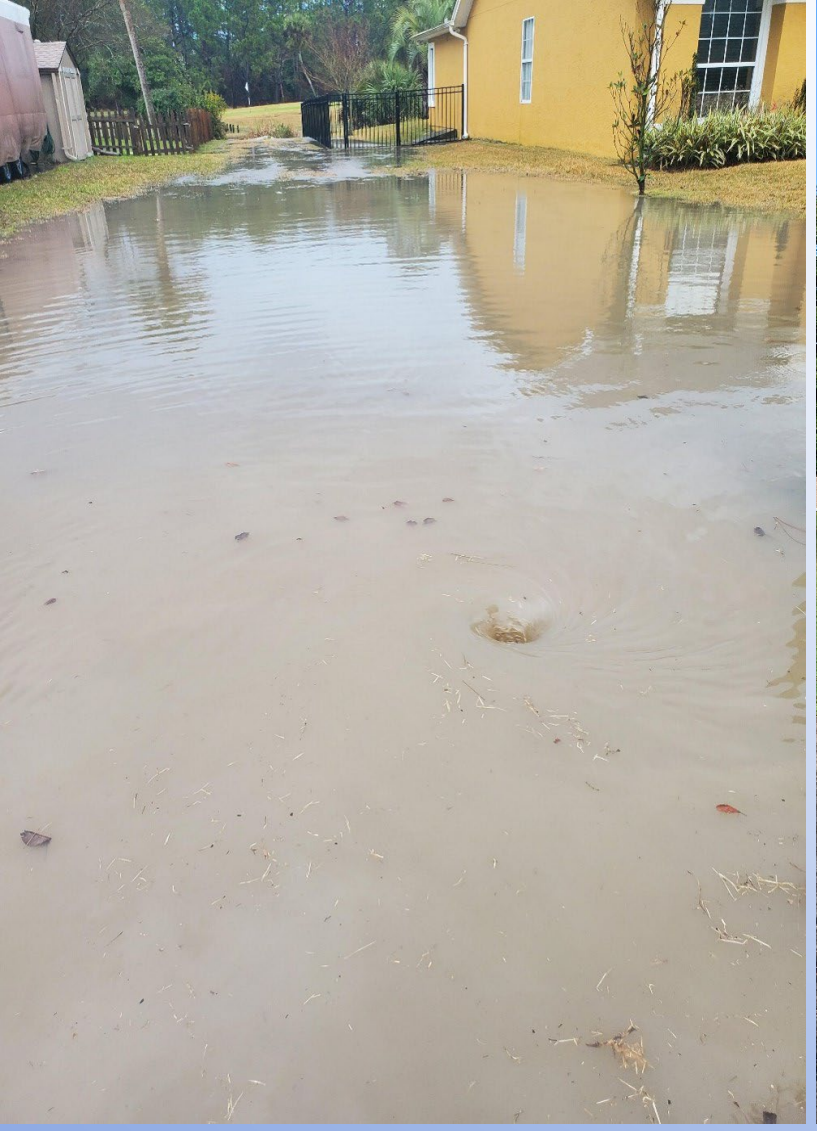
- Field Data Collection
- Data Review& Evaluation
- Hydrologic Modeling
- Hydraulic Modeling
- Floodplain Mapping
- Stormwater Ordinance Review
- Conclusions & Recommendations



1. Primary goals were to evaluate and prepare to manage the quantity and rate of stormwater generated within the basin under the existing and future land use conditions.
2. Secondary goals were to prioritize stormwater capital improvement projects to reduce flooding in flood prone areas discovered in the modeling process.

TO DATE THE COMPLETED CIP PROJECT LIST INCLUDES:

1. **Lullwater Dr Improvements** (2-24" RCP Lullwater Dr, 18" RCP Castile Dr, 2-48" RCP E. Lullwater Dr) – **Complete 2010**
2. **Moonlight Bay Dr Improvements** (replace collapsing pipe w/24" RCP) – **Complete 2010**
3. **Coral Dr Improvements** (installed19"x30" ERCP collection system & assoc. structures to ex. pond) – **Complete 2011**
4. **South Glades Trail Improvements** (replace collapsing CMP w/24" RCP system & assoc. structures) – **Complete 2012**
5. **Beth & Gardenia Improvements** (installed 24" RCP collection system & assoc. structures from Fernwood St to Gardenia St and outfall to ex. pond. Also upgrades of 3 -14" x 23" ERCP under Beth St) – **Complete 2015**
6. **Calypso Outfall** Extension, Baffle Box, & Exfiltration Addition – **Complete 2015**
7. **Caladium Circle Improvements** (installed 18" RCP collection system & assoc. structures along Caladium Cir & across Gulf Blvd to connect to ex. system on Short St) – **Complete 2016**
8. **Ocean Reef Outfall** Extension and Baffle Box Addition – **Complete 2016**
9. **Sea Oats Drainage Improvements** (installed 24" RCP collection system & assoc. structures along Sea Oats Dr & Seaclusion Dr to a 18" RCP collection system & assoc. structures along Seashell Court) – **Complete 2017**
10. **Gulf Highlands Improvements** (installed 2- 54" RCP pipes under FBR and modified ex. headwalls - **Complete 2018**
11. **N. Glades Channel Improvements** (constructed 50'-68' wide channel and bridge) – **Complete 2019**
12. **Eagle Dr Improvements** (installed 19"x23" ERCP system & assoc. structures to provide positive outfall from lake to ex, ditch) – **Complete 2020** A second project re-established a drainage ditch in this subdivision east side of residents & cut open ditch across the golf course for positive discharge connection to ex. open ditch – **Complete 2024**
13. **Hombre Circle Culvert Improvements** (installed 2' x 2' box culvert top of exist. 42" RCP for capacity & installed siltation boxes to keep existing pipes open) – **Complete 2020**
14. **Gardenia & Agave Project** (installed structures & assoc. 24" RCP @ int. Agave St & Gardenia St. Continued north on Gardenia St w/30" RCP to connect to ex. system from CIP #5) – **Complete 2023**







COLONY CLUB DRAINAGE IMPROVEMENTS PROJECT

(AKA EAGLE DR. SECOND DRAINAGE IMPROVEMENT CIP)







GARDENIA ST. & AGAVE ST. DRAINAGE IMPROVEMENTS

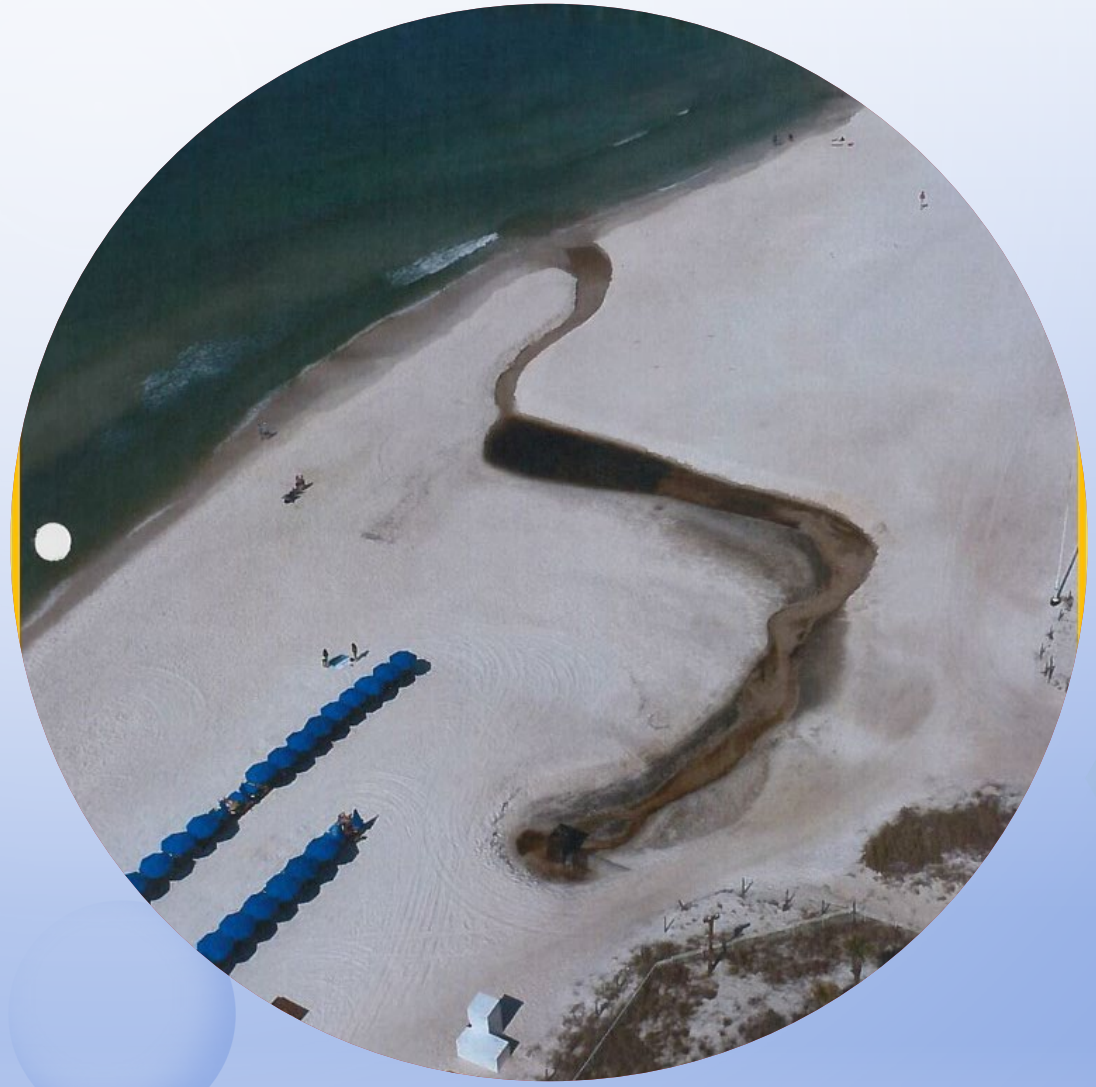
TO DATE THE FUTURE 5-YEAR CIP PROJECT LIST INCLUDES:

1. Randy Road Drainage Project (CITY FUNDED) – Design Complete 2024; Construction scheduled for 2025
2. Lullwater Lake Clean-up (GRANT FUNDED) – Design underway 2024/2025 with construction to follow after permitting is complete
3. Offshore Outfall Project (PARTIALLY GRANT FUNDED) – Design complete 2024 with construction to follow after permitting is complete
4. San Souci Rd. Drainage Project (GRANT FUNDED) – Design Complete 2024; waiting on FDEM approval to move forward to construction

* This does not include all the in-house stormwater projects performed by staff on a daily basis

THE BEACH OUTFALLS DATE BACK TO THE 1930'S WHEN PANAMA CITY BEACH PARKWAY (BACK BEACH ROAD) WAS FIRST BUILT

- THIS LOCATION IS NEAR THE CITY PIER
- THESE STRUCTURES ARE PART OF THE EXISTING STORMWATER SYSTEM FOR THIS AREA



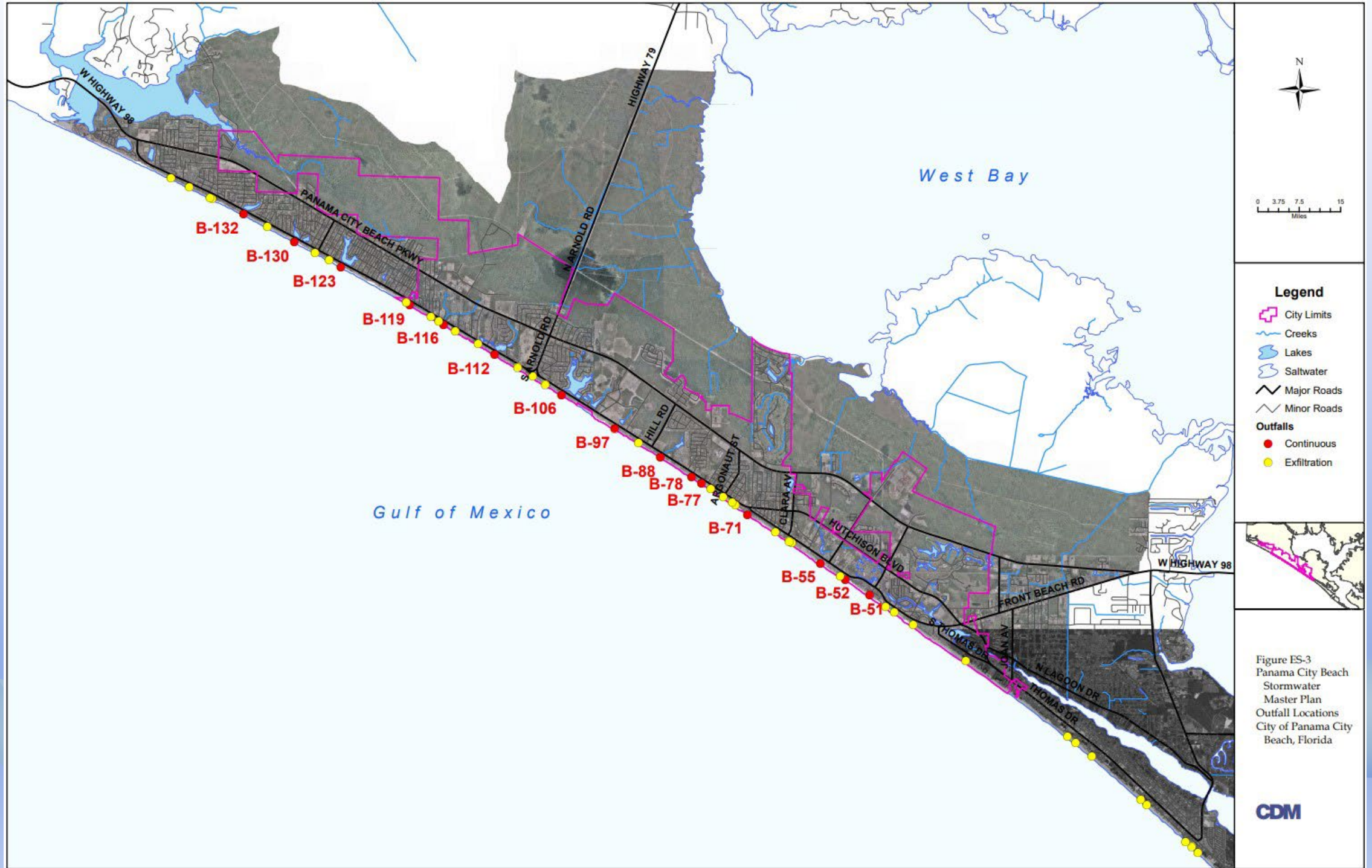
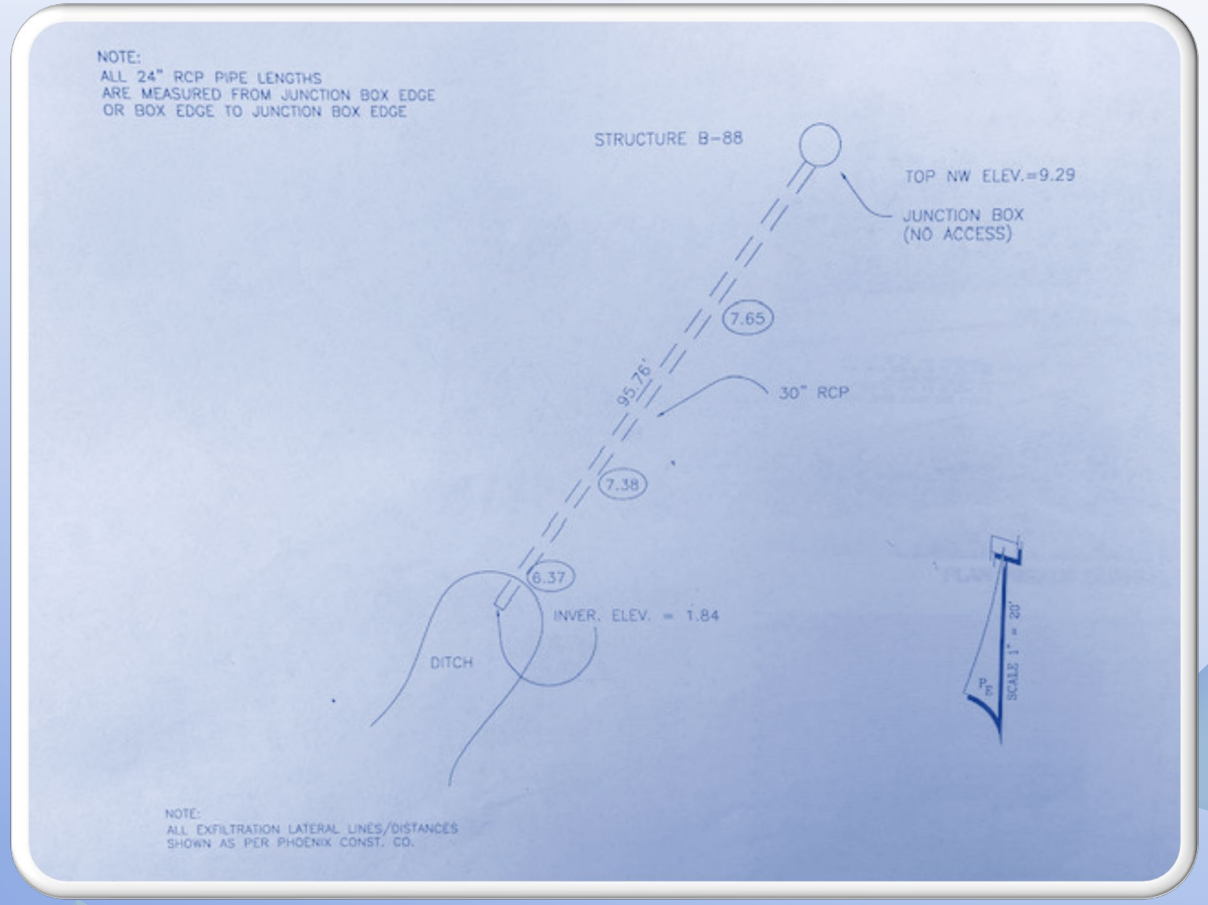
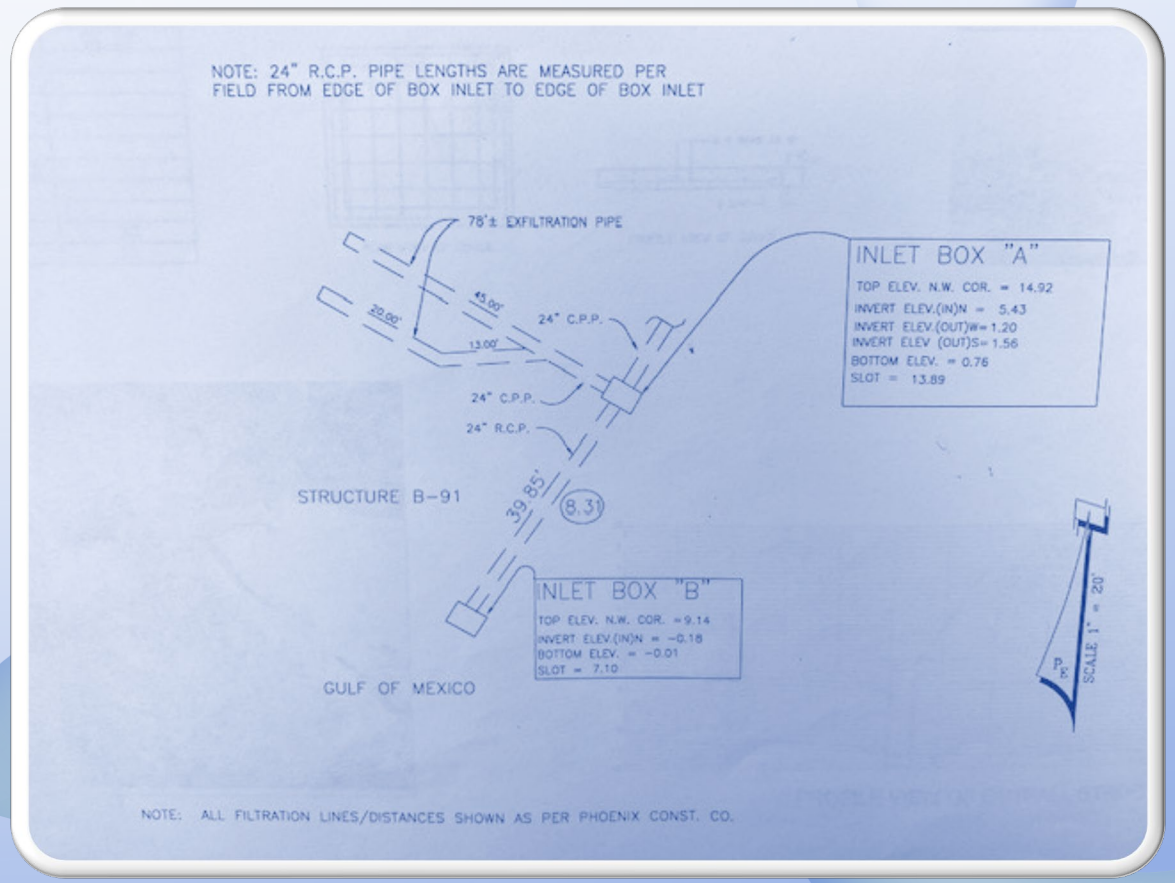


Figure ES-3
Panama City Beach Stormwater Master Plan
Outfall Locations
City of Panama City Beach, Florida

CDM





CONTINUOUS VS INTERMITTENT (EXFIL)



QUESTIONS?

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:	***2. MEETING DATE:***
Michael Martin, Finance	July 25, 2024

3. REQUESTED MOTION/ACTION:

Staff recommends approval of the allocation of $98,708.00 of Federal Fiscal Year 2023 Edward Byrne Memorial JAG Program Funds to Bay County for the Bay County Real-Time Crime Center.

4. AGENDA:

CONSENT AGENDA

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: No

Detailed Budget Amendment Attached: No

6. IDENTIFY STRATEGIC PRIORITY:
Public Safety
Financial Health
N/A

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

Each year, local law enforcement in Bay County receives federal Edward Byrne Memorial JAG Program funds, which are distributed through the Florida Department of Law Enforcement's Office of Criminal Justice Grants. Staff recommends that the City Council approve the total allocation of $98,708.00 of these funds to Bay County for the Bay County Real-Time Crime Center.

The Bay Real-Time Operation Center, or BAYROC, is a multi-agency collaborative effort by the Bay County Sheriff's Office, the Panama City Police Department, the Panama City Beach Police Department, the Lynn Haven Police Department, the Springfield Police Department, the Parker Police Department, and the Bay District Schools Police Department. Each year the participating municipalities allow distribution of their allocated funds from this program to be made to Bay County to provide funding for the BAYROC program.

The goal of BAYROC is to provide relevant, real-time information directly to law enforcement in the field. BAYROC uses the FUSUS integrated system combining school, traffic, and business cameras to assist responding law enforcement and solve crimes - sometimes within hours. The same technology is also used to quickly locate missing and endangered adults and children. These officers, engaging in high-risk calls for service, now have the added resources in real-time to improve response and situational awareness, giving them enhanced decision making in the field. These technological resources allow law enforcement response to be more efficient and deliberate, with improved operational intelligence. This ensures an emphasis on officer, citizen, and community safety. This program has no "out of pocket" cost to the city.

Res 24-155.Edward Byrne Jag Program Allocation.pdf
Bay ROC. Letter of Support.pdf

RESOLUTION NO. 24-155

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE ALLOCATION OF $98,708.00 OF FEDERAL FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JAG PROGRAM FUNDS TO BAY COUNTY FOR THE BAY COUNTY REAL-TIME CRIME CENTER AND DESIGNATING THE MAYOR AS THE CITY'S AUTHORIZED REPRESENTATIVE.

BE IT RESOLVED that:

1. The appropriate officers of the City are authorized to approve on behalf of the City the allocation of $98,708.00 of Federal Fiscal Year 2023 Edward Byrne Memorial JAG Program Funds to Bay County for the Real-Time Crime Center in substantially the form **attached** as **Exhibit A** and presented to the Council today.

2. Mayor Stuart Tettemer is hereby designated as the City's Authorized Representative to execute all documents necessary to accomplish the purposes set forth in this Resolution.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this _____ day of July 2024

CITY OF PANAMA CITY BEACH

By: _____
Stuart Tettemer, Mayor

ATTEST:

_____
Lynne Fasone, City Clerk

City of
Panama City Beach

PCB City Hall
17007 PCB Parkway
PCB, FL 32413
P: (850) 233-5100
F: (850) 233-5108
www.pcbfl.gov

July 25, 2024

Mr. Cody Menacof
Bureau Chief
Office of Criminal Justice Grants
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, Florida 32302

Dear Mr. Menacof:

In compliance with State of Florida *Rule 11D-9*, F.A.C. the City of Panama City Beach approves the distribution of $98,708 (total allocation available) of Federal Fiscal Year 2023 Edward Byrne Memorial JAG Program funds for the following projects within Bay County:

Subgrantee/Implementing Agency	Project Purpose	Amount
Bay County/Sheriff's Office	Bay County Real-Time Crime Center (Multi-Agency Collaborative Project)	$98,708

Sincerely,

Stuart Tettemer
Mayor
City of Panama City Beach

Mayor Stuart Tettemer
Vice Mayor Michael Jarman
Ward 1 Paul Casto
Ward 2 Ethan Register
Ward 3 Mary Coburn
City Manager Drew Whitman
Asst. City Mgr. Holly White

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Erica McKenzie, Legal	***2. MEETING DATE:*** July 25, 2024

3. REQUESTED MOTION/ACTION:

Approve Ordinance No. 1650 at first reading.

4. AGENDA: REGULAR AGENDA AND DISCUSSION / ACTION ITEMS	***5. IS THIS ITEM BUDGETED (IF APPLICABLE)?:*** N/A Detailed Budget Amendment Attached: N/A
	6. IDENTIFY STRATEGIC PRIORITY: Public Safety Quality of Life N/A

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

Ordinance No. 1650 amends Section 7-12 of the City's Code to add additional enforcement for failure to heed the beach safety flag warning system. The amendments clarify the enforcement mechanisms necessary to provide consistent and clear enforcement to both City staff and the public.

Under the ordinance, a person may be subject to civil penalty if they enter the waters of the Gulf of Mexico, double red flags are flying, and the enforcement officer determines that the violator knew or should have known the water was closed to swimming.

The ordinance preserves the City's ability to also order people out of the water as a separate violation.

Ord 1650.Beach Safety Flag Warning System.First Reading.pdf

ORDINANCE NO. 1650

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING SECTION 7-12 OF THE CITY'S CODE OF ORDINANCES RELATED TO FAILURE TO OBSERVE THE BEACH SAFETY FLAG WARNING SYSTEM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance, Section 7-12 of the Panama City Beach Code of Ordinances is amended to read as follows (new text **bold and underlined,** deleted text ~~struck through~~):

Sec. 7-12. ~~Failure to obey lawful order~~ Beach Safety Flag Warning System Enforcement.

(a) The legislative intent of this section is to authorize City personnel **to protect the public health, safety, and welfare through the enforcement of the beach safety flag warning system and** to order persons to stay out of or come in from the Gulf of Mexico when double red flags are flying.

(b) Failure to obey an order to stay out of or come in from the Gulf of Mexico by a police officer **or code enforcement officer**, when reasonably known to be such an official, is hereby prohibited and made unlawful. Such order shall be made for the purpose of ensuring the safety of persons using the beach or waters of the Gulf of Mexico.

(c) Failure to heed the flag warning system by entry into the water of the Gulf of Mexico when double red flags are flying is hereby prohibited and made unlawful. Violation of this prohibition occurs when any City police or code enforcement officer observes that (1) double red flags are flying, (2) the violator is in the waters of the Gulf of Mexico, and (3) the enforcing officer confirms that the violator knew or should have known that the waters of the Gulf of Mexico were closed to swimming.

(d) Any person violating any provision of ~~this~~ section**s b or c herein** may be punished as follows:

1. First Offense: By issuance of a non-criminal civil penalty of five hundred dollars ($500.00).
2. Second Offense: **By a civil penalty of one thousand dollars ($1,000.00) or, when such violation is enforced by a police officer, by charge of** ~~M~~**m**isdemeanor of the ~~second~~ **first** degree punishable by a fine of no more than ~~five hundred~~ **one thousand** dollars ($~~500~~**1,000**.00), or a sentence of not more than sixty (60) days in jail, or both.
3. Any uncontested civil penalty paid within twenty (20) days of the date of issuance shall be eligible for a fifty (50) percent discount.

~~(c) Failure to obey an order to stay out of or come in from the Gulf of Mexico by any member of the City's fire rescue department or Code Enforcement Department, when reasonably known to be such a person, is hereby prohibited and made unlawful. Any person violating any provision of this section may be punished as follows:~~

~~1. First Offense: five hundred dollars ($500.00).~~

~~2. Second Offense: by a civil penalty of one thousand dollars ($1,000.00).~~

~~3. Any uncontested penalty paid within twenty (20) days of the date of issuance shall be eligible for a fifty (50) percent discount.~~

(d) All fire rescue personnel of the City and any other City employees designated by the City Manager shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under sections b or c above may be contested in accordance with the provisions of Chapter 25 of the City's Code of Ordinances.

(e) This section shall not apply to persons attached by a leash to a surfboard. A surfboard means a fiberglass, epoxy, closed-cell neoprene or closed cell Styrofoam instrument with one (1) or more fins or skegs attached to or inserted through the bottom, including windsurf boards and sailboards, but does not include rubber rafts, floats, belly boards, skim boards, or boogie boards.

SECTION 2. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 4. SCRIVENER'S ERRORS. It is the intention of the City, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida, and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 5. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City.

SECTION 7. CODIFICATION. 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 of Ordinances, and unless a contrary ordinance is

adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 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 _____ 2024.

CITY OF PANAMA CITY BEACH

By:_____
Stuart Tettemer, Mayor

ATTEST:

_____
Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this _____ day of _____ 2024.

_____
Stuart Tettemer, Mayor

Posted on pcbfl.gov on the ____ day of ____ 2024.

Posted on publicnoticesbaycountyfl.gov on the __ day of ____ 2024.

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:	***2. MEETING DATE:***
Holly White, Fire	July 25, 2024

3. REQUESTED MOTION/ACTION:

After allowing for a brief program overview, and listening to comments from the public, closing the public hearing, and deliberation, adopt the Annual Assessment Resolution.

4. AGENDA:

REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: N/A

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY:
Financial Health
Public Safety

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

This is an annual non-ad valorem assessment which will be collected along with other local government property taxes this November on the same bill as taxes (this is called the uniform method of collection). The assessment funds a portion of the fire department budget with the remainder funded by the general fund, mostly derived from the City's business receipts or occupational taxes.

This annual non-ad valorem assessment is charged City-wide. An interactive copy of the preliminary roll is available on the City's website. Because the City does not levy any ad valorem property taxes, this non ad valorem assessment provides a dedicated and supplemental revenue stream to provide this essential service.

The amounts of each Fire Service Assessment have been properly noticed and indexed per Ordinance 1444, and in conformance with prior Council direction and mailed notices sent in prior years. The updating and indexing feature is tied to the average increase in Florida personal income over the last 5 years. While this index indicates a rate increase in the amount of 7.47%, City staff elected to advertise a maximum rate increase of 4%.

The rate of assessment is based upon a two tier formula. First, each parcel is assessed rate based upon the value of the buildings or improvements on the parcel. The second tier each property parcel of property is assessed a base per parcel rate that is uniform across all parcels.

The following is breakdown of the current and proposed rates:
2022 + 2023:
Base Rate: $86.20 per parcel
Per $1,000 of Building Value: $.70

Proposed 2024 with 4% increase:
Base Rate: $95.66
Per $1,000 of Building Value: $.78

Staff will organize and share emailed comments with the Council for advance review. Also for advance review, an annual update letter report has been supplied by the City's economic consultant, Dr. Owen Beitsch.

Res 24-156.Fire Assessment FY 2024-2025.pdf
PCB Fire Report FY 2025 Final.pdf
Bay County Public Notice.Assessments.Affidavit Proof of Publication.pdf
News Herald Public Notice.Assessments.Affidavit Proof of Publication.pdf

RESOLUTION NO. 24-156

A RESOLUTION OF THE CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, RELATING TO THE AVAILABILITY AND FUNDING OF FIRE PROTECTION AND RELATED ESSENTIAL SERVICES, FACILITIES AND PROGRAMS WITHIN THE CITY; PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS WITHIN THE CITY TO FUND, IN PART, THE SERVICES, FACILITIES AND PROGRAMS ASSOCIATED WITH THE CONTINUAL READINESS TO PROVIDE FIRE PROTECTION; IDENTIFYING BENEFITS, BURDENS AND COSTS TO BE ASSESSED; ESTABLISHING THE METHOD OF APPORTIONING BENEFITS, BURDENS AND COSTS AMONG SPECIALLY BENEFITED PROPERTY; ADOPTING AN ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; PROVIDING FOR ASSOCIATED POLICY DIRECTION; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I

INTRODUCTION

SECTION 1.01. AUTHORITY. This Resolution of Panama City Beach, Florida (the "City") is adopted pursuant to Ordinance No. 1444, as amended by Ordinance 1499 (the "Assessment Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 1.02. DEFINITIONS. This Resolution constitutes the Annual Assessment Resolution as defined in the Assessment Ordinance. All capitalized words

and terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance, unless the context hereof otherwise requires.

SECTION 1.03. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.04. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The constant and continued preparedness to provide fire protection services, facilities and programs possesses a logical relationship to the value, use and enjoyment of real property by: (1) protecting the value of the improvements and structures through the continual availability of fire control and provision of fire protection and associated rescue services; (2) protecting the life and safety of intended occupants in the use and enjoyment of real property; (3) lowering or stabilizing the cost of casualty or liability insurance by the presence of a professional municipal fire protection and associated rescue program within the City; (4) providing protection for uninsured or underinsured property and property owners; and (5) containing the spread of fire incidents, sometimes occurring on vacant or undeveloped property, with

the potential to spread and endanger the structures and occupants of nearby improved property, thereby limiting liability.

(B) The sharing of benefits, burdens and costs for fire protection services and facilities based upon the relative value of improvements for each Tax Parcel in the City as compared to the value of improvements for all Tax Parcels in the City could conceivably serve alone as a fair and reasonable means to apportion entirely the Fire Service Assessed Cost. Such approach substantially removes the underlying land values from consideration and reasonably focuses upon the built, improved, or husbanded environment on the land protected by fire services, facilities and programs. This is a direct and logically related means to share benefits, burdens and costs of fire protection services, facilities and programs.

(C) It is also clear that the relative improvement value of improvements to land may be utilized as one factor among others considered in a given formula or calculus since the resulting Assessments are formed from a reasoned or logical base against which the special benefits, burdens and costs may be multiplied or determined.

(D) Apportionment on the basis of relative improvement value (as determined by data derived from the Tax Roll prepared by the Property Appraiser) recognizes and fairly shares the relatively higher benefit accruing to properties which face greater financial loss in the event of fire incident.

(E) Besides the advantage of relying upon data prepared by the Property Appraiser in the normal conduct of such person's responsibilities, an approach based in whole or in part upon relative improvement value is also advantageous because it is self-correcting. Relative value of improvements may change from year to year in accordance with market conditions and other factors and such variation will be adjusted automatically each subsequent year in accordance with the updated improvement value determined by the Property Appraiser. If the improvements on a given Tax Parcel were to increase or decrease in value with the passage of time relative to the updated improvement value city-wide, that Tax Parcel's relative percentage to the total amount assessed for that Tax Parcel and all Tax Parcels would also increase or decrease proportionately.

(F) The mere availability of fire protection services and facilities benefits each Tax Parcel of real property in the City in a substantially uniform fashion by relieving the common burden placed upon City services and facilities collectively created by individual Tax Parcels whether a fire event occurs or not. Fundamentally, the presence of each Tax Parcel within the City creates a comparable and similar requirement to stand ready to serve and continually maintain a preparedness to provide fire protection and associated services and facilities for all Tax Parcels.

(G) The City's core preparedness costs are generally those necessary to maintain the readiness of fire personnel, equipment and facilities to respond in the

event of random emergency calls and to assure an effective network of coverage, a metric used by insurance ratings organizations for calculation of basic insurance ratings. Such preparedness is continual and predominantly lies in wait for the emergency of a fire incident.

(H) The Council has previously carefully considered the report prepared by GAI Consultants, Inc. describing a special assessment apportionment methodology designed to fund all or some portion of the City's annual budget expenditures corresponding to fixed (as opposed to more variable) costs incurred in maintaining common or similar continual readiness to provide fire protection to all parcels.

(I) These core preparedness costs of lying in wait are largely recurring, almost fixed over the course of a budgetary period, because they are strongly associated with wages, salaries, administration, and overhead which support the constant availability of fire protection related services and facilities. Such core costs must be absorbed even when firefighting capabilities remain exclusively in standby mode.

(J) Fixed costs can generally be described as those costs incurred in providing services, facilities or programs required for readiness to provide fire protection which do not necessarily vary from parcel to parcel based upon property classification, parcel-specific physical characteristics (improvements) or actual demand in the event of deployment. Variable costs are those dependent upon or which more closely bear a direct relationship to property classification and/or parcel-specific physical

characteristics such as value of improvements, and therefore are more likely to vary from parcel to parcel.

(K) The constant potential for the outbreak of a fire represents the predominant requirement for service. When and where a fire incident occurs is essentially an unknown and difficult variable to accurately predict. The scale of this potential defines the basic underlying cost of being prepared to limit fire loss and to protect property values. From a policy and public purpose standpoint, preparedness is the predominant activity of the City's fire services and facilities. The City, in this state of readiness, must consider the committable personnel, necessary equipment and facilities, and the time likely required to extinguish a fire (planning or preparing for the potential incident or event) prior to the emergency allocation of direct resources enabling a fire to be extinguished as quickly as possible (deploying to or intervening in the incident or event itself). The amount of resources for fire protection service, facilities and programs made available in such a continual preparedness exercise each year is a public administration and policy decision which necessarily focuses in the aggregate on all property within the City.

(L) In developing a recurring revenue source to fund a portion of the core fixed cost component of the City's annual budget associated with a continued readiness to provide fire protection services, facilities and programs, it is not necessary to solely focus on the size, value or physical characteristics of individual Tax Parcels for fire

protection. Instead, in this context, each individual Tax Parcel contributes similarly to the required state of readiness, and similarly and substantially shares the same benefits from such core fixed cost component; and, therefore it is fair and reasonable to ask the owner of each Tax Parcel to contribute equally toward funding all or a portion of the core fixed costs associated with such continual readiness to provide fire protection services and facilities.

(M) The findings contained herein are premised upon information, input, analysis and review from City staff, officials and experts, and public comment, as well as careful consideration by the City Council. A combination of the foregoing yields a reasoned apportionment methodology premised upon two distinct tiers or classes of apportionment allocation: Tier 1 – a sharing of benefits, burdens and costs for fire protection services and facilities based upon the relative value of improvements for each Tax Parcel in the City as compared to the value of improvements for all Tax Parcels in the City; and, Tier 2 – a sharing of benefits, burdens and costs for fire protection services and facilities on a per Tax Parcel allocation premised upon maintaining a continual state of preparedness and readiness to serve whether or not a request for actual assistance is ever received. Although either of these two tiers might be used singularly to address a significant portion of the budget for special assessment apportionment purposes, together they provide a simplified and powerful equity tool

for the City to fairly and reasonably share assessable benefits, burdens and costs among all assessable Tax Parcels in the City.

(N) Allocating a portion of the fixed costs attributable to the City's continual readiness to provide fire protection services and facilities on a Tax Parcel basis reasonably avoids cost inefficiencies and unnecessary administration, and is a fair, efficient and reasonable mechanism to allocate such costs among all Tax Parcels.

(O) The use of data derived from the Tax Roll (both in form and content), which is a statutorily required and uniformly maintained database of all Tax Parcels employed by the Property Appraiser and Tax Collector, represents a reasonably accurate, fair and efficient means to allocate or distribute Fire Service Assessed Cost associated with standing ready to provide fire protection and associated services and facilities.

(P) It is fair, reasonable, effective, and efficient for all Tax Parcels, including statutorily defined parcels such as individual condominium or cooperative units with extraordinary alienability, to share equally in the core fixed costs represented by the special assessments to be imposed hereby, particularly since such costs are not necessarily dependent upon or determined by physical characteristics or demand in the event of deployment.

(Q) It is also fair and reasonable that some portion of fixed costs and variable costs be shared and distributed among Tax Parcels, including statutorily defined parcels

such as individual condominium or cooperative units with extraordinary alienability, using apportionment methods which are weighted more heavily on the Fire Assessment Roll (using data from the Tax Roll) toward physical characteristics, such as those represented by the relative value of improvements.

(R) City staff and consultants have reviewed current and prior year budget information related to the provision of fire protection services, which reveals the City advanced life support services ("ALS") fall almost exclusively to emergency medical units operated by parties other than the City. Nevertheless, the budgetary review and analysis considered by the Council conservatively excluded even the appearance of funding any advanced life support services by eliminating costs associated with ALS training, certifications or special pay from the Fire Service Assessed Cost. Because the City's Fire Department does not endeavor to provide, and the exemplary budget conservatively excludes any cross-over costs of, ALS services separately funded through the county government, the City's exemplary budget used to determine the Fire Service Assessed Cost, on its face, avoids any question that the Fire Service Assessed Cost improperly includes emergency medical services other than first response medical services routinely delivered by fire fighters. This factually serves to isolate such advanced life support medical services from fire service related responses and avoids debate as to case law validity of the resulting Fire Service Assessment.

(S) GAI Consultants, Inc. and Ennead, LLC reviewed current and prior year budget information related to the provision of fire protection services and facilities and shared a reasoned analysis of fixed and variable cost budget components, resulting in the determination that all Tax Parcels benefit in a substantially uniform manner from services, facilities and programs characterized as fixed and otherwise necessary to provide a continual readiness to provide fire protection. In light of how the community handles ALS and emergency medical services, neither (i) such core fixed cost expenditures incurred in maintaining readiness to provide fire protection and associated services and facilities (Tier 2) nor (ii) variable cost expenditures based upon the relative value of improvements associated with each Tax Parcel (Tier 1). Additionally, the remainder of the exemplary budget evidences significant anticipated other revenue to otherwise provide for fire services to be provided for (1) isolated capital earmarked for payment from limited impact fees, and (2) capital for new construction and reconstruction of fire stations, and significant training facilities, using legally available funds other than Fire Service Assessment revenue.

(T) It is fair and reasonable to fund all or a portion of the Fire Service Assessed Cost on the basis of the relative value of improvements associated with each Tax Parcel compared to the total value of all improvements in the City in order to recognize the proportional benefit accruing to properties which face greater financial loss in the event of fire incident.

(U) It is fair and reasonable to multiply the estimated budget for fire protection services, facilities and programs by an identified proportion of the core fixed costs associated with the continual readiness to provide fire protection, in order to determine a proportional amount of the estimated budget allocable to such core fixed costs; and, then divide such amount by a reasonable estimate of the total number of Tax Parcels within the City in order to determine the proposed annual rate of assessment per Tax Parcel in an attempt to uniformly and proportionally fund such core fixed costs.

(V) The City is not required to fully fund any given essential service or capital cost through a special assessment. So long as the application of funds is for a public purpose and funds are legally available, the City may alternatively determine to fund all or some discrete portion of an essential service or capital cost, such as fire protection services, facilities and programs, with general fund or other legally available revenues. The determination as to whether to contribute other legally available revenues, and how much to contribute, lies solely in the discretion of the City Council.

(W) There is no requirement that the City impose an assessment for the maximum amount of the budget that can be funded by special assessments. Stated in the alternative, the City Council may annually determine as a tax equity tool to impose special assessments at a rate less than necessary to fund all or any specific portion of the costs which might otherwise be funded by special assessments associated with fire protection services and facilities. Costs incurred in providing fire protection services,

facilities and programs not otherwise funded through Fire Service Assessments in any given year may be paid with general fund or other legally available revenues. Such legally available revenues as a matter of policy may be applied exclusively to any tier or class of budget allocation or expense otherwise funded by a special assessment, in part to one tier or class of any budget allocation or expense, or in any combination thereof, and maintain the validity of each apportionment approach used for the remaining portion of the budget attributed to the Fire Service Assessed Cost. This flexibility is implemented through a policy and legislative determination employed through careful adherence to case law, statutory law, and the State Constitution, as well as the exercise of annual budget responsibility, discretion and equity vested in the City Council. However, in no event shall any annual rate of special assessment exceed that previously noticed to the affected landowners without further notice and public hearing pursuant to the Assessment Ordinance.

(X) The City Council is cognizant that any system, metric or analytical view of appraising benefits or assessing costs will be open to some criticism or suggestion of alternative methods or approaches and has labored to educate itself as to the facts, analysis, law and policy latitudes available to it in determining the Fire Service Assessed Cost and the rate of the Fire Service Assessment in the process of approving the Fire Service Assessment Roll.

(Y) The apportionment among Tax Parcels of a portion of the City's annual budget for fire protection services, facilities and programs represented by the assessment rates and Fire Service Assessments hereby adopted (using the concept and method sometimes called "Simplified Fire"™), are reasonably characterized as necessary for providing the continual readiness to provide fire protection, notwithstanding whether fire incidents or fire calls materialize or not; and, is hereby determined to be a fair and reasonable means to annually allocate and share such benefits, burdens and costs.

(Z) The benefits derived or burdens relieved from the continual readiness to provide fire protection services, facilities and programs as to each Tax Parcel subjected to the Fire Service Assessments equal or exceed the amount of the special assessments levied and imposed hereunder. The Assessment for any Tax Parcel within the City in employing such an approach also does not exceed the proportional benefits (or corresponding relief of burdens) that such Tax Parcel will receive (or cause) compared to any other Tax Parcel so assessed within the City.

(AA) The foregoing findings and determinations are predicated on a substantially similar proposed dollar amount budget and information for the Assessed Cost in upcoming Fiscal Year as last year; and, the Council determines it is reasonable and lawful to confirm and ratify same with adjustment using a cognizable indexing

feature as provided by ordinance, and impose the Fire Service Assessments using the rates, fees and charges as provided for herein.

(BB) The Council hereby finds and determines that the Fire Service Assessments to be imposed in accordance with this Resolution provide a proper and equitable method of funding associated fire protection services and facilities by fairly and reasonably allocating a portion of the cost thereof among specially benefited property.

[Remainder of page intentionally left blank.]

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. ESTIMATED FIRE SERVICE ASSESSED COST; RATE OF ASSESSMENT.

(A) The estimated Fire Service Assessed Cost to be recovered through Fire Service Assessments for the Fiscal Year commencing October 1, 2024 is $7,530,885 consisting of $5,557,897 for Tier 1 – relative value of improvement for each Tax Parcel for variable cost and $1,972,988 for Tier 2 – per Tax Parcel for fixed, readiness to serve cost.

(B) The Fire Service Assessments established in this Annual Assessment Resolution are determined by the assessment rates prepared for consideration by the public and City Council in the preparation of the Fire Service Assessment Roll for the Fiscal Year commencing October 1, 2024.

(C) As provided for in the Assessment Ordinance, the rate of Fire Service Assessment for the Fiscal Year beginning October 1, 2024, has been considered in the context of the *average annual growth rate in Florida personal income over the previous 5 years* from 2019 to 2024, which has been determined to be 7.47% using information from the Bureau of Economic Analysis, affiliated with the United States Department of Commerce. The notice and intent to employ such approach was previously noticed by mailed and published notice along with and in the context of maximum rates

established in the Summer of 2020, and has since been judicially validated by the City for use in financing capital borrowing by the local circuit court, and in addition has been further noticed by publication again this year in the context of increasing the annual rate of Fire Service Assessments by using such a cognizable indexing feature in the manner provided for in the Assessment Ordinance. However, the City is only considering such increases be the lesser of the index or 4%. The rate of Fire Service Assessment for the fiscal year commencing October 1, 2024, accordingly, is directed to include such adjustment at 4%.

(D) The rate of Fire Service Assessment is therefore (1) $0.78 per thousand dollars of improvements, or fraction thereof, for each Tax Parcel as reflected in the Tax Roll (Tier 1), plus (2) $95.66 per Tax Parcel (Tier 2).

SECTION 2.02. FIRE SERVICE ASSESSMENT ROLL

(A) The Assessment Coordinator has prepared a preliminary Fire Service Assessment Roll that contains the following information:

(1) a summary description of each Tax Parcel (conforming to the description contained on the Tax Roll maintained by the Property Appraiser for the purpose of levying and collecting ad valorem taxes) which is intended to be subject to the Fire Service Assessment;

(2) the name of the owner of record of each Tax Parcel, as shown on the Tax Roll; and

(3) the proposed amount of the total Fire Service Assessment for each affected Tax Parcel for the fiscal year commencing October 1, 2024, exclusive of anticipated costs of collection and administration.

(B) In the event the City also imposes or collects an impact fee upon new growth or development for capital improvements related to fire protection, the special assessments provided for hereunder shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee, or which are otherwise funded by such impact fee.

(C) Copies of the Assessment Ordinance, this Resolution and the preliminary Fire Service Assessment Roll have been made available in the City Clerk's office at City Hall Bldg., 17007 Panama City Beach Parkway, Panama City Beach, Florida, 32413, or have been open to public inspection in a manner consistent with the Assessment Ordinance. The proposed approach and amount of Assessment for each Tax Parcel has been noticed at or through the City's website and accessible through the internet at www.pcbfl.gov and at the City Clerk's office located at City Hall Bldg., 17007 Panama City Beach Parkway, Panama City Beach, Florida. In the event the Assessment Coordinator makes any corrections, exemptions, administrative hardship deferrals or other modifications to the Assessment Roll authorized by the Assessment Ordinance, this Resolution or otherwise, all funding for such changes to the Assessment Roll shall be funded by legally available funds other than direct proceeds of the Assessments.

Such changes shall not require any recalculation or change in the rate or rates of assessment otherwise considered or adopted pursuant to the Assessment Ordinance or any Annual Assessment Resolution.

SECTION 2.03. NOTICE BY PUBLICATION.

(A) The Assessment Coordinator has directed and caused the publication of notice of a public hearing in the manner and time provided in the Assessment Ordinance. Proof of timely and compliant publication of the notice is attached hereto as Appendix A.

(B) No applicable circumstances in Section 197.3632 (4) (a), Florida Statutes, or the Assessment Ordinance, requires further individually mailed notice of the public hearing.

SECTION 2.04. PUBLIC HEARING. A public hearing was held on July 25, 2024, commencing at or about 9 A.M. in City Hall Council Chambers, 17007 Panama City Beach Parkway, Panama City Beach, Florida 32413, at which time the Council received and considered information and comments on the Fire Service Assessments from City officials, staff, experts and advisors, as well as the public and affected property owners, and considered imposing Fire Service Assessments and the method of collection thereof as required by the Assessment Ordinance.

ARTICLE III

ASSESSMENTS

SECTION 3.01. IMPOSITION THROUGHOUT CITY. Upon adoption hereof, Fire Service Assessments are to be levied and imposed throughout the entire area within the boundaries of the City and this Resolution shall be deemed to be adopted and confirmed for all purposes.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Fire Service Assessments shall be imposed against Tax Parcels located within the City, the annual amount of which shall be computed for each Tax Parcel in accordance with this Resolution and shall include all administration and collection costs, fees and adjustments provided for in Section 2.01(B) of the Ordinance. When imposed, the Fire Service Assessment for each Fiscal Year shall constitute a lien upon Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments as provided in the Assessment Ordinance.

SECTION 3.03. APPORTIONMENT APPROACH.

(A) As provided for herein, the Fire Service Assessed Cost shall be apportioned among all Tax Parcels within the City, not otherwise exempted hereunder, and including any statutorily defined parcels such as individual condominium or cooperative units with extraordinary alienability. The estimated Fire Service Assessed Cost and rate of Fire Service Assessment shall be that described in Section 2.01 hereof.

(B) It is hereby ascertained, determined, and declared that the method of determining the Fire Service Assessments as set forth in this Annual Assessment Resolution is a fair and reasonable method of paying for, recovering and apportioning the Fire Service Assessed Cost among Tax Parcels of Assessed Property located within the City.

(C) The Fire Service Assessment Roll is hereby approved.

SECTION 3.04. APPLICATION OF ASSESSMENT PROCEEDS.

Proceeds derived by the City from the Fire Service Assessments, after payment of costs and expenses associated with collection and administration of the Assessments, shall be utilized for the provision of fire protection related services, facilities, and programs associated with maintaining continual readiness to serve. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund costs associated with fire protection related services, facilities, and programs.

SECTION 3.05. COLLECTION OF ASSESSMENTS; COVENANT TO ADOPT ANNUAL RESOLUTION.

(A) Unless otherwise determined by the Council, collection of the Fire Service Assessments shall take place pursuant to the uniform method of collection described in Article III of the Assessment Ordinance.

(B) The amount of the Assessment imposed, levied, and billed to each owner of Assessed Property shall additionally include a charge for a pro rata share of the City's costs and expenses associated with development, implementation, notice, collection and administration of the Assessments, but not to exceed five dollars ($5.00) per Tax Parcel to defray such City costs.

(C) Capital equipment and facilities are fundamental components to the preparedness necessary to continually stand ready to provide fire protection services, facilities and programs. Following the initial Fire Service Assessment adoption for FY 2018-19, counsel for the City as directed successfully instituted proceedings pursuant to Chapter 75, Florida Statutes, which judicially confirmed the validity of the Assessments and use of proceeds of the Assessments to secure Obligations as provided for in the Assessment Ordinance. Any Obligations issued by the City shall contain a covenant by the City to adopt an Annual Assessment Resolution imposing Assessments for each Fiscal Year until any Obligations which include Assessments as pledged revenues have been paid in full.

SECTION 3.06. DIRECTION CONCERNING ANY EXEMPTION.

(A) Tax Parcels which are statutorily exempted from the payment of ad valorem taxes are in most circumstances subject to the Fire Service Assessments contemplated hereunder. Tax Parcels classified or described by the Property Appraiser as institutionally tax exempt, have been previously included in other non-ad valorem

assessments imposed by the City, and are subject to the Fire Service Assessments contemplated hereunder.

(B) Tax parcels comprising Government Property are not subject to the Fire Service Assessments contemplated hereunder. Such Tax Parcels include those classified or described by the Property Appraiser as government-owned, including the following: (1) military, (2) forest, parks, recreational, (3) public county schools, (4) public colleges, (5) public hospitals, (6) other county-owned property, (7) other state-owned property, (8) other federal-owned property, and (9) other municipal-owned property. Provided, however, each such Government Property owner may be approached by the Mayor, or such person's designee, and asked to pay as a fee or service availability charge in an amount comparable to the Assessment for each such Government Property. Said amount may be invoiced annually, quarterly or monthly in accord with Section 3.04 of the Assessment Ordinance.

(C) The following Tax Parcel classifications are special designations used by the Property Appraiser for recordkeeping purposes and do not represent actual or assessable Tax Parcels and are not subject to the Fire Service Assessments contemplated hereunder: (1) common element, (2) header record, and (3) notes parcel.

(D) Certain Tax Parcels associated with the following classifications used by the Property Appraiser typically do not receive a special benefit from the provision of fire protection services and facilities or are infeasible or impractical to assess, and

therefore are not subject to the Fire Service Assessments contemplated hereunder: (1) right-of-way (including beach access), (2) rivers, lakes & submerged land, (3) sewage disposal & waste lands, and (4) (governmentally owned) outdoor recreation or parkland.

(E) Tax Parcels associated with the following classifications used by the Property Appraiser in fact receive a special benefit from the provision of fire protection services and facilities and are subject to the Fire Service Assessments contemplated hereunder: (1) cropland, (2) timberland, (3) grazing land, (4) orchards and groves, (5) apiary, aquaculture, fowl, horse, and other animals, and (6) nursery, floriculture, sod production, and hydroponics. As the assessments contemplated hereunder are not imposed pursuant to chapter 170, Florida Statutes, the otherwise unfunded exemption from assessment for certain agricultural lands described therein does not apply. In the event a court of competent jurisdiction determines that such agricultural lands are not subject to the Fire Service Assessments, the imposition of the Fire Service Assessments on such properties or portions of properties not subject to the Fire Service Assessments shall be severed from this Resolution and an amount equivalent to that which would have been raised by such levy shall be paid from other legally available funds.

(F) The classifications of properties in this Section which are or may be exempted, in whole or in part, are reasonably determined to be inappropriate, infeasible or impracticable to assess, and either benefit marginally or create a lesser or nominal

demand or burden on the City's costs associated with readiness to serve, do not merit the expenditure of public funds to impose or collect the Fire Service Assessments, are exempt and/or otherwise generally serve in some respect to promote the public health, safety, morals, general welfare, security, prosperity and contentment of the inhabitants or residents of the City. The Assessment Coordinator, or such person's designee, is authorized and directed to use sound judgment in extending such determinations and guidance as the Fire Service Assessment Roll is collected. The foregoing classifications of properties not to be assessed do not include Government Property that is leased for private use.

(G) Based upon the foregoing, there are relatively few exempt properties within the City. Using legally available funds other than the proceeds of the Fire Service Assessments, the City shall otherwise fund or contribute an amount equal to the Fire Service Assessments that would have been otherwise derived, in whole or in part, from such exempt properties.

(H) Provided, however, the City Council reserves the right and ability in the future to impose Fire Service Assessments against Tax Parcels determined to be exempt, in whole or in part, hereunder to the extent permitted by law, for any reason including lack of reasonable cooperation or willingness to pay for a share of the Fire Service Assessed Cost, or otherwise in the event required or directed to do so by a court of competent jurisdiction.

SECTION 3.07. EFFECT OF ANNUAL ASSESSMENT RESOLUTION.

The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the legal sufficiency of this Resolution, the method of apportionment and assessment, the approach and notice procedures and maximum rates associated with future assessments or use of the indexing features employed by the City, the legality and validity of the Assessment Ordinance, as amended, in all respects, the rate or rates of assessment, the Assessment Roll, the levy and lien of the Assessments, and the means and method of notice, collection and enforcement), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Council's adoption of this Annual Assessment Resolution.

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ARTICLE IV

GENERAL PROVISIONS

SECTION 4.01. AUTHORIZATIONS. The Mayor and any member of the City Council, the City Attorney, the City Manager, the Clerk, the Fire Chief and such other officials, employees or agents of the City as may be designated by the City Council are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the City that are necessary or desirable in connection with the imposition and collection of the Fire Service Assessments contemplated hereunder (including timely notice and indexing in ensuing years and budget periods), and which are directed, authorized or are not inconsistent with the terms and provisions of this Resolution.

SECTION 4.02. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4.03. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

SECTION 4.04. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED and ADOPTED at a meeting of the City Council of the City of Panama City Beach, Florida, on the 25th day of July, 2024.

PANAMA CITY BEACH CITY COUNCIL

(SEAL)

By: _____
Stuart Tettemer, Mayor

ATTEST:

_____
Lynne Fasone, City Clerk

APPENDIX A
PROOF OF PUBLICATION

COMMUNITY SOLUTIONS GROUP

Planning | Urban Design
Landscape Architecture
Economics | Real Estate

July 10, 2024

Honorable Mayor Tettemer and City Council,
City of Panama City Beach, Florida
17007 Panama City Beach Parkway
Panama City Beach, Florida 32413

2024-25 Annual Update
Fire Service Assessment
City of Panama City Beach, Florida

Dear Mayor and City Council Members,

This brief letter summarizes your community's estimated 2024-2025 Fire Service Assessment revenue using rates adjusted to the approved indexing feature. This information, shown in terms of its relationship to the emerging fire budget, allows for a determination of the appropriate assessment for any specific tax parcel in the entire community, whether developed or undeveloped, and will assist you with incorporating this potential assessment revenue in your upcoming budget.

INTRODUCTION AND PURPOSE

The City of Panama City Beach, Florida ("City") in Bay County adopted a special assessment in 2018 to defray at least some part of the annual operating and capital costs associated with the Panama City Beach Fire Department ("PCBFD"). Special assessments comprise a levy made against certain real property to recover all or part of the cost of a specific service or capital improvement deemed to benefit those real properties.

When the assessment program was adopted, it was understood that the reasoning and use of the simplified funding strategy and apportionment methodology (sometimes called "Simplified Fire"^{TM}) underlying the program could remain unaltered or evergreen. Then each year the Simplified Fire methodology would be applied to other statutorily standardized and publicly maintained data certified to the Florida Department of Revenue. This approach creates a sturdy, verifiable and self-correcting process year after year although the annual budget and conditions attributed to each tax parcel might change from year to year.

We understand that in accordance with applicable City ordinance(s), the City has previously provided individually mailed notice regarding the use of maximum annual rates and indexing in forming its assessment rates from year to year. The index is *based upon a statutory process that considers the average annual growth rate in Florida personal income over the previous five years.* As you are likely aware, this indexing approach is similar to that authorized by general law for independent fire districts. Applying such an index and after consultation with City staff, we understand the indexing factor is to be no more than 7.47% based upon

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A GAI Consultants, Inc. Service Group

recent data and information developed by the Bureau of Economic Analysis, U.S. Department of Commerce could be applied or a lesser rate determined by the City.[1] This analysis, in response to City direction, applies only 4%.

In brief, the methodology for calculating the assessment in Panama City Beach stems from a series of considerations associated with the relative value of all improvements in the City, the number of tax parcels in the City subject to the assessment, an allocation of the anticipated fire department budget reflecting two defined tiers of costs, and the adopted indexing provision. As described in the detailed initial report prepared by GAI Consultants, Inc, the costs allocated to Tier 1 are those which are largely, but not exclusively, variable and indeterminate. The costs allocated to Tier 2 are largely recurring based on an expected staffing level necessary to maintain a certain standard of departmental readiness or preparedness. These latter costs are primarily labor costs and largely, but not altogether, fixed. The combination of both tiers in the adopted assessment program has logical and identified relationships to the benefits, burdens and costs associated with availability of service to the affected tax parcels, creating a strong, rational, and proportionate funding vehicle that can be further linked to, or supplemented by, other legally available resources.

This letter reminds and comments on relevant legislation or case law associated with assessments generally, comments on the fire department budget generally, and provides parameters for the upcoming assessment FY 2024-25, assuring the methodology and procedures developed in the original Simplified Fire analysis and previously implemented by the City are maintained.

LEGAL CONTEXT

Special Assessments in General, Florida Law. Special assessments are a dedicated revenue source available to general purpose local governments to fund capital improvements or essential services. While discussion of the law governing special assessments included herein should not be construed as a legal opinion, there are legal guidelines to draw upon in laying out an assessment

[1] As directed, the rates for FY 2024-25 were accordingly noticed by publication and on the City's website substantially as follows: If approved by City Commission after the annual hearing, the rate of assessment for each tax parcel is proposed to be slightly increased premised on the lesser of 4% which is lesser than indexed annual increase, which will be added to the respective rates from last year, resulting in the assessment rates for this year, as follows: (i) the sum of $0.75 plus $0.03 (rounded to the nearest cent), or $0.78 per $1,000 of the value of improvements attributed to each tax parcel (using data determined by the Bay County Property Appraiser for other purposes) (Tier 1), plus (ii) the sum of $91.98 plus $3.68, or $95.66 (rounded to the nearest cent) per tax parcel (Tier 2). The foregoing informs of the maximum rate of assessment for this Fiscal Year beginning October 1, 2024, by law may also be anticipated to be annually indexed in subsequent years. This indexing process addresses growth, inflation, the change in purchasing value of money, or similar purchasing or cost increase variables. The total proposed non-ad valorem assessment revenue to be collected by the City for this Fire Service Assessment, exclusive of the minor charges by the City to defray or offset annual City program administration cost, and the variable amounts and adjustments associated the use of uniform method of collection, has been noticed and is estimated to be $7,530,884 million for the upcoming Fiscal Year 2024-25.

methodology which conforms to accepted principles and practices necessary to achieve legal validity. As established by Florida case law, two requirements exist for the imposition of a valid special assessment.

- The property assessed must derive a *special benefit* from the improvement or service provided; and
- The assessment must be *fairly and reasonably apportioned* among the properties receiving the special benefit.

Under both Florida's case law and certain statutory components, it is well settled that the benefit required for a valid special assessment may be measured or benchmarked against something other than simply an increase in real property market value. The concept of benefit also includes the relief of a burden or demand created by property as well as added use and enjoyment of the real property. The benefits, then, can be conceptual, but they must be capable of being evaluated by some metric or criteria and being apportioned in some reasonable manner. It is not necessary that the benefits be direct or immediate, but they must be substantial, certain, and capable of being realized within a reasonable time.

The benefits must be distinguishable or different from those of non-assessed properties but they may coincidentally extend to non-assessed properties. Specifically, Florida's case law, as well as its statutory regime relating to special assessments, supports substantial latitude both in the means by which *benefit to or relief of burden created by* real property is identified and determined and the subsequent manner by which an assessment itself is *calculated or apportioned*. Though Florida law requires that special assessments funding improvements or services must be fairly and reasonably apportioned, the State's Supreme Court has held that the method of apportionment is immaterial and may vary provided the amount of the assessment for each property *does not exceed the proportional benefits it receives compared to other properties.* All of these relevant legal issues were addressed by the City before the local court in 2018 and by law remain binding as to the use of assessment proceeds pledged to capital financing.

Judicial Approval of Simplified Fire in the City of Panama City Beach. In this matter, the City Council has obtained a favorable ruling from the Circuit Court without appeal. The Circuit Court validated proposed revenue bonds based on the imposition of fire protection assessments using the Simplified Fire method made available for the City's use and detailed in the original GAI report. This validation entailed a detailed and well-reasoned judicial approval of the assessments and the Simplified Fire apportionment methodology associated with them. The validation serves the function of, among other things, providing political repose as to the legality of the City's chosen assessment regime. This same Simplified Fire approach is the subject of this brief update memorandum.

The Fire Service Assessments, by law, are imposed by the City Council, not the Property Appraiser or Tax Collector. Florida case law clearly provides that any collection activity of the Property Appraiser or Tax Collector provided for as a

result of the City council imposing the Fire Service Assessments under the provisions of the City's Ordinance or Annual Assessment Resolution shall be construed solely as ministerial.

The Final Judgment expressly provides that "[t]he Fire Service Assessments are not imposed by the County Property Appraiser or the County Tax Collector. The statutory duties of the property appraiser and the tax collector are unaffected by the City's use of information produced by such entities. Any duties of the property appraiser or the tax collector in regard to the collection of the Fire Service Assessments under section 197.3632 [Florida Statutes] are wholly ministerial and the property appraiser and the tax collector are without any discretion with regard to the collection of Fire Service Assessments on the tax notice once the City elects to use this method and complies with the requirements of "[the foregoing statute].

OVERVIEW OF SIMPLIFIED FIRE APPORTIONMENT METHOD, RECENT DEVELOPMENTS

That local governments are afforded great latitude under Florida law with respect to legislative determinations concerning special benefit and reasonable apportionment is well settled law. No single apportionment methodology has emerged as preferable in the governing case law for a given service or improvement. So long as the apportionment is reasonable and not arbitrary, the assessment is generally capable of withstanding legal challenge.

Beginning in 2012, the reasoned Simplified Fire assessment methodology described in this letter and GAI's prior work has been expressly focused upon and judicially validated in circuit court by Mr. Lawson, including Hernando County (Brooksville), Pinellas County (St. Petersburg), Polk County (Haines City), Putnam County (City of Palatka), Bay County (City of Springfield, City of Panama City Beach, and City of Panama City), and Lee County (Lehigh Acres Fire Control and Rescue District).

The concept was subsequently subjected to a challenge and upheld by the Florida Supreme Court. The Florida Supreme Court has now also expressly confirmed the use of the two-tiered approach and legal construct (relative improvement value and per tax parcel) upon which Simplified Fire is premised. In *Morris v. City of Cape Coral*, 163 So. 2d 1174 (Fla. 2015), the Supreme Court addressed a line of reasoning from prior cases, reiterating that the determination of whether a special assessment confers a special benefit on property is not based on whether the benefit is "unique" to that property, but instead whether there is a logical relationship between the assessment on a property and the benefit conferred upon that property. Decisions that seemed to indicate the contrary, including *St. Lucie County-Ft. Pierce Fire Prevention & Control District v. Higgs*, 141 So. 2d 744 (Fla. 1962), turned solely on invalid apportionment, not on inadequate benefit to property. This holding is similar to the argument made by Springfield and Haines City in their validations and in an *amicus curiae* brief filed in *Morris* by Haines City and Springfield (the "Municipalities").

The Municipalities filed an *amicus* brief because the Cape Coral methodology in *Morris* had been taken, almost verbatim in some instances, from the methodology in reports and work previously delivered to Haines City and Springfield and had been represented by Cape Coral in the circuit court as almost identical work and approach provided to other cites by Mr. Lawson, GAI, and Ennead LLC. In fact, Cape Coral's expert testified at the trial level hearing that the methodology of the four cities where Mr. Lawson, GAI and Ennead LLC had previously developed each of those programs (including Brooksville and St. Petersburg alongside Springfield and Haines City) and validated the Simplified Fire™ methodology was *"almost exactly the same"* as the Cape Coral methodology. The Supreme Court opinion in *Morris* noted significant calculation errors made by Cape Coral (affecting some 8% of parcels), but determined that it could validate Cape Coral's bonds and the fire assessment methodology despite such errors. In doing so the Supreme Court also adopted the logic and analysis in the *amicus* brief filed by Mark G. Lawson, P.A., for the Municipalities.

The wider impact of *Morris* is that the legal and conceptual use of a two-tiered Simplified Fire methodology presented in this report, and the *'almost exactly the same'* method used in Cape Coral, has been determined legally sufficient, valid and approved by the Supreme Court on appeal as compliant with case law and thus not arbitrary nor invalid.

Morris should not be construed to mean that local governments considering the use of special assessments should adopt a particular apportionment methodology solely on the basis of its use elsewhere. The failure to perform a factual and reasoned analysis specific to a set of circumstances in each community can expose another community to legal and political challenges based upon factual differences and/or well-intentioned, but unnecessary use of raw public data. Florida's local governments vary in their needs, composition, and policies. The well settled implication is local governments are free to select an apportionment methodology which provides competent and substantial means to share the benefits, burdens, and costs of the fire protection budget and represents the best fit in terms of cost, ease of implementation, and political acceptance not only with respect to affected landowners, but also in consideration of the staff required and resources involved with maintenance of the assessment program from year to year.

The parcel identification and classification system required by law to be maintained by the local property appraiser and tax collector will always be sustained and updated over the years as properties within Panama City Beach develop and change. The use of such classification and statutorily required end product of each community's mass appraisal system and description of tax parcels is publicly prepared, stable, readily accessible, reasonably consistent and accurate, maintained without cost to the City and capable of being used from year to year without extraordinary consumption of resources better expended to address other fire protection related issues. Accordingly, the assessment approach again contemplated by the City relies upon such system as a

stable,reasoned and standardized resource. Attempts by other methods to focus on demand characteristics, call data, or timing of working data used by the Property Appraiser create complexities that Simplified Fire simply avoids.

Importantly, the City's use of its Simplified Fire strategy and method should not create friction with the local Property Appraiser because it only uses parcel data for tax identification and valuation purposes in a context that is not foreign to that for which it was prepared. Smart and effective use of technology and processes already available industry-wide have made this process quite effective since the inception of the uniform method of collection authorized by general law in the late 1980's.

PARCEL DATA REVIEW

The assignment of assessment values is based on data certified by the Bay County Property Appraiser to the Florida Department of Revenue each year. This year's analysis is provided by Ennead, LLC.[2]

BUDGET REVIEW

Our original report indicated that only a modest and almost immeasurable level of costs were to be excluded from total assessable costs. These costs were excluded as an extremely conservative measure to assure they were not associated with expenditures stemming from Emergency Medical Services ("EMS"), deemed typically to *not* be assessable costs. With transport provided by the County, there appear to be no direct manner in which these or related costs might impact the budget.

Nonetheless, as explained in GAI's original report, we have simply elected to exclude even the appearance of funding EMS services by eliminating any costs associated with related items, primarily those associated with aspects of Advanced Life Support ("ALS") often provided by first responders. To ensure compliance with Florida case law regarding the funding of EMS, those costs would be funded instead by other legally available means and the balance of the budget would comprise legally assessable costs and be absorbed through the combination of Tier 1 and Tier 2 assessment revenues.

[2] Research reveals there are approximately 21,251 tax parcels (this includes 28 parcels deemed "confidential" by the Property Appraiser) within the boundaries of the City. Among the 21,162 parcels, 510 are excluded by resolution due to either their "just value" being less than $5,000 or such parcels are excluded due to their classification as right-of-way or other use that is not appropriate for development. 116 are parcels owned by governmental entities which must be excluded since "governmentally-owned" parcels which are used by the government for public purposes cannot be assessed. It is noted that 14 tax parcels are designated as "agricultural" by the Bay County Property Appraiser. Based upon the home-rule imposition authority employed by the City and presented to the circuit court in 2018, these parcels have been assessed. With the adjustments for parcels removed from the roll, the total number of tax parcels used for analysis is 20,625.

Although we might engage in a more granular analysis in the alternative, the use of the adjusted PCBFD budget as introduced in GAI's original report, presents a conservative approach with exclusion of costs that might be construed to be in support of EMS excluded from the assessed cost associated with the Fire Service Assessment, avoiding debate as to compliance with case law.

For various reasons, the City has elected to recover only a fraction of the PCBFD budget, net of any ALS cost considerations, though assessments. That share of the budget is well below the percentage allowed by the analysis. Consequently, it can be reasoned plausibly and realistically that any assessed costs in the emerging and proposed PCBFD budget remain appropriate for recovery through special assessments.

The *total* 2023-2024 and 2024-2025 proposed budgets are quite different primarily because of the varying emphasis on, and cost of, certain capital items for stations and other major improvements or equipment. Although the total costs are different, the 2024-2025 budgeted personnel and operating expenses are very similar to those of the past year and prior years. Effectively these specific items, comprise the same share of such expenses as the year before with personnel expenses themselves representing about 76% of total assessable costs of about $10,200,000.

These total assessable costs, including capital items, compare with targeted assessments of approximately $7,530,885. Of that total, $5,557,897 and $1,972,988 would be allocated to Tier 1 and Tier 2 respectively. Among other things, the estimated assessments also include a 4.0% indexed adjustment which is well below that otherwise allowed. Stated differently, at the proposed indexed rates for this year, the City is assessing far less than it could otherwise within the parameters of the Simplified Method and the approved authority of the City's 2018 Final Judgment.

GUIDELINES FOR CURRENT ASSESSMENTS

It is well-settled in Florida case law that local governments, should they impose an assessment, are not required to *fully* fund that service or improvement through the special assessment itself. The local government may determine, entirely in its own discretion, to fund some portion of the overall cost with general fund or other legally available revenues. Please s*ee* Tables 1 and 2 as follows for more details about the emerging PCBFD budget and the relationship to other receipts.

Table 1: Approximate Fire Department Budget, All Sources with 4% Indexing

	Assessment	Other Legally Available Funds	Total Budgeted costs
Dollar	**$7,530,885**	**$ 2,681,215**	**$ 10,212,100**

Table 2: Approximate Tier Allocation with 4% Indexing

	Tier 1	Tier 2	Total
Dollar	**$5,557,897**	**$1,972,988**	**$7,530,885**

Clearly, the City Council may annually determine as a tax equity tool to impose special assessments at a rate less than necessary to fund all or any specific portion of the costs which might otherwise be funded by special assessments associated with fire protection services and facilities. Costs incurred in providing fire protection services, facilities and programs not otherwise funded through Fire Service Assessments may be paid with general fund or other legally available revenues.

Such legally available revenues as a matter of policy may be applied exclusively to any tier or class of budget allocation or expense otherwise funded by a special assessment, in part to one tier or class of any fire department budget allocation or expense, or in any combination thereof, and maintain the validity of the Simplified Fire apportionment approach used for the remaining portion of the budget attributed to the fire service assessed cost. This flexibility is implemented through a policy and legislative determination employed through careful adherence to case law, statutory law, and the State Constitution, as well as the exercise of annual budget responsibility, discretion and equity vested in the City Council.

To be clear, please keep in mind that a local government should not impose an assessment to a parcel *for the same portion of capital items* purchased with impact fees charged to new development thereon. For this reason, the City must be ever careful and verify that Panama City Beach does not collect associated impact fees from new development for capital expenditures used to form the proposed Fire Service Assessment.

It is recognized that in the ongoing budget process the indicated sums may be modified. Insubstantial modifications to the budget used will not materially affect this analysis. Due to statutory notice requirements involved with the imposition of assessments, a substantial increase in the budget used will also not have a material effect on this analysis as all increases must be funded with other legally available funds. However, a large and substantial decrease in the budget provided by the City for our use may impact our analysis.

ASSESSMENT ROLL

Upon consultation with City management using available certified data, Ennead, LLC has accordingly prepared the proposed annual assessment roll which can be accessed world-wide at either http://quicksearch.ennead-data.com/pcbfire/ or www.pcbfl.gov. Those links allow for convenient interactive search and transparent public inquiry concerning parcels to be assessed by: owner name, location address, or parcel identification number. The values and information shown provide subtotals, generally explain adjustments for expenses of administration and collection using the same bill as for taxes and show the total amount of non-ad valorem assessment proposed to be certified for collection in November for each parcel. This provides extraordinary public transparency and assists the City Council in decision-making based upon the nominally indexed rates, in the manner provided for in the City's ordinance, using the assumed budget at this point in the annual budget cycle, and a convenient means to review of the array of tax parcels affected.

CONNECTION WITH PRIOR WORK

This annual analysis and information incorporate by reference GAI's prior report and analysis placed in the record before the City Council at its previous public hearings on this matter. Consistent with that record, the content of this summary provides a reasoned review and analysis of information, facts and circumstances associated only with the City of Panama City Beach and is exclusively for the use by the City Council of Panama City Beach.[3]

Sincerely,
GAI Consultants, Inc.

Owen M Beitsch, PhD, FAICP, CRE
Senior Director

CC: Drew R. Whitman, City Manager; Holly White, Asst. City Manager; Debra Gibson, Finance Director; Ray Morgan, Fire Chief; Cole Davis, City Attorney; Mark G. Lawson, MGLPA; Erin Pomeroy, Ennead LLC

[3] This information presents intellectual property made available for the exclusive use of the City, is copyrighted, and reproduction or use for any other purpose is prohibited

Column

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

Column Software, PBC
331 NW 26th St, Suite 304
Miami, FL, 33127

Before the undersigned authority personally appeared Yuade Moore, who on oath says that he or she is an agent of Column Software, PBC; that the attached copy of advertisement, being a legal advertisement or public notice of Display Ad in the matter of Public Notice Public Hearing on Assessments, was published on the publicly accessible website of FL, hosted by Column Software, PBC on

Jul 2, 2024,Jul 5, 2024

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Expires on October 14, 2025

VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 07/05/2024

Notary Public

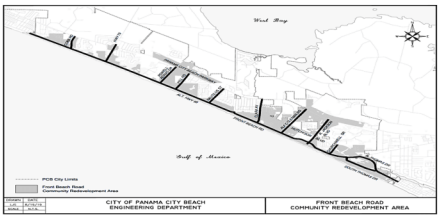
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COMBINED ANNUAL PUBLISHED NOTICE OF PUBLIC HEARINGS CONCERNING NON-AD VALOREM ASSESSMENTS IMPOSED WITHIN PANAMA CITY BEACH, FLORIDA, TO FUND ONLY IN PART THE COSTS OF BENEFITS RELATED TO:

(1) FIRE SERVICE ASSESSMENTS
(IMPOSED CITY-WIDE);

(2) STORMWATER MANAGEMENT ASSESSMENTS
(IMPOSED CITY-WIDE);

(3) CERTAIN REDEVELOPMENT RELATED ASSESSMENTS
(ONLY IMPOSED WITHIN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA).



The property subject to the assessments lies within the City of Panama City Beach, Florida.

PUBLIC HEARING

The City Council has scheduled a public hearing to be held on July 25, 2024, at 9:00 a.m. in the City Council Chambers at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida, for the purpose of receiving comments on these proposed annual non-ad valorem assessments, and any associated resolutions. The City of Panama City Beach does not impose any ad-valorem property taxes.

You are invited to attend or appear at the public hearing, and/or to file written comments or objections with the City Clerk, indicating the particular assessment, if applicable, and addressed to the City Council within 20 days of this Notice. Please send your written comments in care of the City Clerk by email to specialassessments@pcbfl.gov.

The individual dollar amount attributed to the proposed rate of assessment for each affected tax parcel in the City and other information concerning all three assessment programs is also available online at the City's website (on interactive assessment rolls searchable by owner name, location and parcel number) or accessible by computer terminal upon inquiry at the office of the City Clerk, at City Hall. Please go to http://www.pcbfl.gov/sa for more information.

FIRE SERVICE ASSESSMENT

The City's annual non-ad valorem Fire Service Assessment finances a large portion of the annual operating and capital costs associated with the Panama City Beach fire department. If approved by City Council, the rate of assessment for each tax parcel is proposed to be the sum of (i) seventy-eight cents ($0.78) per $1,000 of the value of improvements attributed to the tax parcel identified by the Bay County Property Appraiser (Tier 1), plus (ii) $95.66 per tax parcel (Tier 2).

STORMWATER ASSESSMENT

The City's annual non-ad valorem Stormwater Assessment finances a large portion of the annual operating and capital costs associated with the City's public works stormwater management responsibilities. If approved by City Council, the rate of assessment for each tax parcel is proposed to be the sum of (i) the sum of forty-nine cents ($0.49) per $1,000 of the value of improvements attributed to the tax parcel identified by the Bay County Property Appraiser (Tier 1), plus (ii) $48.30 per tax parcel (Tier 2).

FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA ASSESSMENT.

This annual non-ad valorem assessment, unlike the Fire Service Assessment and Stormwater Assessment above, is NOT imposed city-wide and only encompasses areas enveloped in the associated community redevelopment plan for this area (see graphic above). This annual non-ad valorem assessment was determined by the local court to be proportional and to benefit all lands within the community redevelopment area or "CRA", as a valid function of the associated community redevelopment plan, and honors interlocal agreement to defray a portion of the administrative, operational and maintenance expense of overseeing extraordinary community redevelopment activities within or related to this specific community redevelopment area by combining two (2) categories of charges for this special assessment. If approved by the City Council after the hearing, the rate of assessment for each tax parcel identified by the Bay County Property Appraiser is proposed to be the combination of the following:
Category A: Budgeted costs of a portion of administrative and ministerial activities (approximately $496,106) shared within this CRA equally per parcel among all parcels will be the sum of $38.95 per tax parcel; plus,

Category B: Budgeted costs of a portion of continued maintenance, upkeep and capital equipment for this CRA (approximately $481,751) weighted and shared based upon a combination of three (3) relative attributes or factors:
(1) the heated or air-conditioned square footage reported in the public records of the local property appraiser (approximately 60% weight, or approximately $191,510) will be nine-tenths of one cent ($0.009) per square foot;
(2) the improvement value for each parcel, which is the result of the reported just value minus the reported land value in the public records of the local property appraiser (approximately 30% weight, or approximately $218,490 will be four cents ($0.04) per $1,000 of improvement value; and,
(3) the land value for each parcel reported in the public records of the local property appraiser (approximately 10% weight, approximately $71,751) will be six cents ($0.06) per $1,000 of land value.

ADDITIONAL INFORMATION

This published Notice is intended to inform you of the maximum rates the City may impose in FY 2024-25 for these three non-ad valorem assessments. The rates of these non-ad valorem assessments for the Fiscal Year beginning October 1, 2024, will be considered in the context of not exceeding *the average annual growth rate in Florida personal income over the previous 5 years* from 2019 to 2024, which is 7.47%, and forms a cognizable indexing feature judicially approved as fair and reasoned in the manner provided for by law and the City's ordinances. However, the City is only considering such increases be the lesser of the index or 4%. Accordingly, for the purposes of the public hearing all of the three (3) assessment program rates noticed above reflect and are proposed to be increased by 4% over those assessment rates adopted for FY 2023-24. The City Council has previously determined and individually noticed that maximum rates should be increased from year to year in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years, or similar successor index. to account for growth, inflation, the change in purchasing value of money, or similar purchasing or cost increase variables.

The amount of net revenue the City expects to collect using the specific assessment rates described in this Notice, after accounting for statutory early payment discounts necessarily associated with the use of the uniform method of collection, commissions and fees charged by the County or its constitutional Tax Collector and Property Appraiser Offices (by law actual costs), and the City's charge to defray associated program development, advertising, implementation and administrative costs ($5 per tax parcel for each assessment) for each of the three (3) programs, is estimated to be (1) $7,530,885 for the Fire Service Assessment, (2) $4,487,690 for the Stormwater Management Assessment, and (3) $977,857 for the Front Beach Road Community Redevelopment Area Assessment. For each specific assessment such revenues collected must be used exclusively to respectively fund the associated budget for each of these respective programs in our City.

Payment of the assessments will be due and collected as special assessments on the same bill as taxes to be mailed around November 1, 2024. General law requires that affected property owners be reminded that: Until paid, each of the Fire Service Assessment, the Stormwater Management Assessment, and the Front Beach Road Community Redevelopment Area Assessment will constitute liens against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments become delinquent in the same manner as for unpaid taxes, and failure to pay the upcoming assessment will cause a tax certificate to be issued against the property which may result in loss of title.

If you decide to appeal any decision made by the City Council with respect to any matter considered at or after the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. This published Notice is compliant with the requirements of law, and at the same time shares and directs the reader to further overview or information.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN THE HEARINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (850) 233-5100.

TO BE PUBLISHED AT THE DIRECTION OF THE CITY OF PANAMA CITY BEACH ON OR BEFORE July 5, 2024.

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AFFIDAVIT OF PUBLICATION

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17007 Panama City Beach PKWY
Panama City Beach FL 32413-5225

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Legal Clerk

Notary, State of WI, County of Brown

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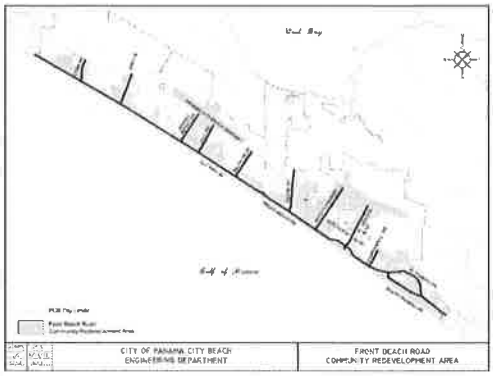
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State of Wisconsin

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(3) CERTAIN REDEVELOPMENT RELATED ASSESSMENTS (ONLY IMPOSED WITHIN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA).



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(3) the land value for each parcel reported in the public records of the local property appraiser (approximately 10% weight, approximately $71,751) will be six cents ($0.06) per $1,000 of land value.

ADDITIONAL INFORMATION

This published Notice is intended to inform you of the maximum rates the City may impose in FY 2024-25 for these three non-ad valorem assessments. The rates of these non-ad valorem assessments for the Fiscal Year beginning October 1, 2024, will be considered in the context of not exceeding *the average annual growth rate in Florida personal income over the previous 5 years* from 2019 to 2024, which is 7.47%, and forms a cognizable indexing feature judicially approved as fair and reasoned in the manner provided for by law and the City's ordinances. However, the City is only considering such increases be the lesser of the index or 4%. Accordingly, for the purposes of the public hearing all of the three (3) assessment program rates noticed above reflect and are proposed to be increased by 4% over those assessment rates adopted for FY 2023-24. The City Council has previously determined and individually noticed that maximum rates should be increased from year to year in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years, or similar successor index, to account for growth, inflation, the change in purchasing value of money, or similar purchasing or cost increase variables.

The amount of net revenue the City expects to collect using the specific assessment rates described in this Notice, after accounting for statutory early payment discounts necessarily associated with the use of the uniform method of collection, commissions and fees charged by the County or its constitutional Tax Collector and Property Appraiser Offices (by law actual costs), and the City's charge to defray associated program development, advertising, implementation and administrative costs ($5 per tax parcel for each assessment) for each of the three (3) programs, is estimated to be (1) $7,530,885 for the Fire Service Assessment, (2) $4,487,690 for the Stormwater Management Assessment, and (3) $977,857 for the Front Beach Road Community Redevelopment Area Assessment. For each specific assessment such revenues collected must be used exclusively to respectively fund the associated budget for each of these respective programs in our City.

Payment of the assessments will be due and collected as special assessments on the same bill as taxes to be mailed around November 1, 2024. General law requires that affected property owners be reminded that: Until paid, each of the Fire Service Assessment, the Stormwater Management Assessment, and the Front Beach Road Community Redevelopment Area Assessment will constitute liens against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments become delinquent in the same manner as for unpaid taxes, and failure to pay the upcoming assessment will cause a tax certificate to be issued against the property which may result in loss of title.

If you decide to appeal any decision made by the City Council with respect to any matter considered at or after the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. This published Notice is compliant with the requirements of law, and at the same time shares and directs the reader to further overview or information.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN THE HEARINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (850) 233-5100.

TO BE PUBLISHED AT THE DIRECTION OF THE CITY OF PANAMA CITY BEACH ON OR BEFORE July 10, 2024.

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:	***2. MEETING DATE:***
Holly White, Public Works	July 25, 2024

3. REQUESTED MOTION/ACTION:

After allowing for a brief program overview, and listening to comments from the public, closing the public hearing, and deliberation, adopt the proposed Annual Assessment Resolution.

4. AGENDA:

REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: N/A

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY:
Financial Health
Attractive Community

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

This is an annual assessment to be collected along with property taxes from other taxing authorities this November on the same bill as taxes (this is called the uniform method of collection). Other than non-recurring grant funding, the City's stormwater fund has no significant source of revenue other than this assessment. The City does not impose property taxes. A copy of the preliminary non-ad valorem assessment roll is available on the City's website.

An annual non-ad valorem stormwater assessment has been charged City-wide since 2006; when the City adopted an approach focused on measuring impervious and pervious surfaces and allowed mitigation credits to share costs. Since then, the City has experienced new growth of around 10,000 statutory parcels (which in large part include multiple-building parcels and individual condominium or cooperative units). Accordingly, such pervious surface measurement approach became outdated and disproportionate. Logic and foresight supported a successful transition to a more simplified, proportionate, and robust approach based upon and more reflective of how private property owners and lessors transact for both developed and undeveloped parcels in the City as they consider lesser or more public goods and services in competing locales. This reasoned and more efficiently implemented approach treats all parcels fairly, and treats typical single family properties more equitably while fairly raising increased stormwater management funding citywide. The approach was also successfully judicially validated in 2021 as directed.

By Council direction, published, publicly announced and previously individually mailed in 2021 (and also approved by the circuit court) these charges have been indexed based upon the

average annual growth rate in Florida personal income over the previous 5 years. Such indexing factor, determined from recent data developed by the Bureau of Economic Analysis, U.S Department of Commerce, 7.47%. Along with this more simplified program to better share assessed costs, the indexing feature was also successfully judicially validated as directed.

While this index indicates a rate increase in the amount of 7.47%, City staff elected to advertise a maximum rate increase of 4%.

The rate of assessment is based upon a two tier formula. First, each parcel is assessed rate based upon the value of the buildings or improvements on the parcel. The second tier each property parcel of property is assessed a base per parcel rate that is uniform across all parcels.

The following is breakdown of the current and proposed rates:
2022 + 2023:
Base Rate: $46.44 per parcel
Per $1,000 of Building Value: $.47

Proposed 2024 with 4% increase:
Base Rate: $48.30
Per $1,000 of Building Value: $.49

The amounts for this Stormwater Management Assessment and a public hearing have been properly noticed by publication and providing an email address to the City for advance comments.

Staff will organize and share all emailed comments received with the Council for advance review. Also for advance review, a report concerning this more fair and efficient simplified approach is being supplied by the City's economic consultant, Dr. Owen Beitsch, and is attached to this item.

Res 24-157.SW Assessment.FY 2024-2025.pdf
Bay County Public Notice.Assessments.Affidavit Proof of Publication.pdf
News Herald Public Notice.Assessments.Affidavit Proof of Publication.pdf

RESOLUTION NO. 24-157

A RESOLUTION OF THE CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, RELATING TO THE AVAILABILITY AND FUNDING OF STORMWATER MANAGEMENT AND RELATED CAPITAL SERVICES, FACILITIES AND PROGRAMS, INCLUDING CAPITAL INFRASTRUCTURE AND EQUIPMENT, WITHIN THE CITY; PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS WITHIN THE CITY TO FUND, IN PART, THE SERVICES, FACILITIES AND PROGRAMS ASSOCIATED WITH THE CONTINUAL READINESS AND MAINTENANCE OF STORMWATER MANAGEMENT SERVICES, FACILITIES AND PROGRAMS; IDENTIFYING BENEFITS, BURDENS AND COSTS TO BE ASSESSED; ESTABLISHING THE METHOD OF APPORTIONING BENEFITS, BURDENS AND COSTS AMONG SPECIALLY BENEFITED PROPERTY; ADOPTING AN ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; PROVIDING FOR ASSOCIATED POLICY DIRECTION; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I

INTRODUCTION

SECTION 1.01. AUTHORITY. This Resolution of Panama City Beach, Florida (the "City") is adopted pursuant to Ordinance No. 1564 (the "Assessment Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 1.02. DEFINITIONS. This Resolution constitutes the Annual Assessment Resolution as defined in the Assessment Ordinance. All capitalized words and terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance, unless the context hereof otherwise requires.

SECTION 1.03. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.04. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The constant and continued preparedness to provide stormwater management services, facilities and programs possesses a logical relationship to the value, use and enjoyment of real property by: (1) protecting and enhancing the value of property, improvements and structures through the continual readiness and availability of stormwater management services, facilities and programs; (2) protecting the life and safety of intended users or occupants in the use and enjoyment of real property; (3) lowering or stabilizing the cost of casualty, liability and flood insurance by the presence of stormwater management services, facilities and programs within the City; (4) providing

protection for uninsured or underinsured property and property owners; and (5) addressing storm events, providing flood, inundation and environmental controls, benefitting both improved or vacant or undeveloped property.

(B) The sharing of benefits, burdens and costs for stormwater management services, facilities and programs based upon the relative value of improvements for each Tax Parcel in the City as compared to the value of improvements for all Tax Parcels in the City could conceivably serve alone as a fair and reasonable means to apportion entirely the Stormwater Management Assessed Cost. Such approach substantially removes the underlying land values from consideration and reasonably focuses upon the built, improved, or husbanded environment on the land served and protected by stormwater management services, facilities and programs. This is a direct and logically related means to share benefits, burdens and costs of stormwater management services, facilities and programs.

(C) It is also clear that the relative improvement value of improvements to land may be utilized as one factor among others considered in a given formula or calculus since the resulting Assessments are formed from a reasoned or logical base against which the special benefits, burdens and costs may be multiplied or determined.

(D) Apportionment on the basis of relative improvement value (as determined by data derived from the Tax Roll prepared by the Property Appraiser) recognizes and fairly shares the relatively higher benefit accruing to properties which face greater

financial loss in the event of storm events, as well as proportional increases or decreases in use, enjoyment value of improvements thereon, each of which attracts buyers and lessors in the competitive local marketplace.

(E) Besides the advantage of relying upon data prepared by the Property Appraiser in the normal conduct of such person's responsibilities, an approach based in whole or in part upon relative improvement value is also advantageous because it is self-correcting. Relative value of improvements may change from year to year in accordance with market conditions and other factors and such variation will be adjusted automatically each subsequent year in accordance with the updated improvement value determined by the Property Appraiser. If the improvements on a given Tax Parcel were to increase or decrease in value with the passage of time relative to the updated improvement value city-wide, that Tax Parcel's relative percentage to the total amount assessed for that Tax Parcel and all Tax Parcels will also increase or decrease proportionately.

(F) The mere availability of stormwater management services, facilities and programs benefit each Tax Parcel of real property in the City in a substantially uniform fashion by relieving the common burden placed upon City services and facilities collectively created by individual Tax Parcels whether a precipitation or storm event occurs or not. Fundamentally, the presence of each Tax Parcel within the City creates a comparable and similar requirement to stand ready to serve and continually maintain a

preparedness to provide stormwater management and associated services and facilities for all Tax Parcels.

(G) The City's core preparedness costs are generally those necessary to maintain the readiness of personnel, equipment and facilities to respond in the event of scheduled maintenance and random calls or events and to assure an effective network of coverage, a metric used by the federal government and insurance ratings organizations for calculation of basic insurance ratings. Such preparedness requires continual readiness and must also lie in wait for emergencies and random or maximum storm events.

(H) The Council has carefully considered the reports prepared by GAI Consultants, Inc. describing a carefully reasoned more simplified special assessment apportionment methodology designed to fund all or some portion of the City's annual budget expenditures corresponding to fixed (as opposed to more variable) costs incurred in maintaining common or similar necessity to maintain the readiness and adequacy of the stormwater management services, facilities and programs to all parcels.

(I) These core preparedness costs of readiness are largely recurring, almost fixed over the course of a budgetary period, because they are strongly associated with wages, salaries, administration, and overhead which support the constant availability of stormwater management related services and facilities. Such core costs must be absorbed even when stormwater management capabilities remain exclusively in readiness or standby mode.

(J) Fixed costs can generally be described as those costs incurred in providing services, facilities or programs required for readiness to provide stormwater management which does not necessarily vary from parcel to parcel based upon property classification, parcel-specific physical characteristics (improvements) or actual demand in the event of system use or deployment. Variable costs are those dependent upon or which more closely bear a direct relationship to property classification and/or parcel-specific physical characteristics such as value of improvements, and therefore are more likely to vary from parcel to parcel.

(K) The budgeted level of service is a policy decision and in essence represents the predominant requirement for service in the scheme of providing public goods and services. The frequency and nature of precipitation or storm events is variable and difficult to accurately predict. The scale of this potential defines the basic underlying cost of being prepared to provide stormwater management services, facilities and programs to serve properties and to protect property values. From a policy and public purpose standpoint, preparedness is the predominant activity of the City's stormwater management services and facilities. The City, in this state of continual planning, preparedness and readiness, must consider the personnel, necessary equipment and facilities, and the time likely required to address stormwater management services and facilities (planning or preparing for the potential storm or flood event) prior to allocating direct resources when capacity may be inadequate to be performed as quickly as possible (deploying to or intervening in

the incident or event itself). The amount of resources for stormwater management services, facilities and programs made available in such continual preparedness exercise each year is a public administration and policy decision which necessarily focuses in the aggregate on all property within the City.

(L) In developing a recurring revenue source to fund a portion of the core fixed cost component of the City's annual budget associated with a continued readiness to provide stormwater management services, facilities and programs, it is not necessary to solely focus on the size, value or physical characteristics of individual Tax Parcels for stormwater management. Instead, in this context, each individual Tax Parcel contributes similarly to the required state of readiness to address pollution and discharge premised largely on the necessity to maintain and underwrite more comprehensive preparedness than just quick drainage of storm events, and similarly and substantially shares the same benefits from such core fixed cost component; and, therefore it is fair and reasonable to ask the owner of each Tax Parcel to contribute equally toward funding all or a portion of the core fixed costs associated with such continual necessity to maintain stormwater management services and facilities each year.

(M) The findings contained herein are premised upon information, input, analysis and review from City staff, officials and experts, and public comment, as well as careful consideration by the City Council. A combination of the foregoing yields a reasoned apportionment methodology premised upon two distinct tiers or classes of apportionment

allocation: Tier 1 – a sharing of benefits, burdens and costs for stormwater management services and facilities based upon the relative value of improvements for each Tax Parcel in the City as compared to the value of improvements for all Tax Parcels in the City; and, Tier 2 – a sharing of benefits, burdens and costs for stormwater management services and facilities on a per Tax Parcel allocation premised upon maintaining a continual state of preparedness and readiness to serve whether or not or how frequently precipitation or storm events occur. Although either of these two tiers might be used singularly to address a significant portion of the budget for special assessment apportionment purposes, together they provide a simplified and powerful equity tool for the City to fairly and reasonably share assessable benefits, burdens and costs among all assessable Tax Parcels in the City.

(N) Allocating a portion of the fixed costs attributable to the City's continual readiness to maintain the readiness and adequacy of stormwater management services and facilities (not infrequently driven by state and federal regulation) on a Tax Parcel basis reasonably avoids cost inefficiencies and unnecessary administration, and is a fair, efficient and reasonable mechanism to allocate such costs among all Tax Parcels.

(O) The use of data derived from the Tax Roll (both in form and content), which is a statutorily required and uniformly maintained database of all Tax Parcels employed by the Property Appraiser and Tax Collector, represents a reasonably accurate, fair and efficient means to allocate or distribute the Stormwater Management Assessed Cost

associated with a budgeted level of service, standing ready to provide stormwater management and associated services and facilities.

(P) It is fair, reasonable, effective, and efficient for all Tax Parcels, including statutorily defined parcels such as multiple parcel buildings, individual condominium or cooperative units with extraordinary alienability, to share equally in the core fixed costs represented by the special assessments to be imposed hereby, particularly since such costs are not necessarily dependent upon or determined by physical characteristics, use or composition.

(Q) It is also fair and reasonable that some portion of fixed costs and variable costs be shared and distributed equitably among all Tax Parcels, including statutorily defined parcels such as multiple parcel building, individual condominium, or cooperative units with extraordinary alienability, using apportionment methods better capable of sharing the Stormwater Management Assessed Cost premised upon the logical relationship of stormwater management, services, programs, and facilities city-wide to parcels using, in part, established economic theory addressing why property owners and lessors are attracted to the City, and measuring, in part, such attraction for public goods and services by use of publicly maintained transactional data such as a relative improvement value component (not land value) using data from the Tax Roll as shown on the Assessment Roll.

(R) GAI Consultants, Inc. and Ennead, LLC reviewed current and prior year budget information related to the provision of stormwater management services and facilities and shared a reasoned analysis of fixed and variable cost budget components, resulting in the determination that all Tax Parcels benefit in a substantially uniform manner from services, facilities and programs characterized as fixed and otherwise necessary to maintain the continual readiness and adequacy of stormwater management by considering core fixed cost expenditures incurred in maintaining readiness to provide stormwater management and associated services and facilities (Tier 2), and reasonable allocation to both fixed and variable cost expenditures based upon the relative value of improvements associated with each Tax Parcel (Tier 1). The exemplary budget for the upcoming fiscal year necessarily evidences substantial anticipated revenue to otherwise provide for stormwater related capital and essential services through legally available funds other than Stormwater Management Assessment. In any event, the remainder of the exemplary budget for stormwater management can be provided through other legally available funds for all expenditures beyond the Stormwater Management Assessed Cost.

(S) It is fair and reasonable to fund all or a portion of the Stormwater Management Assessed Cost on the basis of the relative value of improvements associated with each Tax Parcel compared to the total value of all improvements in the City in order to recognize the proportional benefit accruing to properties based upon an economic metric measuring the attraction of property owners to public goods and services

associated with stormwater management in the City, including but not limited to properties which face greater financial loss in the event of a stormwater incident.

(T) It is fair and reasonable to multiply the estimated budget for stormwater management services, facilities and programs by an identified proportion of the core fixed costs associated with the continual necessity to maintain readiness and adequacy of stormwater management services and facilities, in order to determine a proportional amount of the estimated budget allocable to such core fixed costs; and, then divide such amount by a reasonable estimate of the total number of Tax Parcels within the City in order to determine the proposed annual rate of assessment per Tax Parcel in an attempt to uniformly and proportionally fund such core fixed costs.

(U) The City is not required to fully fund any given essential service or capital cost through a special assessment. So long as the application of funds is for a public purpose and funds are legally available, the City may alternatively determine to fund all or some discrete portion of an essential service or capital cost, such as stormwater management services, facilities and programs, with general fund or other legally available revenues. The determination as to whether to contribute other legally available revenues, and how much to contribute, lies solely in the discretion of the City Council.

(V) There is no requirement that the City impose an assessment for the maximum amount of the budget that can be funded by special assessments. Stated in the alternative, the City Council may annually determine as a tax equity tool to impose special assessments

at a rate less than necessary to fund all or any specific portion of the costs which might otherwise be funded by special assessments associated with stormwater management services and facilities. Costs incurred in providing stormwater management services, facilities and programs not otherwise funded through Stormwater Management Assessments in any given year may be paid with general fund or other legally available revenues. Such legally available revenues as a matter of policy may be applied exclusively to any tier or class of budget allocation or expense otherwise funded by a special assessment, in part to one tier or class of any budget allocation or expense, or in any combination thereof, and maintain the validity of each apportionment approach used for the remaining portion of the budget attributed to the Stormwater Management Assessed Cost. This flexibility is implemented through a policy and legislative determination employed through careful adherence to case law, statutory law, and the State Constitution, as well as the exercise of annual budget responsibility, discretion and equity vested in the City Council; or, may be subject to a grant or loan covenant with the state or federal government. However, in no event shall any annual rate of special assessment exceed that previously noticed to the affected landowners without further notice and public hearing pursuant to the Assessment Ordinance.

(W) The City Council is cognizant that any system, metric or analytical view of appraising benefits or assessing costs will be open to some criticism or suggestion of alternative methods or approaches, and has labored to educate itself as to the facts,

analysis, law and policy latitudes available to it in determining the Stormwater Management Assessed Cost and the rate of the Stormwater Management Assessment in the process of approving the Stormwater Management Assessment Roll.

(X) The apportionment among Tax Parcels of a portion of the City's annual budget for stormwater management services, facilities and programs represented by the assessment rates and Stormwater Management Assessments hereby adopted (using the concept and method sometimes called the "Simplified Approach"™), are reasonably characterized as necessary to maintain the readiness and adequacy of stormwater management; and, is hereby determined to be a fair and reasonable means to annually allocate and share such benefits, burdens and costs.

(Y) The benefits derived or burdens relieved from the Assessed Costs necessary, in part, to maintain the readiness and adequacy of stormwater management services, facilities and programs as to each Tax Parcel subjected to the Stormwater Management Assessments equal or exceed the amount of the special assessments levied and imposed hereunder. The Assessment for any Tax Parcel within the City in employing such an approach also does not exceed the proportional benefits (or corresponding relief of burdens) that such Tax Parcel will receive (or cause) compared to any other Tax Parcel so assessed within the City.

(Z) The foregoing findings and determinations are predicated on a substantially similar proposed dollar amount budget and information for Assessed Cost

in the upcoming Fiscal Year as last year; and, the Council determines it is reasonable and lawful to confirm and ratify same with adjustment using a cognizable indexing feature as provided by ordinance, and impose the Assessments using the rates, fees and charges as provided for herein.

(AA) The Council hereby finds and determines that the Stormwater Management Assessments to be imposed in accordance with this Resolution provide a proper and equitable method of funding associated stormwater management services and facilities fairly and reasonably allocating a portion of the cost thereof among specially benefited property.

[Remainder of page intentionally left blank.]

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. ESTIMATED STORMWATER ASSESSED COST; RATE OF ASSESSMENT.

(A) The estimated Stormwater Management Assessed Cost to be recovered through Stormwater Management Assessments for the Fiscal Year commencing October 1, 2024, is anticipated to be $4,487,690[1] consisting of $3,491,502 for Tier 1 – relative value of improvement for each Tax Parcel for more variable costs and $996,188for Tier 2 – per Tax Parcel for fixed, readiness to serve costs.

(B) The Stormwater Management Assessments established in this Annual Assessment Resolution are determined by the assessment rates prepared for consideration by the public and City Council in the preparation of the Stormwater Management Assessment Roll for the Fiscal Year commencing October 1, 2024.

(C) As provided for in the Assessment Ordinance, the rate of Stormwater Management Assessment for the Fiscal Year beginning October 1, 2024, has been considered in the context of the *average annual growth rate in Florida personal income over the previous 5 years* from 2019 to 2024 which has been determined to be 7.47% using

[1] This amount was used for annual publication, which continued carrying forward anticipated equitable exemptions as directed in prior years by the Council of approximately $96,796 to be paid from legally available funds other than Assessment proceeds.

information from the Bureau of Economic Analysis, affiliated with the United States Department of Commerce. The notice and intent to employ such approach was previously noticed by mailed and published notice along with and in the context of maximum rates established in the Summer of 2021, and has since been judicially validated by the City for use in financing capital borrowing by the local Circuit Court and in addition has been further noticed by publication again this year in the context of increasing the annual rate of Stormwater Management Assessments by using such a cognizable indexing feature in the manner provided for in the Assessment Ordinance. However, the City is only considering such increases be the lesser of the index or 4%. The rate of Stormwater Management Assessment for the fiscal year commencing October 1, 2024, accordingly, is directed to include such adjustment at 4%.

(D) The rate of Stormwater Management Assessment is therefore to be (1) $0.49 per thousand dollars of improvements, or fraction thereof, for each Tax Parcel as reflected in the Tax Roll (Tier 1), plus (2) $48.30 per Tax Parcel (Tier 2).

SECTION 2.02. STORMWATER MANAGEMENT ASSESSMENT ROLL.

(A) The Assessment Coordinator prepared and noticed by publication and upon the City's website the availability of a preliminary Stormwater Management Assessment Roll that contains the following information:

(1) a summary description of each Tax Parcel (conforming to the description contained on the Tax Roll maintained by the Property Appraiser for the purpose of levying and collecting ad valorem taxes) which is intended to be subject to the Stormwater Management Assessment;

(2) the name of the owner of record of each Tax Parcel, as shown on the Tax Roll;

(3) the proposed amount of the total Stormwater Management Assessment for each affected Tax Parcel for the fiscal year commencing October 1, 2024, exclusive of anticipated costs of collection and administration; and

(B) In the event the City also imposes or collects an impact fee upon new growth or development for capital improvements related to stormwater management, the special assessments provided for hereunder shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee, or which are otherwise funded by such impact fee.

(C) Copies of the Assessment Ordinance, this Resolution and the preliminary Stormwater Management Assessment Roll have been made available in the City Clerk's office at City Hall Bldg., 17007 Panama City Beach Parkway, Panama City Beach, Florida, 32413, or have been open to public inspection in a manner consistent with the Assessment Ordinance. The proposed approach and amount of Assessment for each Tax Parcel has been noticed at or through the City's website and accessible through the internet at

www.pcbfl.gov and at the City Clerk's office located at City Hall Bldg., 17007 Panama City Beach Parkway, Panama City Beach, Florida. In the event the Assessment Coordinator henceforth makes any corrections, exemptions, administrative hardship deferrals or other modifications to the Assessment Roll authorized by the Assessment Ordinance, this Resolution or otherwise, all funding for such changes to the Assessment Roll shall be funded by legally available funds other than direct proceeds of the Assessments. Such changes shall not require any recalculation or change in the rate or rates of assessment otherwise considered or adopted pursuant to the Assessment Ordinance or any Annual Assessment Resolution.

SECTION 2.03. NOTICE BY PUBLICATION.

(A) The Assessment Coordinator has directed and caused the publication of notice of a public hearing in the manner and time provided in the Assessment Ordinance. Proof of timely and compliant publication of the notice is attached hereto as Appendix A.

(B) No applicable circumstances in Section 197.3632 (4)(a), Florida Statutes, or the Assessment Ordinance, require further individually mailed notice of the public hearing.

SECTION 2.04. PUBLIC HEARING. A public hearing was held on July 25, 2024, commencing at or about 9 A.M. in City Hall Council Chambers, 17007 Panama City Beach Parkway, Panama City Beach, Florida, at which time the Council

received and considered information and comments on the Stormwater Management Assessments from City officials, staff, experts and advisors, as well as the public and affected property owners, and considered imposing Stormwater Management Assessments and the method of collection thereof as required by the Assessment Ordinance.

[Remainder of page intentionally left blank.]

ARTICLE III

ASSESSMENTS

SECTION 3.01. IMPOSITION THROUGHOUT CITY. Upon adoption hereof, Stormwater Management Assessments are to be levied and imposed throughout the entire area within the boundaries of the City and this Resolution shall be deemed to be adopted and confirmed for all purposes.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Stormwater Management Assessments shall be imposed against Tax Parcels located within the City, the annual amount of which shall be computed for each Tax Parcel in accordance with this Resolution and shall include all administration and collection costs, fees and adjustments provided for in Section 2.01(B) of the Ordinance. When imposed, the Stormwater Management Assessment for each Fiscal Year shall constitute a lien upon Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments as provided in the Assessment Ordinance.

SECTION 3.03. APPORTIONMENT APPROACH.

(A) As provided for herein, the Stormwater Management Assessed Cost shall be apportioned among all Tax Parcels within the City, not otherwise exempted hereunder, and including any statutorily defined parcels such as multiple parcel buildings, individual condominium, or cooperative units with extraordinary alienability. The estimated

Stormwater Management Assessed Cost and rate of Stormwater Management Assessment shall be that described in Section 2.01 hereof.

(B) It is hereby ascertained, determined, and declared that the method of determining the Stormwater Management Assessments as set forth in this Annual Assessment Resolution is a fair and reasonable method of paying for, recovering and apportioning the Stormwater Management Assessed Cost among Tax Parcels of Assessed Property located within the City.

(C) The Stormwater Management Assessment Roll is hereby approved.

SECTION 3.04. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Stormwater Management Assessments, after payment of costs and expenses associated with collection and administration of the Assessments, shall be utilized for the provision of stormwater management related services, facilities, and programs associated with maintaining continual readiness to serve. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund costs associated with stormwater management related services, facilities, and programs.

SECTION 3.05. COLLECTION OF ASSESSMENTS; COVENANT TO ADOPT ANNUAL RESOLUTION.

(A) Unless otherwise determined by the Council, collection of the Stormwater Management Assessments shall take place pursuant to the uniform method of collection

described in Article III of the Assessment Ordinance.

(B) The amount of the Assessment imposed, levied, and billed to each owner of Assessed Property shall additionally include a charge for a pro rata share of the City's costs and expenses associated with development, implementation, notice, collection and administration of the Assessments, but not to exceed five dollars ($5.00) per Tax Parcel to defray such City costs.

(C) Capital equipment and facilities are fundamental components to the preparedness necessary to continually stand ready to provide stormwater management services, facilities and programs. Following the initial Stormwater Management Assessment for FY 2021-22, counsel for the City as directed successfully instituted proceedings pursuant to Chapter 75, Florida Statutes, which judicially confirmed the validity of the Assessments and use of proceeds of the Assessment to secure such Obligations as provided for in the Assessment Ordinance. Any Obligations issued by the City shall contain a covenant by the City to adopt an Annual Assessment Resolution imposing Assessments for each Fiscal Year until any Obligations which include Assessments as pledged revenues have been paid in full.

SECTION 3.06. DIRECTION CONCERNING ANY EXEMPTION.

(A) Tax Parcels which are statutorily exempted from the payment of ad valorem taxes are in most circumstances subject to the Stormwater Management Assessments contemplated hereunder. Tax Parcels classified or described by the Property

Appraiser as institutionally tax exempt have been previously included in other non-ad valorem assessments imposed by the City, and are subject to the Stormwater Management Assessments contemplated hereunder.

(B) Tax parcels comprising Government Property are not subject to the Stormwater Management Assessments contemplated hereunder. Such Tax Parcels include those classified or described by the Property Appraiser as government-owned, including the following: (1) military, (2) forest, parks, recreational, (3) public county schools, (4) public colleges, (5) public hospitals, (6) other county-owned property, (7) other state-owned property, (8) other federal-owned property,

and (9) other municipal-owned property. Provided, however, each such Government Property owner may be approached by the Mayor, or such person's designee, and asked to pay as a fee or service availability charge in an amount comparable to the Assessment for each such Government Property. Said amount may be invoiced annually, quarterly or monthly in accord with Section 3.04 of the Assessment Ordinance.

(C) The following Tax Parcel classifications are special designations used by the Property Appraiser for recordkeeping purposes and do not represent actual or assessable Tax Parcels and are not subject to the Stormwater Management Service Assessments contemplated hereunder: (1) common element, (2) header record, and (3) notes parcel.

(D) Certain Tax Parcels associated with the following classifications used by the Property Appraiser typically do not receive a special benefit from the provision of

stormwater management services and facilities or are infeasible or impractical to assess, and therefore are not subject to the Stormwater Management Assessments contemplated hereunder: (1) right-of-way (including beach access), (2) rivers, lakes & submerged land, (3) sewage disposal & waste lands, and (4) (governmentally owned) outdoor recreation or parkland.

(E) Tax Parcels associated with the following classifications used by the Property Appraiser in fact receive a special benefit from the provision of stormwater management services and facilities and shall only be subject to application of Tier 2 as described herein associated with the Stormwater Management Assessments contemplated hereunder: (1) cropland, (2) timberland, (3) grazing land, (4) orchards and groves, (5) apiary, aquaculture, fowl, horse, and other animals, and (6) nursery, floriculture, sod production, and hydroponics. In the event a court of competent jurisdiction determines that such agricultural lands have been inappropriately treated or are not subject to the Stormwater Management Assessments, the imposition of the Stormwater Management Assessments on such properties or portions of properties not subject to the Stormwater Management Assessments shall be severed from this Resolution and an amount equivalent to that which would have been raised by such levy shall be paid from other legally available funds.

(F) The classifications of properties in this Section which are or may be exempted, in whole or in part, are reasonably determined to be inappropriate, infeasible

or impracticable to assess, and either benefit marginally or create a lesser or nominal demand or burden on the City's costs associated with readiness to serve, do not merit the expenditure of public funds to impose or collect the Stormwater Management Assessments, are exempt and/or otherwise generally serve in some respect to promote the public health, safety, morals, general welfare, security, prosperity and contentment of the inhabitants or residents of the City. The Assessment Coordinator, or such person's designee, is authorized and directed to use sound judgment in extending such determinations and guidance as the Stormwater Management Assessment Roll is collected. The foregoing classifications of properties not to be assessed do not include Government Property that is leased for private use.

(G) The transition to the simplified approach described and referenced in this Resolution of more proportional cost sharing does not necessitate mitigation credits. However, as a matter of policy, and discretion vested in the City Council, the Council has determined it is fair, reasonable and equitable to direct the Assessment Coordinator to continue, sometimes colloquially referred to as "grandfathering," exemptions for Stormwater Management Assessments, as follows to certain (i) veterans, (ii) disabled, and (iii) prior mitigation credit recipients. The Assessment Coordinator is directed to use legally available funds, other than Assessment proceeds, to pay Stormwater Management Assessments imposed upon homestead properties classified on the Tax Roll by the Property Appraiser under "exemption codes" VX, VP or VT (veteran's partial to total

disability), 13 (non-service connected total and permanent disability) and 14 (total and permanent service-connected disability). The Assessment Coordinator is directed to use legally available funds, other than Assessment proceeds, to reduce Stormwater Management Assessments imposed upon homestead properties who for FY 2021-22year would have otherwise been eligible for mitigation credits under the City's former approach in the amount of $50.00 for each such Tax Parcel. Such grandfathered mitigation credit is intended to end or expire at such time as any so affected Tax Parcel is transferred to a *bona fide purchaser for value* takes place. The foregoing represents a good faith public policy and public administration compromise to promote the public health, safety, morals, general welfare, security, prosperity and contentment of the inhabitants or residents of the City and expressly does not apply to any other City non-ad valorem assessment programs.[2]

(H) Based upon the foregoing, there are relatively few exempt properties within the City. Using legally available funds other than the proceeds of the Stormwater Management Assessments, the City shall otherwise fund or contribute an amount equal to the Stormwater Management Assessments that would have been otherwise derived, in whole or in part, from such exempt properties.

[2] On August 26, 2021, the City Council developed and directed the foregoing approach to these unique exemptions for Stormwater Management Assessments provided for in this subsection.

(I) Provided, however, the City Council cannot and does not contract away its police power, including the right and ability in the future to impose Stormwater Management Assessments against Tax Parcels determined to be exempt, in whole or in part, hereunder to the extent permitted by law, for any reason including lack of reasonable cooperation or willingness to pay for a share of the Stormwater Management Assessment Cost, or otherwise in the event required or directed to do so by a court of competent jurisdiction.

SECTION 3.07. EFFECT OF ANNUAL ASSESSMENT RESOLUTION. The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the legal sufficiency of this Resolution, the method of apportionment and assessment, the approach and notice procedures and maximum rates associated with the future Assessments or use of the indexing features employed by the City, the legality and validity of the Assessment Ordinance in all respects, the rate or rates of assessment, the Assessment Roll, the levy and lien of the Assessments, and the means and method of notice, collection and enforcement), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Council's adoption of this Annual Assessment Resolution.

[Remainder of page intentionally left blank.]

ARTICLE IV
GENERAL PROVISIONS

SECTION 4.01. AUTHORIZATIONS. The Mayor and any member of the City Council, the City Manager, the City Attorney, the City Engineer, the City Clerk, and such other officials, employees or agents of the City as may be designated by the City Council are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the City that are necessary or desirable in connection with the imposition and collection of the Stormwater Management Assessments contemplated hereunder (including the timely notice and indexing in ensuing years and budget periods), and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

SECTION 4.02. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4.03. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

SECTION 3.04. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED and ADOPTED at a meeting of the City Council of the City of Panama City Beach, Florida, on the 25th day of July, 2024.

PANAMA CITY BEACH CITY COUNCIL

By: _____
Stuart Tettemer, Mayor

(SEAL)

ATTEST:

_____
Lynne Fasone, City Clerk

APPENDIX A

PROOF OF PUBLICATION

Column

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

Column Software, PBC
331 NW 26th St, Suite 304
Miami, FL, 33127

Before the undersigned authority personally appeared Yuade Moore, who on oath says that he or she is an agent of Column Software, PBC; that the attached copy of advertisement, being a legal advertisement or public notice of Display Ad in the matter of Public Notice Public Hearing on Assessments, was published on the publicly accessible website of FL, hosted by Column Software, PBC on

Jul 2, 2024,Jul 5, 2024

and that the fees charged are legal.

Affiant further says that the website complies with all legal requirements for publication in chapter 50, Statutes; and affiant further says that he or she has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication on said website.

Notice ID: RUGreZ4a5dRxqLEH12pE
Publication Fee: $0.00

Yuade Moore
Agent

PAMELA BAEZ
Notary Public - State of Florida
Commission # HH 186700
Expires on October 14, 2025

VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 07/05/2024

Notary Public

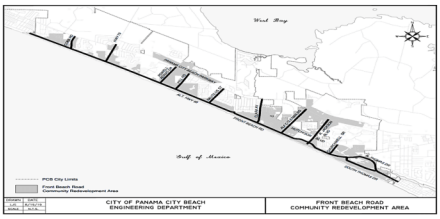
Notarized remotely online using communication technology via Proof.

COMBINED ANNUAL PUBLISHED NOTICE OF PUBLIC HEARINGS CONCERNING NON-AD VALOREM ASSESSMENTS IMPOSED WITHIN PANAMA CITY BEACH, FLORIDA, TO FUND ONLY IN PART THE COSTS OF BENEFITS RELATED TO:

(1) FIRE SERVICE ASSESSMENTS
(IMPOSED CITY-WIDE);

(2) STORMWATER MANAGEMENT ASSESSMENTS
(IMPOSED CITY-WIDE);

(3) CERTAIN REDEVELOPMENT RELATED ASSESSMENTS
(ONLY IMPOSED WITHIN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA).



The property subject to the assessments lies within the City of Panama City Beach, Florida.

PUBLIC HEARING

The City Council has scheduled a public hearing to be held on July 25, 2024, at 9:00 a.m. in the City Council Chambers at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida, for the purpose of receiving comments on these proposed annual non-ad valorem assessments, and any associated resolutions. The City of Panama City Beach does not impose any ad-valorem property taxes.

You are invited to attend or appear at the public hearing, and/or to file written comments or objections with the City Clerk, indicating the particular assessment, if applicable, and addressed to the City Council within 20 days of this Notice. Please send your written comments in care of the City Clerk by email to specialassessments@pcbfl.gov.

The individual dollar amount attributed to the proposed rate of assessment for each affected tax parcel in the City and other information concerning all three assessment programs is also available online at the City's website (on interactive assessment rolls searchable by owner name, location and parcel number) or accessible by computer terminal upon inquiry at the office of the City Clerk, at City Hall. Please go to http://www.pcbfl.gov/sa for more information.

FIRE SERVICE ASSESSMENT

The City's annual non-ad valorem Fire Service Assessment finances a large portion of the annual operating and capital costs associated with the Panama City Beach fire department. If approved by City Council, the rate of assessment for each tax parcel is proposed to be the sum of (i) seventy-eight cents ($0.78) per $1,000 of the value of improvements attributed to the tax parcel identified by the Bay County Property Appraiser (Tier 1), plus (ii) $95.66 per tax parcel (Tier 2).

STORMWATER ASSESSMENT

The City's annual non-ad valorem Stormwater Assessment finances a large portion of the annual operating and capital costs associated with the City's public works stormwater management responsibilities. If approved by City Council, the rate of assessment for each tax parcel is proposed to be the sum of (i) the sum of forty-nine cents ($0.49) per $1,000 of the value of improvements attributed to the tax parcel identified by the Bay County Property Appraiser (Tier 1), plus (ii) $48.30 per tax parcel (Tier 2).

FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA ASSESSMENT.

This annual non-ad valorem assessment, unlike the Fire Service Assessment and Stormwater Assessment above, is NOT imposed city-wide and only encompasses areas enveloped in the associated community redevelopment plan for this area (see graphic above). This annual non-ad valorem assessment was determined by the local court to be proportional and to benefit all lands within the community redevelopment area or "CRA", as a valid function of the associated community redevelopment plan, and honors interlocal agreement to defray a portion of the administrative, operational and maintenance expense of overseeing extraordinary community redevelopment activities within or related to this specific community redevelopment area by combining two (2) categories of charges for this special assessment. If approved by the City Council after the hearing, the rate of assessment for each tax parcel identified by the Bay County Property Appraiser is proposed to be the combination of the following:
Category A: Budgeted costs of a portion of administrative and ministerial activities (approximately $496,106) shared within this CRA equally per parcel among all parcels will be the sum of $38.95 per tax parcel; plus,

Category B: Budgeted costs of a portion of continued maintenance, upkeep and capital equipment for this CRA (approximately $481,751) weighted and shared based upon a combination of three (3) relative attributes or factors:
(1) the heated or air-conditioned square footage reported in the public records of the local property appraiser (approximately 60% weight, or approximately $191,510) will be nine-tenths of one cent ($0.009) per square foot;
(2) the improvement value for each parcel, which is the result of the reported just value minus the reported land value in the public records of the local property appraiser (approximately 30% weight, or approximately $218,490 will be four cents ($0.04) per $1,000 of improvement value; and,
(3) the land value for each parcel reported in the public records of the local property appraiser (approximately 10% weight, approximately $71,751) will be six cents ($0.06) per $1,000 of land value.

ADDITIONAL INFORMATION

This published Notice is intended to inform you of the maximum rates the City may impose in FY 2024-25 for these three non-ad valorem assessments. The rates of these non-ad valorem assessments for the Fiscal Year beginning October 1, 2024, will be considered in the context of not exceeding *the average annual growth rate in Florida personal income over the previous 5 years* from 2019 to 2024, which is 7.47%, and forms a cognizable indexing feature judicially approved as fair and reasoned in the manner provided for by law and the City's ordinances. However, the City is only considering such increases be the lesser of the index or 4%. Accordingly, for the purposes of the public hearing all of the three (3) assessment program rates noticed above reflect and are proposed to be increased by 4% over those assessment rates adopted for FY 2023-24. The City Council has previously determined and individually noticed that maximum rates should be increased from year to year in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years, or similar successor index. to account for growth, inflation, the change in purchasing value of money, or similar purchasing or cost increase variables.

The amount of net revenue the City expects to collect using the specific assessment rates described in this Notice, after accounting for statutory early payment discounts necessarily associated with the use of the uniform method of collection, commissions and fees charged by the County or its constitutional Tax Collector and Property Appraiser Offices (by law actual costs), and the City's charge to defray associated program development, advertising, implementation and administrative costs ($5 per tax parcel for each assessment) for each of the three (3) programs, is estimated to be (1) $7,530,885 for the Fire Service Assessment, (2) $4,487,690 for the Stormwater Management Assessment, and (3) $977,857 for the Front Beach Road Community Redevelopment Area Assessment. For each specific assessment such revenues collected must be used exclusively to respectively fund the associated budget for each of these respective programs in our City.

Payment of the assessments will be due and collected as special assessments on the same bill as taxes to be mailed around November 1, 2024. General law requires that affected property owners be reminded that: Until paid, each of the Fire Service Assessment, the Stormwater Management Assessment, and the Front Beach Road Community Redevelopment Area Assessment will constitute liens against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments become delinquent in the same manner as for unpaid taxes, and failure to pay the upcoming assessment will cause a tax certificate to be issued against the property which may result in loss of title.

If you decide to appeal any decision made by the City Council with respect to any matter considered at or after the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. This published Notice is compliant with the requirements of law, and at the same time shares and directs the reader to further overview or information.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN THE HEARINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (850) 233-5100.

TO BE PUBLISHED AT THE DIRECTION OF THE CITY OF PANAMA CITY BEACH ON OR BEFORE July 5, 2024.

LOCALiQ
The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Lynne Fasone
Lynne.Fasone@pcbfl.gov
City of Panama City Beach
17007 Panama City Beach PKWY
Panama City Beach FL 32413-5225

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Panama City News Herald, published in Bay County, Florida; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of Bay County, Florida, or in a newspaper by print in the issues of, on:

07/10/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/10/2024

Legal Clerk

Notary, State of WI, County of Brown

3-7-27
My commission expires

Publication Cost:	$576.80
Tax Amount:	$0.00
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Order No:	10361790
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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

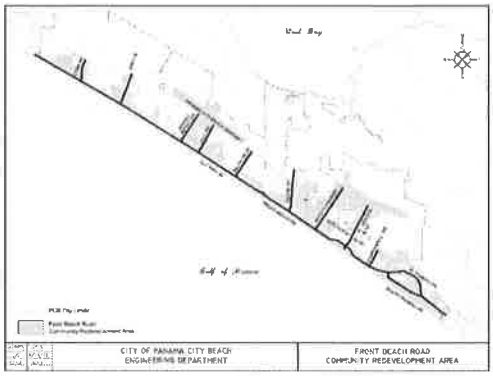
KAITLYN FELTY
Notary Public
State of Wisconsin

COMBINED ANNUAL PUBLISHED NOTICE OF PUBLIC HEARINGS CONCERNING NON-AD VALOREM ASSESSMENTS IMPOSED WITHIN PANAMA CITY BEACH, FLORIDA, TO FUND ONLY IN PART THE COSTS OF BENEFITS RELATED TO:

(1) FIRE SERVICE ASSESSMENTS (IMPOSED CITY-WIDE);

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(3) CERTAIN REDEVELOPMENT RELATED ASSESSMENTS (ONLY IMPOSED WITHIN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA).



The property subject to the assessments lies within the City of Panama City Beach, Florida.

PUBLIC HEARING

The City Council has scheduled a public hearing to be held on July 25, 2024, at 8:00 a.m. in the City Council Chambers at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida, for the purpose of receiving comments on these proposed annual non-ad valorem assessments, and any associated resolutions. The City of Panama City Beach does not impose any ad-valorem property taxes.

You are invited to attend or appear at the public hearing, and/or to file written comments or objections with the City Clerk, indicating the particular assessment, if applicable, and addressed to the City Council within 20 days of this Notice. Please send your written comments in care of the City Clerk by email to specialassessments@pcbfl.gov.

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ADDITIONAL INFORMATION

This published Notice is intended to inform you of the maximum rates the City may impose in FY 2024-25 for these three non-ad valorem assessments. The rates of these non-ad valorem assessments for the Fiscal Year beginning October 1, 2024, will be considered in the context of not exceeding *the average annual growth rate in Florida personal income over the previous 5 years* from 2019 to 2024, which is 7.47%, and forms a cognizable indexing feature judicially approved as fair and reasoned in the manner provided for by law and the City's ordinances. However, the City is only considering such increases be the lesser of the index or 4%. Accordingly, for the purposes of the public hearing all of the three (3) assessment program rates noticed above reflect and are proposed to be increased by 4% over those assessment rates adopted for FY 2023-24. The City Council has previously determined and individually noticed that maximum rates should be increased from year to year in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years, or similar successor index, to account for growth, inflation, the change in purchasing value of money, or similar purchasing or cost increase variables.

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TO BE PUBLISHED AT THE DIRECTION OF THE CITY OF PANAMA CITY BEACH ON OR BEFORE July 10, 2024.

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:	***2. MEETING DATE:***
Holly White, Community Redevelopment Agency	July 25, 2024

3. REQUESTED MOTION/ACTION:

After allowing for a brief program overview, and listening to comments from the public, closing the public hearing, and deliberation, adopt the Annual Assessment Resolution.

4. AGENDA:

REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: N/A

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY:
Financial Health
Transportation

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

This annual assessment is a function of the City's responsibility and interlocal obligation to Bay County in conjunction with the City's community redevelopment agency and the associated Front Beach Road community redevelopment plan. In compliance with the City's objectives in the court-approved redevelopment plan, it defrays a portion of the annual administrative, operational and maintenance expense of overseeing community redevelopment activities related to the Front Beach Road community redevelopment area.

This assessment is charged only within the Front Beach Road redevelopment area (within bounds including parcels and an area carefully crafted and court-approved in the early 2000's). The Circuit Court also later validated the approach and legality of this assessment program in 2019.

By Council direction, published, publicly announced and previously individually mailed (and also approved by the circuit court) these charges have been indexed based upon the average annual growth rate in Florida personal income over the previous 5 years. Such indexing factor, determined from recent data developed by the Bureau of Economic Analysis, U.S Department of Commerce, is 7.47%. The City does not levy any ad valorem property taxes, and a portion of the taxes paid by these assessed properties to Bay County (called annual 'tax increment revenue') is properly diverted from County property taxes paid by these City property owners in this redevelopment area each year and separately funds the vast majority of the multi-year capital improvement program in this Front Beach Road Community Redevelopment Area.

While this index indicates a rate increase in the amount of 7.47%, City staff elected to advertise a maximum rate increase of 4%.

The rate of assessment is based upon a two tier formula. First, each parcel is assessed rate based upon the heated and cooled square footage, value of the buildings or improvements on the parcel, and the value of the land. The second tier each property parcel of property is assessed a base per parcel rate that is uniform across all parcels.

The following is breakdown of the current and proposed rates:
2022 + 2023:
Base Rate: $37.45 per parcel
Weighted Value Rate:
60%: $.008 per square foot of heated and cooled space.
30%: $.03 per $1,000 of building value.
10: $.05 per $1,000 of land value.

Proposed 2024 with 4% increase:
Base Rate: $38.95 per parcel
Weighted Value Rate:
60%: $.009 per square foot of heated and cooled space.
30%: $.04 per $1,000 of building value.
10: $.06 per $1,000 of land value.

The amounts of these assessments have been properly noticed and indexed per Ordinance 1498 in conformance with prior Council direction and mailed notices sent in prior years.

Staff will organize and share emailed comments with the Council for advance review. Also for advance review, an annual update letter report has been supplied by the City's economic consultant, Dr. Owen Beitsch, and posted on the City's website.

Res 24-158.CRA Assessment FY 2024-2025.pdf
PCB CRA Report FY 2025 Final.pdf
Bay County Public Notice.Assessments.Affidavit Proof of Publication.pdf
News Herald Public Notice.Assessments.Affidavit Proof of Publication.pdf

RESOLUTION NO. 24-158

A RESOLUTION OF THE CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, RELATING TO THE PROVISION OF FUNDING COMMUNITY REDEVELOPMENT RELATED CAPITAL, SERVICES, FACILITIES, OR PROGRAMS WITHIN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA; IDENTIFYING BENEFITS, BURDENS AND COSTS TO BE ASSESSED; ESTABLISHING THE METHOD OF APPORTIONING BENEFITS, BURDENS AND COSTS AMONG SPECIALLY BENEFITED PROPERTY; ADOPTING AN ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; PROVIDING FOR ASSOCIATED POLICY DIRECTION; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I

INTRODUCTION

SECTION 1.01. AUTHORITY. This Resolution of the City Council ("City Council") of Panama City Beach, Florida (the "City") is adopted pursuant to Ordinance No. 1498 (the "Assessment Ordinance"), the Front Beach Road Community Redevelopment Plan as extended (the "Redevelopment Plan"), Resolution No. 19-133 as may be amended, supplemented and confirmed from time to time (the "Initial Assessment Resolution"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 1.02. DEFINITIONS. This Resolution is the Annual Assessment Resolution for the Fiscal Year (sometimes called the budget year) commencing October 1, 2024, contemplated by Section 2.05 of the Assessment Ordinance. All capitalized words and terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance or the Initial Assessment Resolution, unless the context hereof otherwise requires.

SECTION 1.03. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.04. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The City's and its redevelopment agency's procedural compliance with the general law governing community redevelopment, the validity and sufficiency of the Front Beach Road Community Redevelopment Plan including the designation of the Front Beach Road Community Redevelopment Area set forth therein are in repose, and the legality of all proceedings in connection therewith were adjudicated with finality in

that certain Final Judgment rendered on July 9, 2003 by the Circuit Court in and for Bay County.[1]

(B) The provision of planned community redevelopment, among other things, inherently benefits properties in defined community redevelopment areas.

(C) Community redevelopment related capital, services, facilities and programs in the Front Beach Road Community Redevelopment Area possess a logical relationship to the value, use and enjoyment of real property by, among other things: (1) implementing planned and transformative blighted area remediation, advancing local, regional and even wider market place competitiveness, and protecting the value of properties, land value and improvements and structures thereon in this coastal area; (2) protecting the life and safety of residents, intended occupants, visitors, and tourists in the use and enjoyment of such real property, and thus increasing the utility and value of properties within the community redevelopment area; and, (3) lowering potential for liability claims and associated increases in the cost of casualty or liability insurance to property owners within this community redevelopment area. Such benefits occur on both vacant and developed property.

(D) Substantial benefits resulting from expenditures for community redevelopment related capital, services, facilities or programs provided from statutory

[1] Panama City Beach v. State, No. 03-1849 (Fla. 14th Cir. Ct. 2003); recorded in Official Record 2305, at page 1264 of the Public Records of Bay County, Florida.

redevelopment funding to properties within the Front Beach Road Community Redevelopment Area have occurred, are present in the Front Beach Road Community Redevelopment Area, have served to benefit properties and have and reasonably will continue to logically transform and increase the value, use and enjoyment of all properties within this entire community redevelopment area, as well as create present, lasting and reasonably expected long term economic advantage to properties within the Front Beach Road Community Redevelopment Area.

(E) Special benefits from the expenditure of funds for community redevelopment related capital, services, facilities or programs to affected lands provided from proceeds of a special assessment within the Front Beach Road Community Redevelopment Area fairly include, by way of example and not limitation, improved traffic circulation and capacity, improved use of right of ways, bettering a sense of place and tourism market competitiveness for properties, assured development capacity, better ingress and egress with an eye toward public safety, better capacity to evacuate from and protect properties and improvements during storm events, enhancements to quality and superiority of place, visual improvements (including landscaping and hard infrastructure), thoughtful connection of the entire redevelopment area to the regional transportation system, and the introduction,

accomplishment and continual availability of such benefits which serve to address and remediate documented and recognized blighted area conditions.

(F) Pursuant to the Assessment Ordinance, the City adopted the Initial Assessment Resolution imposing special assessments to provide for the funding, in part for certain community redevelopment related capital, services, facilities and programs for the Fiscal Year commencing October 1, 2019, and provided for collection thereof pursuant to the direct billing method of collection described in Article III of the Assessment Ordinance.

(G) In late 2019 the City also obtained a Final Judgment from the Circuit Court in and for Bay County[2] that validated and confirmed, among other things, the legality and validity of the Assessment Ordinance, the Initial Assessment Resolution, the reasoned ability to legally rely upon the imposition of special assessments in the form of Community Redevelopment Assessments to annually apportion costs associated with community redevelopment related capital, services, facilities and programs to fund and finance capital equipment, the methods of notice, collection and enforcement of the Community Redevelopment Assessments, the burdens relieved and special benefit conveyed by the community redevelopment related capital, services, facilities and programs funded in part through the Community Redevelopment Assessments, the

[2] Panama City Beach v. State, No. 19-4258 (Fla. 14th Cir. Ct. 2019); recorded in Official Record 4199, at page 2214 of the Public Records of Bay County, Florida.

propriety of the Front Beach Road Community Redevelopment Plan as extended, the lawful use of the City's indexing mechanism addressing the maximum annual assessment each year, the superior nature of lien of the Community Redevelopment Assessments and the legality of all proceedings and matters in connection therewith (the "Final Judgment").[3]

(H) Each property owner was provided a direct-mailed bill for Fiscal Year 2019-20 Community Redevelopment Assessments specific to each property assessed and additional notice and information concerning the anticipated non-ad valorem Community Redevelopment Assessments for Fiscal Year 2020-21. On January 2, 2020, additional notice was also published in a newspaper of general circulation. These notices, among other things briefly explained and informed of the maximum rate of assessment and the indexing feature to be used in subsequent years.

(I) The Assessment Ordinance provides for the adoption each year of an Annual Assessment Resolution approving and confirming the Community Redevelopment Assessment Roll.

(J) In advance of July 25, 2024, the City Council received and reviewed an update report prepared by Owen M. Beitsch, Ph.D., FAICP, CRE (the "Annual FY 2024-25 Update" or "Update") and considered same along with advice and public input from

[3] *Id.*

City officials, advisors and staff, and such information has contributed to the annual budget consideration process for use of the Community Redevelopment Assessment as a component part of the overall annual City budget in the confirmation process of the proposed rates of assessments for Category A and Category B Assessment components and associated budgeted Assessed Cost to be underwritten therefrom.

(K) The Community Redevelopment Assessment Roll (along with additional explanatory information on the City's website) has heretofore and continues to be made available for inspection by the public. All notice required to be provided to a property owner in the manner required by the Uniform Assessment Collection Act and the Assessment Ordinance has been duly provided.

(L) A public hearing was held on July 25, 2024, and comments, concerns and objections of all interested persons have been duly received, heard and considered. Additionally, the City Council has reviewed the Update from Dr. Beitsch, and all matters referenced and incorporated therein. All of the foregoing has been considered in the context of public discussion or comment upon the subject of funding community redevelopment related capital, services, facilities and programs at regularly scheduled meetings and workshops of the City Council on several occasions, including June 27, 2019, July 25, 2019, August 22, 2019, September 12, 2019, September 26, 2019, November

14, 2019, January 9, 2020, January 23, 2020, August 26, 2021, June 23, 2022, and May 25 , 2023, and July 25, 2024, as well as the overall fiscal and other circumstances of the City.

(M) All requirements for collection of the Community Redevelopment Assessments via the uniform method of collection have been timely met, and upon delivery of a certified assessment roll free of errors of omissions to the Bay County Tax Collector on compatible electronic media on or before September 16, 2024, the collection of the Community Redevelopment Assessments via the uniform method of collection is a ministerial duty of the Bay County Tax Collector.

(N) The Assessments contemplated in this Resolution are imposed by the City Council, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

(O) The Final Judgment expressly provides that: "The Community Redevelopment Assessments are not imposed by the Bay County Property Appraiser or the Bay County Tax Collector. The statutory duties of the property appraiser and the tax collector are unaffected by the City's use of information produced by such entities. Any duties of the property appraiser or the tax collector in regard to the collection of the Community Redevelopment Assessments under section 197.3632 [Florida Statutes,] are wholly ministerial and the property appraiser and the tax collector are without any

discretion with regard to the collection of Community Redevelopment Assessments on the tax notice once the City elects to use this method and complies with the requirements of section 197.3632." The City has fairly and carefully complied with the Assessment Ordinance and all general law provisions in adopting this Resolution.

(P) The legislative determinations and findings set forth in the Initial Assessment Resolution, and the Final Judgment have again been considered and are also hereby in context incorporated herein by reference.

(Q) The City Council hereby finds and determines that the Community Redevelopment Assessments to be imposed in accordance with this Resolution provide a proper and equitable method of funding associated community redevelopment related capital, services, facilities and programs by fairly and reasonably allocating a portion of the cost thereof among specially benefitted property.

(R) The benefits to property and methods of apportionment provided for herein, and the use of proceeds of the non-ad valorem assessment to pay for capital equipment and facilities have been judicially validated as for proper, legal and paramount public purposes and fully authorized by law in the Final Judgment; and are hereby ratified, confirmed and advanced as being employed and similarly used by and for the purposes of this Resolution.

(S) The City Council is cognizant that any system, metric, or analytical view of appraising benefits or assessing costs will be open to some criticism or suggestion of alternative methods or approaches and has labored to educate itself as to the facts, analysis, law, and policy latitudes available to it in determining the Assessed Cost and the rate of the Community Redevelopment Assessment in the process of approving the Assessment Roll.

(T) The apportionment among Tax Parcels of a portion of the City's annual budget for community redevelopment services, facilities and programs represented by the assessment rates and Assessments hereby adopted (using the concept and method sometimes called the "Simplified Approach"™), are reasonably characterized as necessary and for a public purpose in this circumstance, and a fair and reasonable means to annually allocate and share benefits, burdens and costs associated with community redevelopment related capital, services, facilities or programs within the Front Beach Road Community Redevelopment Area.

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ARTICLE II

ASSESSMENTS

SECTION 2.01. ESTIMATED ASSESSED COST; RATE OF ASSESSMENT.

(A) Exclusive of all administration and collection costs and all fees and all adjustments associated with the uniform method of collection provided for in the Assessment Ordinance, the estimated Assessed Cost to be recovered through Assessments for the Fiscal Year commencing October 1, 2024, is $977,857, consisting of $496,106 for Category A – apportioned per Tax Parcel, and $481,751 for Category B – apportioned based upon the weighted sum of relative attributes of square footage, improvement value and land value for each Tax Parcel.

(B) The Assessments established in this Annual Assessment Resolution are determined by the assessment rates prepared for consideration by the public and City Council in the preparation of the Assessment Roll for the Fiscal Year commencing October 1, 2024. As provided for in the Assessment Ordinance, the rate of Community Redevelopment Assessment for the Fiscal Year beginning October 1, 2024, has been considered in the context of the *average annual growth rate in Florida personal income over the previous 5 years* from 2019 to 2024, which has been determined to be 7.47%, using information from the Bureau of Economic Analysis, affiliated with the United States

Department of Commerce. The notice and intent to employ such approach has been previously noticed by mailed and published notice along with and in the context of maximum rates established in 2019, in addition to further published and mailed notice again in 2021 in the context of increasing the annual rate of Community Redevelopment Assessments by using such a cognizable indexing feature in the manner provided for in the Ordinance and directed by the City Council. However, the City is only considering such increases be the lesser of the index or 4%. The rate of Community Redevelopment Assessment for the fiscal year commencing October 1, 2024, accordingly, is directed to include such adjustment at 4%.

(C) The rate of Assessment is therefore to be (1) $38.95 for each Tax Parcel as reflected in the Tax Roll (Category A), plus (2) the sum of the following for each Tax Parcel (Category B):

(1) the heated or air-conditioned square footage obtained from public records including those determined by or obtained from the Property Appraiser (approximately 60% weight of the Category B associated Assessed Cost) multiplied by $0.009 (i.e., nine-tenths of one cent) per square foot;

(2) the improvement value for each parcel, which is the result of the reported just value minus the reported land value obtained from public records determined by the Property Appraiser (approximately 30% weight of Category B

associated Assessed Cost) multiplied by $0.04 per $1,000 of improvement value; and,

(3) the reported land value for each parcel obtained from public records determined by the Property Appraiser (approximately 10% weight of Category B Assessed Cost) multiplied by $0.06 (six cents) per $1,000 of land value.

(D) At the time of certification of the Assessment Roll for collection, the Assessment Coordinator shall also include in the Assessed Cost apportioned to each Tax Parcel all applicable administration and collection costs.

SECTION 2.02. ASSESSMENT ROLL

(A) The Assessment Roll used for the Fiscal Year commencing October 1, 2024, a copy of which is posted and available on the City's website and contains the following information:

(1) a summary description of each Tax Parcel (conforming to the description contained on the Tax Roll maintained by the Property Appraiser for the purpose of levying and collecting ad valorem taxes) which is intended to be subject to the Assessment;

(2) the name of the owner of record of each Tax Parcel, as shown on the Tax Roll; and

(3) the proposed description and amount of the total Assessment for Assessed Cost for each affected Tax Parcel for the fiscal year commencing October 1, 2024, exclusive of the anticipated costs of collection and administration.

(B) The Assessment Roll shall be necessarily updated from time to time in due course, to show changes in parcel configuration or other administrative corrections. In the event the Assessment Coordinator makes any administrative or other similar modifications to the Assessment Roll authorized by the Assessment Ordinance, this Resolution or otherwise, funding for such changes to the Assessment Roll may be funded by legally available funds other than direct proceeds of the Assessments. Such changes shall not require any recalculation or change in the rate or rates of assessment otherwise considered or adopted pursuant to the Assessment Ordinance or this Annual Assessment Resolution. For the avoidance of doubt and to increase administrative efficiency, to the extent practicable the determination of improvement and land values may be based upon certified data from the most recent Tax Roll, which will automatically adjust and be self-correcting in each subsequent year. If necessary and as reasonably required, the Assessment Coordinator is authorized to use data and data points employed in a prior Tax Roll or Assessment Roll or other public records, in any combination, to address anomalies or modifications in public records resulting from on-

going parcel changes or reconfigurations within the Front Beach Road Redevelopment Area constantly occurring in due course; and, if necessary, may provide for further notice and opportunity to be heard to affected property owners including use of the Property Appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under section 200.069, Florida Statutes, or any other form of mailed notice, or otherwise budget or pay the difference (increase) from that shown on the Assessment Roll hereby approved from other legally available funds.

(C) In the event the City also imposes or collects an impact fee upon new growth or development for capital improvements related to such community redevelopment capital, services, facilities or programs, the special assessments provided for hereunder shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee, or which are otherwise funded by such impact fee.

(D) Copies of the Assessment Ordinance, this Resolution and the preliminary Assessment Roll have been made available in the City Clerk's office at 17007 Panama City Beach Parkway, Panama City Beach, Florida, and have been open to public inspection in a manner consistent with the Assessment Ordinance. Information concerning the reasoned approach taken by the City Council, the Assessment Roll and method of Assessment for each Tax Parcel has been noticed and available at or through

the City's website, which is accessible through the internet at www.pcbfl.gov and at the City Clerk's office located at 17007 Panama City Beach Parkway, Panama City Beach, Florida.

(E) In the event the Assessment Coordinator makes any corrections, authorized exemptions or deferrals or other modifications to the Assessment Roll authorized by the Assessment Ordinance, this Resolution, or otherwise changing or reducing substantially the Assessment proceeds, all funding for such changes to the Assessment Roll may be funded by legally available funds other than direct proceeds of the Assessments. Such changes shall not require any recalculation or change in the rate or rates of assessment otherwise considered or adopted pursuant to the Assessment Ordinance or any Annual Assessment Resolution.

SECTION 2.03. NOTICE BY PUBLICATION AND MAIL.

(A) The Assessment Coordinator has directed the publication of notice of a public hearing in the manner and time provided in the Assessment Ordinance, and the Uniform Assessment Collection Act. Proof of timely and compliant publication of the notice is attached hereto as Appendix A.

(B) No applicable circumstances in Section 197.3632 (4)(a), Florida Statutes, or the Assessment Ordinance, requires further individually mailed notice of the public hearing.

SECTION 2.04. PUBLIC HEARING. A public hearing was held on July 25, 2024, commencing at or about 9 A.M. in City Hall Council Chambers, 17007 Panama City Beach Parkway, Panama City Beach, Florida, at which time the Council received and considered information and comments on the Assessments for the Fiscal Year commencing October 1, 2024, from City staff, experts and advisors, as well as the public and affected property owners, and considered imposing Assessments and the method of collection thereof as provided by the Assessment Ordinance.

SECTION 2.05. IMPOSITION.

(A) Assessments shall be imposed against Tax Parcels located within the Front Beach Road Community Redevelopment Area, the annual amount of which shall be computed for each Tax Parcel in accordance with this Resolution and shall include all administration and collection costs, charges and adjustments provided for in the Assessment Ordinance. When imposed, the Assessment for each Fiscal Year shall constitute a lien upon Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments as provided in the Assessment Ordinance.

(B) Upon adoption hereof, Assessments are to be levied and imposed throughout the Front Beach Road Community Redevelopment Area within the

boundaries of the City and this Resolution for the Fiscal Year commencing October 1,, 2024, shall be deemed to be adopted and confirmed for all purposes.

SECTION 2.06. APPORTIONMENT APPROACH.

(A) As provided for herein, the Assessed Cost shall be apportioned among all Tax Parcels within the Front Beach Road Community Redevelopment Area, not otherwise exempted hereunder, and including any statutorily defined parcels such as multiple parcel buildings, individual condominium or cooperative units with extraordinary alienability. The estimated Assessed Cost and rate of Assessment shall be that described in section 2.01 hereof.

(B) It is hereby ascertained, determined, and declared that the method of determining the Assessments as set forth in this Annual Assessment Resolution is a fair and reasonable method of paying for, equitably and efficiently recovering amounts equivalent to benefits received and burdens created, and apportioning the Assessed Cost among Tax Parcels of Assessed Property located within the Front Beach Road Community Redevelopment Area.

(C) The Assessment Roll is hereby approved.

SECTION 2.07. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Assessments, after payment of costs and expenses associated with collection and administration of the Assessments, shall be utilized for

the provision of community redevelopment related capital, services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund costs associated with such community redevelopment related capital, services, facilities, and programs within the Front Beach Road Community Redevelopment Area.

SECTION 2.08. COLLECTION OF ASSESSMENTS. For the Fiscal Year commencing October 1, 2024, and all subsequent years, the City Council has previously announced and directed, and hereby ratifies and confirms such determination to use the uniform method of collection to collect and enforce the Assessments pursuant to the Uniform Assessment Collection Act in the manner provided herein.

SECTION 2.09. DIRECTION CONCERNING ANY EXEMPTION.

(A) Tax Parcels which are statutorily exempted from the payment of ad valorem taxes are in most circumstances subject to the Assessments contemplated hereunder. Tax Parcels classified or described by the Property Appraiser as institutionally tax exempt, have been previously included in other non-ad valorem assessments imposed by the City, and are subject to the Assessments contemplated hereunder.

(B) Tax parcels comprising Government Property have not been subjected to the Assessments contemplated hereunder. Such Tax Parcels include those classified or

described by the Property Appraiser as government-owned, including the following: (1) military, (2) forest, parks, recreational, (3) public county schools, (4) public colleges, (5) public hospitals, (6) other county-owned property, (7) other state-owned property, (8) other federal-owned property, and (9) other municipal-owned property. Provided, however, each such Government Property owner may be approached by the Mayor, or such person's designee, and asked to pay as a fee or charge an amount comparable to the Assessment for each such Government Property. Said amount may be invoiced annually, quarterly or monthly in accordance with section 3.04 of the Assessment Ordinance.

(C) The following Tax Parcel classifications are special designations used by the Property Appraiser for recordkeeping purposes and do not represent actual or assessable Tax Parcels and are not subject to the Assessments contemplated hereunder: (1) common element, (2) header record, and (3) notes parcel.

(D) Certain Tax Parcels associated with the following classifications used by the Property Appraiser typically do not receive a special benefit from the provision of community redevelopment capital, services, facilities or programs or are infeasible or impractical to assess, and therefore the Assessment Coordinator may direct same are not subject to the Assessments contemplated hereunder: (1) right-of-way (including beach access), (2) rivers, lakes & submerged land, (3) sewage disposal & waste lands,

and (4) (government owned) outdoor recreation or parkland.

(E) Tax Parcels associated with the following classifications used by the Property Appraiser receive a special benefit from the provision of community redevelopment capital, services, facilities or programs and are subject to the Assessments contemplated hereunder: (1) cropland, (2) timberland, (3) grazing land, (4) orchards and groves, (5) apiary, aquaculture, fowl, horse, and other animals, and (6) nursery, floriculture, sod production, and hydroponics. As the assessments contemplated hereunder are not imposed pursuant to chapter 170, Florida Statutes, any exemption from assessment for certain agricultural or other lands described therein does not apply. In the event a court of competent jurisdiction determines that certain agricultural or other lands are not subject to the Assessments, the imposition of the Assessments on such properties or portions of properties not subject to the Assessments shall be severed from this Resolution and an amount equivalent to that which would have been raised by such levy shall be paid from other legally available funds.

(F) The classifications of properties in this section which are or may be exempted, in whole or in part, are reasonably determined to be inappropriate, infeasible or impracticable to assess, and either benefit marginally or create a lesser or nominal demand or burden on the City's costs associated with this community redevelopment area, do not merit the expenditure of public funds to impose or collect the Assessments,

are exempt and/or otherwise generally serve in some respect to promote the public health, safety, morals, general welfare, security, prosperity and contentment of the inhabitants, residents, visitors and property owners within the Front Beach Road Community Redevelopment Area. The Assessment Coordinator, or such person's designee, is authorized and directed to use sound judgment in extending such determinations and guidance as the Assessment Roll is collected. The foregoing classifications of properties not to be assessed do not include Government Property that is leased for private use.

(G) Based upon the foregoing, there are relatively few exempt properties within the Front Beach Road Community Redevelopment Area. Using legally available funds other than the proceeds of the Assessments, the City shall otherwise fund or contribute an amount equal to the Assessments that would have been otherwise derived, in whole or in part, from such exempt properties.

(H) Provided, however, the City Council reserves the right and ability in the future to impose Assessments against Tax Parcels determined to be exempt, in whole or in part, hereunder to the extent permitted by law, for any reason including lack of reasonable cooperation or willingness to pay for a share of the Assessed Cost, or otherwise in the event required or directed to do so by a court of competent jurisdiction.

SECTION 2.10. EFFECT OF ANNUAL ASSESSMENT RESOLUTION.

The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment and assessment, the approach and notice procedures and maximum rates associated with the future Assessments or use of indexing features employed by the City, the legality and validity of the Assessment Ordinance in all respects, the rate or rates of assessment, the Assessed Cost, the Assessment Roll, the levy and lien of the Assessments, and the means and method of collection and enforcement including all associated rates, fees and charges and the means and method of notice, collection and enforcement), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Council's adoption of this Annual Assessment Resolution.

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ARTICLE III

GENERAL PROVISIONS

SECTION 3.01. AUTHORIZATIONS. The Mayor, the City Manager, the City Attorney, the Clerk, the Community Redevelopment Agency Director and such other officials, employees or agents of the City as may be designated by the City Council are authorized and empowered, collectively or individually, to take all action and steps and to execute all direction, instruments and documents on behalf of the City that are necessary or desirable in connection with the imposition, confirmation and collection of the Assessments contemplated hereunder (including the timely notice and indexing in ensuing years and budget periods), and which are directed, authorized or are not inconsistent with the terms and provisions of this Resolution.

SECTION 3.02. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3.03. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

SECTION 3.04. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED and ADOPTED at a meeting of the City Council of the City of Panama City Beach, Florida, on the 25th day of July, 2024.

PANAMA CITY BEACH CITY COUNCIL

By: _____
Stuart Tettemer, Mayor

(SEAL)

ATTEST:

_____
Lynne Fasone, City Clerk

APPENDIX A
PROOF OF PUBLICATION

COMMUNITY SOLUTIONS GROUP

Planning | Urban Design
Landscape Architecture
Economics | Real Estate

July 10, 2024

Honorable Mayor Tettemer and City Council,
City of Panama City Beach, Florida
17007 Panama City Beach Parkway
Panama City Beach, Florida 32413

2024-25 Annual Update
Front Beach Road Community Redevelopment Assessment
City of Panama City Beach, Florida

Dear Mayor and City Council Members:

This letter summary addresses certain budget and allocation issues stemming from the implementation of a non-ad valorem assessment to support budgeted activities of the Panama City Beach Community Redevelopment Agency ("Agency") within the Front Beach Road Community Redevelopment Area ("FBRCRA") of your City.

The information described in this letter affirms prior decisions about non-ad valorem assessments and their allocation to various accounts or activities, providing a basis for continuing the method and assessment originally adopted by the City and validated by the local court in 2019. This information allows for a determination of the proposed assessment for any specific tax parcel, whether developed or undeveloped, in the entirety of the FBRCRA. This letter incorporates and references the detailed report prepared by GAI and submitted to the City in 2019.

BACKGROUND AND PURPOSE

In June of 2019, the City formally authorized GAI Consultants (GAI) to analyze the special benefits associated with various transportation related infrastructure and to explore options for defraying at least some of the annual administrative, operational and maintenance expense of overseeing certain capital facilities and improvements owned, managed, and/or maintained by the Agency within the FBRCRA.

Comprised of roads, sidewalks, landscaping and other features, the extensive infrastructure referenced in this letter is either now in service, undergoing construction, or undergoing design and benefits real property in the FBRCRA. Their operational and maintenance expense are the appropriate target or subject of special assessments as they were addressed in the City's 2001 redevelopment plan and in GAI's analysis in 2019. In the context of that analysis, such costs or expenses considered these primarily:

GAI Consultants, Inc.
618 E. South Street
Suite 700
Orlando, Florida 32801

T 407.423.8398
F 407.843.1070
gaiconsultants.com

- *Capital commitments* include all the normal costs of planning, engineering, and construction of major roads in the associated redevelopment area as well as various specialized equipment, streetscape, and landscaping upgrades within the rights-of way.
- *Administrative costs* are closely aligned with the specific management and coordination functions of certain community redevelopment staff and their activities associated within the FBRCRA.
- *Operating and maintenance costs* include regular mowing, watering, and attending to the landscaping enhancements, reserves for making periodic repairs stemming from usage and age, and the coordination and management costs associated with monitoring the scheduled upkeep required by the improvements in the FBRCRA.

The special assessments that would address these costs or expenses in the FBRCRA described comprise a levy made against certain real property in this carefully defined and judicially confirmed and affirmed community redevelopment area to recover all or part of the cost of the specific services or capital improvement deemed to benefit those real properties. The bounds and reasoning behind the parcels included in this community redevelopment area have twice been approved by the local courts.

When the assessment program was adopted, it was understood the reasoning and the use of the defined funding strategy and apportionment methodology underlying the program could remain unaltered or evergreen. Then each year the methodology embraced by the City and Agency for assessments contemplated by the redevelopment plan for the FBRCRA would be applied to standardized and publicly maintained mass appraisal data, part of which is certified to the Florida Department of Revenue, creating a sturdy, verifiable and self-correcting process year after year.

In brief, the methodology for calculating the assessment in the FBRCRA stems from a series of considerations associated with overall costs allocated to two discrete groups or classes that relate to: defraying administration of contracts, routine coordination, and various ministerial activities stemming from the overall management of the FBRCRA and its financial or reporting responsibilities (Category A); and, with regard to the FBRCRA broad upkeep of any related improvements and the establishment of reserves for periodic repairs, acquisition of needed capital equipment, and replacement (Category B) as further described below.

- ***Category A: Administrative and ministerial activities.*** The costs of Category A largely extend from the necessary functions outlined in Florida statute authorizing and regulating the activities of community redevelopment agencies. They include the allocated cost of staff salaries and various costs of supporting a functional office as well as the costs associated with the responsibility of continually monitoring the data from mass appraisal systems and verifying changes in individual tax records.

All assessable tax parcels within the FBRCRA fairly share in a portion of these annually budgeted costs on the basis of a uniform charge per parcel.

- ***Category B: Continued maintenance and upkeep.*** The costs assigned to Category B stem almost entirely from the coordination of improvements and the subsequent need for repair or upkeep. These expenses include reserves, repair, and replacement monies and could fund the lease or purchase of certain capital equipment to support various repair or maintenance activities. Such costs would be shared among all assessable parcels in the FBRCRA on the basis of an allocation reflecting a parcel's (1) relative scale or intensity of usage or activity [the square footage of any improvements tied to a tax parcel], (2) relative economic position [the value of those improvements], and (3) relative locational advantage identified for that tax parcel [value reported for the land].

As mentioned earlier, the local Circuit Court has also agreed that your City presented competent substantial evidence that the combination of both Categories A and B in the adopted assessment program has logical and identified relationships to the benefits, burdens and costs associated with use, enjoyment, and economic function of the affected tax parcels, creating a strong, rational, and proportionate funding vehicle that can be further linked to, or supplemented by, other legally available resources.

This letter comments on relevant legislation or case law associated with assessments generally and provides parameters for the upcoming assessment, assuring the methodology and procedures developed in the original ordinance and resolution adopted by the City and implemented by the Agency within the FBRCRA are maintained.

LEGAL CONTEXT

Special Assessments in General, Florida Law. Special assessments are a dedicated revenue source available to general purpose local governments to fund capital improvements or essential services. While discussion of the law governing special assessments included herein should not be construed as a legal opinion, there are legal guidelines to draw upon in laying out an assessment methodology which conforms to accepted principles and practices necessary to achieve legal validity. As established by Florida case law, two requirements exist for the imposition of a valid special assessment.

- The property assessed must derive a *special benefit* from the improvement or service provided; and
- The assessment must be *fairly and reasonably apportioned* among the properties receiving the special benefit.

Under both Florida's case law and certain statutory components, it is well settled that the benefit required for a valid special assessment may be measured or benchmarked against something other than simply an increase in real property market value. The concept of benefit also includes the relief of a burden or demand created by property as well as added use and enjoyment of the real property. The benefits, then, can be conceptual, but they must be capable of being evaluated by some metric and being apportioned in some reasonable manner. It is not necessary that the benefits be direct or immediate, but they must be substantial, certain, and capable of being realized within a reasonable time.

The benefits must be distinguishable or different from those of non-assessed properties, but they may coincidentally extend to non-assessed properties. Specifically, Florida's case law, as well as its statutory regime relating to special assessments, supports substantial latitude both in the means by which *benefit to, or relief of burden created by* real property is identified and determined and the subsequent manner by which an assessment itself is *calculated or apportioned*. Though Florida law requires that special assessments funding improvements or services must be fairly and reasonably apportioned, the State's Supreme Court has held that the method of apportionment is immaterial and may vary provided the amount of the assessment for each property *does not exceed the proportional benefits it receives compared to other properties.* All of these relevant legal issues were addressed by the City before the local court in 2019 and by law remain binding as to the use of assessment proceeds pledged to capital financing.

Judicial Approval of the assessment program in the FBRCRA in the City of Panama City Beach. Mr. Lawson and Ms. Myers took the City through a judicial validation procedure which involved this simplified method and apportionment approach, and the City has obtained a favorable ruling from the Circuit Court without appeal. The Circuit Court validated proposed revenue bonds based on the imposition of annual assessments using this "Simplified Approach" ™ made available for the City's use and detailed in the original GAI report. This validation entailed a detailed and well-reasoned judicial approval of the assessments and the simplified apportionment methodology associated with them. The validation serves the function of, among other things, providing political repose as to the legality of the City's chosen assessment regime. This same Simplified Approach is the subject of this brief update memorandum.

These assessments, by law, are imposed by the City Council, not the Property Appraiser or Tax Collector. Florida case law clearly provides that any collection and enforcement activity of the Property Appraiser or Tax Collector provided for as a result of the City Council imposing the described non-ad valorem assessments using the State's uniform method under the provisions of the City's redevelopment plan for the FBRCRA, the City's Ordinance or its Annual Assessment Resolution shall be construed solely as ministerial.

Due to the passage to time, we believe it important to share that the Circuit Court in its Final Judgment expressly determined that the City's indexing feature was

valid and provided a "reasonable measure of economic inflation, reasonably and lawfully fulfills economic obligations of the City and serves to properly protect the public treasury."

As well, the Court confirmed the authority of the City to use the proceeds of these annual assessments for capital borrowing, including specifically "the legality and validity of the Assessment Ordinance, the Annual Assessment Resolution"…"the imposition and means of ongoing annual collection of special assessments in the form of Community Redevelopment Assessments to annually fund community redevelopment essential services and capital improvements, the method of apportioning the Community Redevelopment Assessments among the real property subject thereto, the special benefit conveyed to real property or the relief of burden caused by real property by the community redevelopment services and facilities funded in part through the Community Redevelopment Assessments, the use of [bond] proceeds to accomplish the objectives of the extended Community Redevelopment Plan, the propriety of the Community Redevelopment Plan, as extended, the lien of the Community Redevelopment Assessments being equal in rank and dignity with the lien of all state, county and municipal taxes, the pledge of the Community Redevelopment Assessments to the payment of [bonds], the methods of collection provided in the Assessment Ordinance, and the legality of all proceedings and matters in connection" with this assessment affecting the FBRCRA located in a carefully determined portion of the City.

PARCEL DATA REVIEW

The assignment of assessment values is based on data or results certified by the Bay County Property Appraiser to the Florida Department of Revenue each year. This year's analysis is provided by Ennead, LLC.[1]

BUDGET REVIEW

GAI's original work included budgetary estimates through 2034, calling for assessments that would have very specific parameters to assure the City and Agency, maintain the tax base that is the source of the Agency's principal operating monies. These estimates of course have varied as actual sums have been expended or contracts executed.

Given the local government's decision to recover only a fraction of the FBRCRA budget though assessments, a share well below the percentage calculated, in the original analysis, it can be reasoned plausibly and realistically that the assessed

[1] Research reveals there are approximately 13,046 tax parcels within the Front Beach Road CRA boundaries. Among the 13,046 parcels, 250 are excluded by resolution due to either their classification as common area or right-of-way or other use that is not appropriate for development. Of these, 59 are parcels owned by governmental entities which must be excluded since "governmentally-owned" parcels which are used by the government for public purposes cannot be assessed. With the adjustments for parcels removed from the roll, the total number of tax parcels used for analysis is 12,737.

costs in the emerging and proposed budget remain appropriate for recovery through special assessments in the manner described in this analysis. Stated differently, at the proposed indexed rates for this year, the City is assessing far less than it could otherwise within the parameters of the City's 2019 Final Judgment. Further, it is well-settled in Florida case law that local governments, should they impose an assessment, are not required to *fully* fund that service or improvement through the special assessment itself. The local government may determine, entirely in its own discretion, to fund some portion of the overall cost with general fund or other legally available revenues.

GUIDELINES FOR CURRENT ASSESSMENTS

For various reasons, the City has elected to recover only a fraction of the total FBRCRA budget through assessments. That share is below the percentage allowed by the analysis. Consequently, it can be reasoned plausibly and realistically that the balance of costs to be assessed in the emerging and proposed budget remain appropriate for recovery through special assessments.

The *total* 2023-2024 and 2024-2025 proposed budgets are quite different primarily because of the varying cost of certain capital items, notably the sums allocated to various road segments or other improvements as they are contracted and as funds are released. Although the total costs are different, the 2024-2025 budgeted personnel and operating expenses are very similar to those of the past year and prior years. Effectively these specific items, comprise the same share of such expenses as the year before.

Table 1 and Table 2, on the page following reflecting the potentially assessable budget for 2024-2025.

The total 2024-2025 FBRCRA budget of $56,975,880 including capital items, compares with targeted assessments of approximately $977,857. Together all personnel and operating expense are themselves more than the sums that would be absorbed through the total assessments assigned to category A and category B.

Among other things, the estimated assessments also include a 4.0% indexed adjustment which is well below that otherwise allowed. Stated differently, at the proposed indexed rates for this year, the City is assessing far less than it could otherwise within the parameters of the Simplified Method and the approved authority of the City's 2018 Final Judgment.

The City has previously provided, in its local government role, individually mailed notice of its intent to apply an index to its assessment rates such that they might grow from year to year. That index, *based upon the average annual growth rate in Florida personal income over the previous five years,* equates to a maximum of 0.0747 or 7.47% calculated from recent data and information developed by the Bureau of Economic Analysis, U.S. Department of Commerce Bureau of Economic Analysis, U.S. Department of Commerce. For purpose of this current assessment and its legal

notice, the City has held the index to 4.0%. We also understand that published notice of this specific adjustment has been recently published in a timely matter as required.

This indexing approach is similar to that authorized by general law for independent fire districts, and its use has also been expressly addressed favorably in municipal circumstances by your local Circuit Court. The rates using the above factor or 4% (whichever is less) have been incorporated into this year's efforts for FY 2024-25.

Tables 1 and 2 below show how the assessments function relative to the entirety of the proposed FBRCRA budget.

Table 1: Estimated Assessments and Allocations by Category with 4% Indexing

Category A	Category B	Total Assessments
$496,106	**$481,751**	**$977,857**

Table 2: Approximate FBRCRA Budget Funding Sources with 4% Indexing

Total Budgeted costs	Total Assessments Calculated	Other Legally Available Funds
$56,975,880	**$977,857**	**$55,998,023**

Certain costs or expenses associated with the management, coordination and implementation of facilities and programs *not* otherwise funded through the assessment strategy described may be paid with other legally available revenues. While it is envisioned that much of the additional funding would come from incremental receipts generated by activities of the FBRCRA, funding might also come from the general fund or other legally available sources. *See Panama City Beach v. State*, No. 03-1849 (Fla. 14th Cir. Ct. 2003); recorded in Official Record 2305, at page 1264 of the Public Records of Bay County, Florida.

Such legally available revenues as a matter of policy may be applied exclusively to any category or class of budget allocation or expense otherwise funded by a special assessment, in part to one category or class of any allocation or expense with the applicable FBRCRA budget, or in any combination thereof, and maintain the validity of the apportionment approach used for the remaining portion of the budget attributed to the assessed cost stemming from the activities or programs of the FBRCRA. This flexibility is implemented through a policy and legislative determination employed through careful adherence to case law, statutory law, and the State Constitution, as well as the exercise of annual budget responsibility,

discretion and equity vested in the City Council. Additionally, your local counsel can further inform of the use of rates imposed by the community redevelopment assessment, and the indexing process, historical conformance with the interlocal settlement between the City and the County which were intended to place these matters in repose. [2]

To be clear, please keep in mind that a local government should not impose an assessment to a parcel for the same portion of capital items purchased with impact fees charged to new development thereon. For this reason, our review is supplied based upon the fact that the City does not collect associated impact fees from new development for capital expenditures associated with these community redevelopment capital activities.

ASSESSMENT ROLL

Upon consultation with City management, in accord with the publicly stated direction and notice in 2019, and using available public data, Ennead, LLC has, using the cognizable indexing feature in both the relevant ordinance and applicable annual resolutions, accordingly prepared the proposed annual assessment roll which can be accessed world-wide at www.pcbfl.gov. This link allows for convenient interactive search and transparent public inquiry concerning parcels to be assessed by owner name, location address, or parcel identification number. The values and information shown provide subtotals, showing the varying amount of each non-ad valorem assessment for each tax parcel, net of adjustments for expenses of administration and collection using the same bill as for taxes. This annual process provides extraordinary public transparency and assists the City Council in decision-making based upon indexing the rates used last year using the assumed budget at this point in the annual budget cycle, and a convenient means to review of the array of tax parcels affected. *See also,* Parcel Data Review*, supra*.

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[2] *See also Panama City Beach v. State*, No. 19-4258 (Fla. 14th Cir. Ct. 2019); recorded in Official Record 4199, at page 2214 of the Public Records of Bay County, Florida; and Panama City Beach v. State, No. 20-0346 (Fla. 14th Cir. Ct. 2020); recorded in Official Record 4236, at page 2123 of the Public Records of Bay County, Florida

CONNECTION WITH PRIOR WORK

This annual analysis and information incorporate by reference, among other things, GAI's prior report and analysis placed in the record before the City Council at its previous public hearings on this matter. Consistent with that record, the content of this summary provides a reasoned review and analysis of information, facts and circumstances associated only with the City of Panama City Beach and is exclusively for the use by the City Council of Panama City Beach. [3]

Sincerely,
GAI Consultants, Inc.

Owen M Beitsch, PhD, FAICP, CRE
Senior Director

CC: Drew R. Whitman, City Manager; Holly White, Asst. City Manager; Scott Passmore, CRA Manager; Cole Davis, City Attorney; Amy Myers, CRA Attorney; Mark G. Lawson, MGLPA; Erin Pomeroy, Ennead LLC

[3] This information presents intellectual property made available for the exclusive use of the City, is copyrighted, and reproduction or use for any other purpose is prohibited.

Column

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

Column Software, PBC
331 NW 26th St, Suite 304
Miami, FL, 33127

Before the undersigned authority personally appeared Yuade Moore, who on oath says that he or she is an agent of Column Software, PBC; that the attached copy of advertisement, being a legal advertisement or public notice of Display Ad in the matter of Public Notice Public Hearing on Assessments, was published on the publicly accessible website of FL, hosted by Column Software, PBC on

Jul 2, 2024,Jul 5, 2024

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Affiant further says that the website complies with all legal requirements for publication in chapter 50, Statutes; and affiant further says that he or she has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication on said website.

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Yuade Moore
Agent

PAMELA BAEZ
Notary Public - State of Florida
Commission # HH 186700
Expires on October 14, 2025

VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 07/05/2024

Notary Public

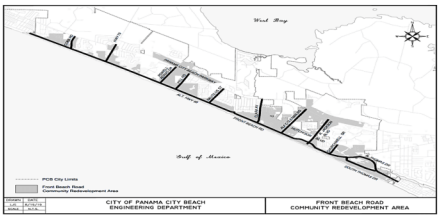
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COMBINED ANNUAL PUBLISHED NOTICE OF PUBLIC HEARINGS CONCERNING NON-AD VALOREM ASSESSMENTS IMPOSED WITHIN PANAMA CITY BEACH, FLORIDA, TO FUND ONLY IN PART THE COSTS OF BENEFITS RELATED TO:

(1) FIRE SERVICE ASSESSMENTS
(IMPOSED CITY-WIDE);

(2) STORMWATER MANAGEMENT ASSESSMENTS
(IMPOSED CITY-WIDE);

(3) CERTAIN REDEVELOPMENT RELATED ASSESSMENTS
(ONLY IMPOSED WITHIN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA).



The property subject to the assessments lies within the City of Panama City Beach, Florida.

PUBLIC HEARING

The City Council has scheduled a public hearing to be held on July 25, 2024, at 9:00 a.m. in the City Council Chambers at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida, for the purpose of receiving comments on these proposed annual non-ad valorem assessments, and any associated resolutions. The City of Panama City Beach does not impose any ad-valorem property taxes.

You are invited to attend or appear at the public hearing, and/or to file written comments or objections with the City Clerk, indicating the particular assessment, if applicable, and addressed to the City Council within 20 days of this Notice. Please send your written comments in care of the City Clerk by email to specialassessments@pcbfl.gov.

The individual dollar amount attributed to the proposed rate of assessment for each affected tax parcel in the City and other information concerning all three assessment programs is also available online at the City's website (on interactive assessment rolls searchable by owner name, location and parcel number) or accessible by computer terminal upon inquiry at the office of the City Clerk, at City Hall. Please go to http://www.pcbfl.gov/sa for more information.

FIRE SERVICE ASSESSMENT

The City's annual non-ad valorem Fire Service Assessment finances a large portion of the annual operating and capital costs associated with the Panama City Beach fire department. If approved by City Council, the rate of assessment for each tax parcel is proposed to be the sum of (i) seventy-eight cents ($0.78) per $1,000 of the value of improvements attributed to the tax parcel identified by the Bay County Property Appraiser (Tier 1), plus (ii) $95.66 per tax parcel (Tier 2).

STORMWATER ASSESSMENT

The City's annual non-ad valorem Stormwater Assessment finances a large portion of the annual operating and capital costs associated with the City's public works stormwater management responsibilities. If approved by City Council, the rate of assessment for each tax parcel is proposed to be the sum of (i) the sum of forty-nine cents ($0.49) per $1,000 of the value of improvements attributed to the tax parcel identified by the Bay County Property Appraiser (Tier 1), plus (ii) $48.30 per tax parcel (Tier 2).

FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA ASSESSMENT.

This annual non-ad valorem assessment, unlike the Fire Service Assessment and Stormwater Assessment above, is NOT imposed city-wide and only encompasses areas enveloped in the associated community redevelopment plan for this area (see graphic above). This annual non-ad valorem assessment was determined by the local court to be proportional and to benefit all lands within the community redevelopment area or "CRA", as a valid function of the associated community redevelopment plan, and honors interlocal agreement to defray a portion of the administrative, operational and maintenance expense of overseeing extraordinary community redevelopment activities within or related to this specific community redevelopment area by combining two (2) categories of charges for this special assessment. If approved by the City Council after the hearing, the rate of assessment for each tax parcel identified by the Bay County Property Appraiser is proposed to be the combination of the following:
Category A: Budgeted costs of a portion of administrative and ministerial activities (approximately $496,106) shared within this CRA equally per parcel among all parcels will be the sum of $38.95 per tax parcel; plus,

Category B: Budgeted costs of a portion of continued maintenance, upkeep and capital equipment for this CRA (approximately $481,751) weighted and shared based upon a combination of three (3) relative attributes or factors:
(1) the heated or air-conditioned square footage reported in the public records of the local property appraiser (approximately 60% weight, or approximately $191,510) will be nine-tenths of one cent ($0.009) per square foot;
(2) the improvement value for each parcel, which is the result of the reported just value minus the reported land value in the public records of the local property appraiser (approximately 30% weight, or approximately $218,490 will be four cents ($0.04) per $1,000 of improvement value; and,
(3) the land value for each parcel reported in the public records of the local property appraiser (approximately 10% weight, approximately $71,751) will be six cents ($0.06) per $1,000 of land value.

ADDITIONAL INFORMATION

This published Notice is intended to inform you of the maximum rates the City may impose in FY 2024-25 for these three non-ad valorem assessments. The rates of these non-ad valorem assessments for the Fiscal Year beginning October 1, 2024, will be considered in the context of not exceeding *the average annual growth rate in Florida personal income over the previous 5 years* from 2019 to 2024, which is 7.47%, and forms a cognizable indexing feature judicially approved as fair and reasoned in the manner provided for by law and the City's ordinances. However, the City is only considering such increases be the lesser of the index or 4%. Accordingly, for the purposes of the public hearing all of the three (3) assessment program rates noticed above reflect and are proposed to be increased by 4% over those assessment rates adopted for FY 2023-24. The City Council has previously determined and individually noticed that maximum rates should be increased from year to year in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years, or similar successor index. to account for growth, inflation, the change in purchasing value of money, or similar purchasing or cost increase variables.

The amount of net revenue the City expects to collect using the specific assessment rates described in this Notice, after accounting for statutory early payment discounts necessarily associated with the use of the uniform method of collection, commissions and fees charged by the County or its constitutional Tax Collector and Property Appraiser Offices (by law actual costs), and the City's charge to defray associated program development, advertising, implementation and administrative costs ($5 per tax parcel for each assessment) for each of the three (3) programs, is estimated to be (1) $7,530,885 for the Fire Service Assessment, (2) $4,487,690 for the Stormwater Management Assessment, and (3) $977,857 for the Front Beach Road Community Redevelopment Area Assessment. For each specific assessment such revenues collected must be used exclusively to respectively fund the associated budget for each of these respective programs in our City.

Payment of the assessments will be due and collected as special assessments on the same bill as taxes to be mailed around November 1, 2024. General law requires that affected property owners be reminded that: Until paid, each of the Fire Service Assessment, the Stormwater Management Assessment, and the Front Beach Road Community Redevelopment Area Assessment will constitute liens against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments become delinquent in the same manner as for unpaid taxes, and failure to pay the upcoming assessment will cause a tax certificate to be issued against the property which may result in loss of title.

If you decide to appeal any decision made by the City Council with respect to any matter considered at or after the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. This published Notice is compliant with the requirements of law, and at the same time shares and directs the reader to further overview or information.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN THE HEARINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (850) 233-5100.

TO BE PUBLISHED AT THE DIRECTION OF THE CITY OF PANAMA CITY BEACH ON OR BEFORE July 5, 2024.

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PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Lynne Fasone
Lynne.Fasone@pcbfl.gov
City of Panama City Beach
17007 Panama City Beach PKWY
Panama City Beach FL 32413-5225

STATE OF WISCONSIN, COUNTY OF BROWN

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07/10/2024

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Legal Clerk

Notary, State of WI, County of Brown

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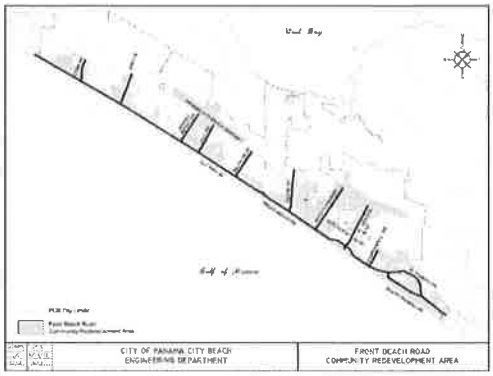
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State of Wisconsin

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(2) STORMWATER MANAGEMENT ASSESSMENTS (IMPOSED CITY-WIDE);

(3) CERTAIN REDEVELOPMENT RELATED ASSESSMENTS (ONLY IMPOSED WITHIN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA).



The property subject to the assessments lies within the City of Panama City Beach, Florida.

PUBLIC HEARING

The City Council has scheduled a public hearing to be held on July 25, 2024, at 8:00 a.m. in the City Council Chambers at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida, for the purpose of receiving comments on these proposed annual non-ad valorem assessments, and any associated resolutions. The City of Panama City Beach does not impose any ad-valorem property taxes.

You are invited to attend or appear at the public hearing, and/or to file written comments or objections with the City Clerk, indicating the particular assessment, if applicable, and addressed to the City Council within 20 days of this Notice. Please send your written comments in care of the City Clerk by email to specialassessments@pcbfl.gov.

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TO BE PUBLISHED AT THE DIRECTION OF THE CITY OF PANAMA CITY BEACH ON OR BEFORE July 10, 2024.

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:	***2. MEETING DATE:***
Holly White, Community Redevelopment Agency	July 25, 2024

3. REQUESTED MOTION/ACTION:

Approve Resolution No. 24-159 to extend the professional services agreement between the City and the Corradino Group for the period beginning September 1, 2024, through August 31, 2025.

4. AGENDA:

REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: N/A

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY:
Transportation
Economic Development
Public Safety

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

Per Section 8 of the Professional Services Agreement between the City and The Corradino Group, Inc. relating to program management services, the City shall provide written notice of its intention to renew or terminate on or by August 1 each year. Staff recommends approval of Resolution 24-159 which will extend the Agreement for an additional one year term beginning September 1, 2024, and ending August 31, 2025. The Corradino Group has provided excellent CRA program management services since assuming this role in March of 2022. The construction of CRA FBR Segment 3 is approximately 83% complete at this time. Construction on Segments 4.1 and 4.2 is tentatively estimated to start late in 2024. Plans and right-of-way acquisitions for Segment 4.3 are well underway. Alf Coleman construction began in October of 2023 and should be substantially complete in the next several weeks.

Adequate funds are available in the FY 2024 budget to cover anticipated expenditures for program management services prior to fiscal year end September 30, 2024. The City covenants to budget and appropriate the estimated funds to be expended in FY 2025 under this contract. Corradino's hourly rate schedule is included in the agenda packet.

Res 24-159.Extension of Interim PSA.Corradino Group.pdf
Corradino.Professional Services Agreement CRA Program Management.lmf.pdf

RESOLUTION NO. 24-159

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN EXTENSION OF THE PROFESSIONAL SERVICES AGREEMENT WITH THE CORRADINO GROUP FOR FRONT BEACH ROAD CRA PROGRAM MANAGEMENT.

BE IT RESOLVED by the City Council of the City of Panama City Beach that the appropriate officers of the City are authorized to accept and deliver on behalf of the City that certain Professional Services Agreement between the City and The Corradino Group relating to the professional program management services for the City's Front Beach Road Community Redevelopment Area for an additional year beginning September 1, 2024, at the hourly rates set forth in the Agreement, in substantially the form **attached** and presented to the Council today, with such changes, insertions, or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ____ day of July 2024.

CITY OF PANAMA CITY BEACH

By: _____
Stuart Tettemer, Mayor

ATTEST:

_____
Lynne Fasone, City Clerk

PROFESSIONAL SERVICES AGREEMENT
BETWEEN
CITY OF PANAMA CITY BEACH AND THE CORRADINO GROUP
RELATING TO
CRA PROGRAM MANAGEMENT SERVICES

THIS AGREEMENT is made and entered into this 25th day of July 2024, by and between the **CITY OF PANAMA CITY BEACH, FLORIDA**, a municipal corporation ("City") and **THE CORRADINO GROUP** ("Consultant").

NOW, THEREFORE, in consideration of the following covenants, it is agreed:

1. SCOPE OF PROFESSIONAL SERVICES:

The City is interested in entering into a contract with a qualified firm to provide the City with various program management support services in connection with the City's Front Beach Road Development Project ("Program"), all such services to be provided at the City's request and direction. Attached hereto as Schedule A is a general description of the Program. The primary function of the Program Manager will be to act as an extension of the City's staff and to assist the City with its overall planning, scheduling, and implementation of the Program and its various projects, including overseeing and managing the various designers, consultants, suppliers, construction managers, and contractors that may be retained by the City with respect to the improvement, design, and construction of the transportation corridors identified in the City's Front Beach Road Redevelopment Plan.

2. COMPENSATION AND PAYMENT:

A. Consultant's compensation for the services described in each scope of work shall be as stated in Exhibit B. Hourly compensation shall be determined in increments of one-tenth (1/10) of an hour. Billing rates including expenses shall be included in Exhibit B.

B. Reserved.

C. Upon written instruction by the City, the Consultant shall perform additional work necessary or convenient to complete the services which are mentioned or referenced in this Agreement. The Consultant shall be entitled to additional compensation unless such work is required because of error, omission, or negligence by the Consultant. The additional compensation shall be computed by the Consultant on a revised fee quotation proposal and submitted to the City for written approval. If the parties cannot agree, Consultant's initial compensation will be such amount as the City shall determine in good faith to be the fair value of such services, and such amounts shall be paid to Consultant in monthly installments as set forth elsewhere in this Agreement. In the event

the City shall unilaterally determine the amount to be paid for such services, Consultant shall have the right, to be exercised by written notice delivered to the City within twenty (20) days after the City Council shall unilaterally determine such amount, to have the value of such services determined by binding arbitration pursuant to the Florida Arbitration Code and in accordance with the rules of the American Arbitration Association. The Consultant and the City each shall select one arbitrator and those two shall select a third. Each arbitrator shall be familiar by trade or occupation with transportation engineering and construction. The decision of any two (2) arbitrators shall be conclusive and may be enforced in any court of competent jurisdiction in the State of Florida. Each party shall promptly pay when billed, including in advance, one-half of all arbitration fees and costs. The prevailing party shall recover from the other its reasonable attorney's fees and costs, including fees and costs incurred in arbitration and in any action in any court of competent jurisdiction in the State of Florida to enforce the arbitration award, including appeal. Should the arbitrators award Consultant an amount equal to or less than the amount that the City has unilaterally determined, Consultant shall nonetheless be paid the amount unilaterally determined by the City, but the City shall be deemed the prevailing party, and Consultant shall pay the City's reasonable attorney's fees.

D. If additional outside services are required due to unforeseen conditions, the Consultant shall:

1) Obtain a written proposal from the firm designated to render the required services and submit such proposal to the City for written approval.

2) If the services are such that registration is required to perform them, the Consultant shall select a firm that is registered in the State of Florida.

3) If the proposal is approved in writing by the City, the Consultant shall enter into a contract with the firm for the furnishing of such services in accordance with the proposal.

4) The Consultant shall submit a minimum of five (5) printed copies and one (1) digital copy of deliverables for all required services to the City, unless otherwise directed by the City.

5) Upon approval by the City of such reports, the City shall reimburse the Consultant for the cost of such services, which cost shall not exceed 1.10 times the amount of the proposal.

6) Services rendered by the Consultant in connection with the coordination of these additional services shall be considered within the scope of the basic contract, and no additional fee shall be due the Consultant except as part of the multiplier stated in immediately preceding subsection 2.D.5.

E. At the end of each month during which work shall be outstanding, the Consultant shall submit an invoice for services rendered during that month. Fees shall be computed on a time-involved basis, and the City shall pay Consultant monthly in arrears

upon receipt of an itemized statement in form and detail reasonably acceptable to City.

F. During any month in which the fees for work performed are anticipated to exceed $100,000.00, the Consultant shall timely notify the Assistant Manager of that fact.

G. The acceptance by the Consultant, its successors, or assigns, of any Final Payment due upon the termination of this Agreement, shall constitute a full and complete release of the City from any and all claims or demands regarding further compensation for authorized Services rendered prior to such Final Payment that the Consultant, its successors, or assigns have or may have against the City under the provisions of this Agreement. This Section does not affect any other portion of this Agreement that extends obligations of the parties beyond Final Payment.

3. RESERVED.

4. CITY'S RESPONSIBILITY:

The City shall furnish the Consultant with all existing data, plans, profiles, and other information available and useful in connection with the proposed project now on file with the City which shall be returned to the City upon the completion of the services to be performed by the Consultant, unless such data, plans, profiles, and other data are necessary for daily operations; then such forms of information shall be promptly duplicated by the Consultant and the originals returned to the City.

5. CITY'S DESIGNATED REPRESENTATIVE:

It is understood and agreed that the City designates the Assistant City Manager or her designated representative to represent the City in all technical matters pertaining to and arising from the work and performance of this Agreement, whose responsibility shall include:

A. Examination of all reports, sketches, drawings, cost estimates, proposals, and other documents presented by the Consultant, and rendering in writing decisions pertaining thereto within a reasonable time so as not to materially delay the work of the Consultant.

B. Transmission of instructions, receipt of information, interpretation, and definition of City policies and decisions with respect to design, materials, and other matters pertinent to the work covered by this Agreement.

C. Give prompt written notice to the Consultant whenever the City observes or otherwise becomes aware of any defects or changes necessary in the Program.

D. Prioritization of the work to be performed by Consultant, and coordination of Consultant's work with other City projects or employees.

6. CHANGES IN SCOPE:

The City may, from time to time, request changes in the scope of work. Such changes, including any increase or decrease in the amount of the Consultant's compensation, shall not be binding unless mutually agreed upon by and between the City and the Consultant, and incorporated in written amendments to this Agreement.

7. TERMINATION:

A. The City may terminate this Agreement for cause upon written notice to Consultant if Consultant fails to diligently, competently, and timely perform any of the work, fails to cooperate with others associated with the work, or otherwise fails to perform or observe any material covenant, representation, or warranty contained in this Agreement. Consultant may terminate this Agreement for cause upon written notice to City if City fails to perform or observe any material covenant, representation, or warranty contained in this Agreement. In the event of such termination, the parties shall be entitled to the rights and remedies provided by law. If the City wrongfully terminates this Agreement, the City shall be responsible to Consultant solely for the reasonable value of the work performed by the Consultant prior to the City's wrongful action, including reasonable overhead and profit on the work performed, less prior payments made. Under no circumstances shall Consultant be entitled to overhead and profit on work not performed.

B. City may terminate this Agreement at any time without cause upon written notice to Consultant. Should the City terminate this Agreement without cause, City shall pay Consultant for work performed through the date of Notice of Termination and shall have no further responsibility to Consultant.

C. Subject to the provisions of Paragraph 2 (C), Consultant may terminate this Agreement at any time without cause upon written notice to City.

8. TERM:

Unless terminated sooner pursuant to the provisions of the "TERMINATION" clauses contained in Paragraph 7 of this Agreement, and subject to the availability of appropriated funds, this Agreement shall take effect on the day and year first above written until September 1, 2022. In the City's sole discretion, this Agreement may be renewed for subsequent one-year terms until the Front Beach Road Community Redevelopment Plan projects contemplated herein have been completed. The City shall provide written notice of its intention to renew or terminate on or by August 1.

9. INDEMNIFICATION:

The Consultant hereby does indemnify and hold the City harmless of all claims, actions, or suits to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the Consultant or any person employed or utilized by the Consultant

in the performance of professional services hereunder. The specific consideration given for the promises of the Consultant set forth in this paragraph is one dollar ($1) in hand paid by the City to the Consultant, receipt whereof is hereby acknowledged and the adequacy of which the Consultant accepts as completely fulfilling the obligations of the City. The provisions of this Section shall survive termination of this Agreement.

10. INSURANCE:

The Consultant shall procure and maintain during the life of this Agreement insurance of the following types:

1) Worker's Compensation: For all his employees engaged in work on the project under this Agreement. In case any employee engaged in hazardous work on the project is not protected under the Worker's Compensation Statute, the Consultant shall provide Employer's Liability Insurance for the protection of such of his employees not otherwise protected under such provisions.

Coverage A – Worker's Compensation - $100,000 each employee/$500,000 policy limit for accident, each disease

Coverage B – Employer's Liability - $1,000,000.00

Liability: Comprehensive General Liability insurance including, but not limited to:

a) Independent Contractor's Liability;
b) Contractual Liability;
c) Personal Injury Liability.

The minimum primary limits shall be no less than $1,000,000 per occurrence / $2,000,000 annual aggregate Personal Injury Liability, and no less than $500,000 Property Damage Liability, or $2,000,000 Combined Single Limit Liability, or higher limits if required by any Excess Liability Insurer. The City shall be named as additional insured pursuant to an additional insured endorsement on ISO Form 20 10 10 01 (or superseding form) providing comprehensive general liability coverage for completed operations in addition to on-going operations.

3) Automobile Liability: Automobile Liability insurance includes all owned, hired, and non-owned automobiles. The minimum primary limits shall be no less than $1,000,000 Bodily Injury Liability, and no less than $1,000,000Property Damage Liability, or no less than $1,000,000 Combined Single Limit Liability, or higher limits if required by the Excess Liability Insurer. The City shall be named as additional insured.

4) Professional Liability:
Program specific Professional Liability insurance covering professional services rendered in accordance with this Agreement in an amount not less

than $1,000,000 per occurrence / $2,000,000 annual aggregate.

5) Excess Liability:
Consultant shall purchase and maintain Excess Umbrella Liability Insurance or Excess Liability Insurance on a full occurrence form providing the same continuous coverage as required for the underlying Professional, Commercial, General, Business Automobile, and Employers' Liability Coverage with no gaps in continuity of coverage or limits with City added by endorsement to the policy as an additional insured in the same manner as is required under the primary policies, and shall not be less than $2,000,000, each occurrence and aggregate as required by City.

Certificates of Insurance:

The Consultant shall furnish to the City copies of all policies and endorsements and certificates of insurance allowing thirty (30) days written notice of any change in limits or scope of coverage, cancellation, or non-renewal. Such certificates shall contain the following wording: "SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE AMENDED IN LIMITS OR SCOPE OF COVERAGE OR CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL MAIL THIRTY (30) DAYS NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN." In the event (1) the ACORD form does not include the forgoing provision in the certificate, (2) the City has been provided a copy of a policy endorsement naming the City as additional insured (on the general liability and automobile liability insurance policies) and (3) the policy endorsement in favor of the City (for the workers compensation, general liability, and automobile liability insurance policies) expressly provides that the City be given thirty (30) days written notice before an amendment in limits or scope of coverage or cancellation, then the following wording may be substituted 'SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE AMENDED IN LIMITS OR SCOPE OF COVERAGE OR CANCELED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS." If the insurance policies expire during the term of this Agreement, a renewal certificate shall be filed with the City thirty (30) days prior to the renewal date.

11. NEGOTIATION DATA:

A. The Consultant hereby certifies, covenants, and warrants that Hourly Rates and other factual unit costs supporting the compensation provided in Exhibit B are accurate, complete, and current as of the date of negotiation.

B. Truth-in-Negotiation Certificate: Execution of this Agreement by the Consultant shall act as the execution of a truth-in-negotiation certificate certifying that the wage rates and costs used to determine the compensation provided for in this Agreement are accurate, complete and current as of the Agreement.

The original contract price and additions thereto will be adjusted to exclude any significant sums by which the City determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual amount costs. The City shall exercise its rights under this “Certificate” within 1 year following final payment.

C. Contingency Fees: The Consultant warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the Consultant to solidify or secure this Agreement, and that he has not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for the Consultant any fee, commission, percentage, gift, or any other consideration upon or resulting from the award of this agreement. For the breach or violation of this provision, the City shall have the right to terminate the Agreement without liability and, at its discretion, to deduct the contract price or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

12. OWNERSHIP OF DOCUMENTS:

It is understood and agreed that all documents, including detailed reports, plans, original tracings, specifications, and all other data in whatever form (text, graphic, digital, or other electronic), prepared or obtained by the Consultant in connection with its services hereunder shall always be the property of the City and shall be delivered to the City promptly without cost or lien upon request or termination of this Agreement by lapse of time or otherwise. The Consultant shall not be liable for any use by the City of project specific design documentation if modified in any manner without written approval of the Consultant. The City shall not use the Consultant’s project specific design documentation on any project other than the project described in the Scope of Work and Instructions to Respondents unless the City notifies the Consultant of its intended use, provides insurance protection for the Consultant for all claims which might arise out of the City’s use of the documents, and obtains written consent of the use by the Consultant.

When transferring data in electronic media format, Consultant makes no representation as to long term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by Consultant at the beginning of the Program. Because the data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data’s creator, the party receiving electronic files agrees that it will perform acceptance tests or procedures within 60 days, after which the receiving party shall be deemed to have accepted the data thus transferred. Any errors detected within the 60-day acceptance period will be corrected by the party delivering the electronic files. Consultant shall not be responsible to maintain documents stored in electronic media format after acceptance by City. The original hard copy of the documents containing the professional Consultant’s seal shall take precedence over the electronic documents.

Notwithstanding any provision to the contrary contained in this Agreement, Consultant shall retain sole ownership to its pre-existing computer programs and software.

13. WORK COMMENCEMENT/PROGRESS/DELAYS:

A. The services to be rendered by the Consultant shall commence upon execution of this Agreement, and upon written notice to proceed from the City Manager or his designee.

B. The Consultant agrees to abide by the schedule for performance of the contracted services. The City will always be entitled to be advised in writing at its request as to the status of the work being done by the Consultant, and of the details thereof.

C. In the event there are delays on the part of the City or regulatory agencies as to the approval of any of the plans, permits, and drafts of special provisions submitted by the Consultant which delay the project schedule completion date, the City shall grant to the Consultant in writing an extension of time equal to such delays.

D. The Consultant shall maintain an adequate and competent staff of professionals and may associate with other qualified firms for the purpose of rendering services hereunder. The Consultant, however, shall not sublet, assign, or transfer any work under this Agreement without the written consent of the City.

14. STANDARDS OF CONDUCT:

A. The Consultant covenants that it or any of its employees presently has no interest and shall not acquire any interest, direct or indirect, financial or otherwise, that would conflict in any manner or degree with performance of services hereunder.

B. The Consultant agrees that it and its employees shall be bound by the Standards of Conduct provided in Section 112.313, Florida Statutes, as it relates to work performed under this Agreement, which standards will by reference be made a part of this Agreement as though set forth in full. The Consultant agrees to incorporate the provisions of this paragraph in any subcontract into which it might enter with reference to the work performed.

15. COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS:

The Consultant shall comply with all Federal, State, and Local laws and ordinances applicable to the work or payment for work thereof, and shall not discriminate on the grounds of race, color, religion, sex, or national origin in the performance of work under this Agreement.

16. ASSIGNABILITY:

The Consultant shall not assign any interest in this Agreement, and shall not transfer any interest in the same, whether by assignment or novation, without the prior written approval of the City, provided that claims for the money due or to become due the Consultant from the City under this Agreement may be assigned to a bank, trust company,

or other financial institution, or to a trustee in bankruptcy, without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City.

17. PROFESSIONAL CONSULTANT:

The Consultant is and shall remain an independent professional consultant and not an employee of the City.

18. CONTROLLING LAW AND VENUE:

All questions pertaining to the validity and interpretation of this Agreement shall be determined in accordance with the laws of Florida applicable to contracts made and to be performed within this state. Exclusive jurisdiction and venue to interpret or resolve any dispute under this Agreement shall lie in the Circuit Court, Fourteenth Judicial Circuit, in and for Bay County, Florida.

19. ENTIRE AGREEMENT:

This Agreement constitutes the entire agreement between the parties with respect to the subject matters. All prior agreements, representations, statements, negotiations, and undertakings are hereby superseded. Any alterations or variations of the terms of this Agreement shall not be valid unless made in writing and signed by the parties. If any term or provision of this Agreement shall be found by a court of competent jurisdiction to be illegal or unenforceable, then, notwithstanding, the remainder of the Agreement shall remain in full force and effect.

20. ATTORNEY'S FEES:

If either party is required to institute or defend any legal proceedings in connection with this Agreement, the prevailing party shall be entitled to its costs thereof, together with reasonable attorney's fees.

21. NO WAIVER:

No waiver of any provision of this Agreement shall be effective unless made in writing, signed by the party against whom it is charged. No waiver of any provision of this Agreement shall constitute a waiver of any other provision of this Agreement, nor of the same provision in the future. Neither the failure nor any delay by any party in exercising any right or power under this Agreement, nor any course of dealing between or among the parties, will operate as a waiver of such right or power, and no single or partial exercise of any such right or power will preclude any other or further exercise of such right or power or the exercise of any other right or power.

22. COOPERATION:

Consultant acknowledges that the CRA Program Management and addressing the needs of the community, and coordinating those efforts with other disciplines is a multi-disciplinary effort which will require cooperation and collaboration with numerous consultants, engineers, and counsel assisting and advising the City, as well as direction from the City Manager and City Engineer, and agrees in all things to cooperate with the City and all its consultants as needed.

23. MEDIATION:

City and Consultant agree to attempt to resolve any dispute between them related to the interpretation or performance of this Agreement by mediation in Bay County, Florida, with a mutually acceptable, certified Florida Mediator to serve at joint expense. If the parties are unable to agree upon a mediator, either party shall request the appointment of a mediator by the Chief Judge of the Circuit Court, Fourteenth Judicial Circuit in and for Bay County, Florida. Mediation contemplated by this paragraph is intended to be an informal and non-adversarial process with the objective of helping the parties reach a mutually acceptable and voluntary agreement. The decision-making shall rest solely with the parties. The mediator shall assist the parties in identifying issues, fostering joint problem-solving, and exploring settlement alternatives. Any settlement will require approval of the City's governing board. If the parties are unable to reach a mediated settlement within ninety (90) days of the mediator's appointment, either party may terminate the settlement discussions by written notice to the other and initiate litigation. Any litigation commenced in violation of this section shall be stayed pending mediation as agreed. This section shall survive termination of this Agreement.

24. PUBLIC RECORDS:

The City is a public agency subject to the Florida Public Records Law expressed in Chapter 119, Florida Statutes. Accordingly, to the extent that it is determined that Consultant is acting on behalf of City as provided under Section 119.011(2) (20120) and implemented through the judicially established "totality of factors" analysis, Consultant agrees to also comply with that law, specifically including to:

A. Keep and maintain public records that ordinarily and necessarily would be required by the City to perform the service.

B. Upon request of the City, provide the public with access to public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.

C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Consultant does not transfer the records to the City.

D. Meet all requirements for retaining public records and transfer, at no cost, to the City, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the City.

E. **IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, IT IS THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, AND TO CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 850-233-5100 AT CITYCLERK@PCBFL.GOV, 17007 PANAMA CITY BEACH PARKWAY, PANAMA CITY BEACH, FL 32413.**

25. PERSONAL SERVICES.

The City reserves the right to cancel this Agreement, with 30 days' notice, if Courtney Drummond is unable or unwilling to serve as the lead Program Manager servicing the City on behalf of the Consultant.

IN WITNESS WHEREOF, the parties have hereto caused the execution of these documents as of the year and date first above written.

THE CITY OF PANAMA CITY BEACH, FLORIDA,
a municipal corporation

By: _____
Drew Whitman, City Manager

ATTEST

_____
Lynne Fasone, City Clerk

THE CORRADINO GROUP

_____ By: _____
WITNESS Its:
PRINT NAME: _____

_____
WITNESS
PRINT NAME: _____

EXHIBIT A
SCOPE OF WORK

The primary function of the Program Manager will be to act as an extension of the City's staff and assist the City with its overall planning, scheduling, and implementation of the Front Beach Road Community Redevelopment Plan (the Program), including overseeing and managing the various designers, engineers, consultants, suppliers, construction managers, and contractors that have been or may be retained by the City with respect to the design and construction of the Program's numerous transportation improvement projects.

The Program Manager's scope of services may include, but is not limited to, providing, procuring and managing Program services such as program needs assessment, program verification, program phasing, public engagement, grant management, information management, project scope definition, design review, schedule control, expediting, estimating, cost control, value engineering, land planning, status reports, right of way acquisition coordination, program coordination, program administration, inspections, and management of design, construction, and close out services.

DESCRIPTION OF THE PROGRAM

The Program implements the primary objectives of the August 2001, Front Beach Road Community Redevelopment Plan adopted by the City of Panama City Beach (the "Plan").

The first primary objective of the Plan is to address pedestrian, parking, and transportation deficiencies. The condition of Front Beach Road and the lack of pedestrian facilities are among the most blatant blighted conditions within the Front Beach Road Redevelopment Area. The Project will address these issues through an enhanced and interconnected network of right-of-way and other infrastructure projects that focus on improving pedestrian movement and overall parking needs along the Front Beach Road corridor. Ingress/egress and evacuation routes and landscaping along Front Beach Road and the major connectors to Front Beach Road will also be addressed. The Project will include evaluating and upgrading stormwater management along the Front Beach Road corridor and considering the placement of utilities underground to enhance safety and the overall visual character of the Redevelopment Area.

In furtherance of this objective, the City has already completed improvement of Churchwell Drive, Beckrich Road k/n/a R. Jackson Boulevard, Powell Adams Road Segment 1, South Thomas Drive, and Front Beach Road Segments 1 and 2 Right-of-Way Projects. Construction of Front Beach Road Segment 3 is currently underway, and design and right of way acquisition for Powell Adams Segment 2, and Front Beach Road Segments 4.1, 4.2, and 4.3 is ongoing.

The second primary objective of the Plan is to enhance Gulf beach access and related parking. A major nourishment project of the entire length of Gulf-front beach within the City was completed in 1999. There exists a significant number of public access points

to the beach and some related parking. The Project will enhance existing access points, establish new access points where warranted, and provide additional parking throughout the corridor to support those access points. It is important to establish necessary public beach access and parking to obtain state and federal funding for beach renourishment activities.

The third principal objective of the Plan is to create efficient, practical, and equitable funding to properly implement these capital projects, including tax increment revenues, non-ad valorem assessment revenues, grants, and other sources of funding and aid to implement the Plan. In furtherance of this objective, the City has implemented and is currently levying a non-ad valorem assessment for the Project, has authorized and issued bonds to construct the Segments 3 and 4.1 right-way-projects, and sought and been awarded various grants.

Overlying and integrating these objectives will be result in an urban design framework and guidelines that provide identity to the area and recognize its distinct visual character, all to improve and sustain economic vitality and quality of life for landowners, residents, and visitors.

EXHIBIT B

Name	Position	Unloaded Rate	Overhead 114.82%	Expenses 6.68%	FCCM 0.203%	OM 40%	Billing Rate
Core Staff							
Courtney Drummond	CRA Program Manager	$85.00	$97.60	$5.68	$0.17	$34.00	$222.45
Scott Passmore	Asst. CRA Program Manager	$77.00	$88.41	$5.14	$0.16	$30.80	$201.51
Charity Neal*	Construction Project Administrator	$46.35	$53.22	$3.10	$0.09	$18.54	$121.30
Donna Montgomery *	Community Outreach Specialist	$31.93	$36.66	$2.13	$0.06	$12.77	$83.56
Yberis Sosa*	Design Project Administrator	$46.35	$53.22	$3.10	$0.09	$18.54	$121.30
Support Staff required at start of construction on segment 4.1 and 4.2							
Senior Inspector	Senior Inspector	$35.00	$40.19	$2.34	$0.07	$14.00	$91.60
Contract support specialist	Contract Support Specialist	$40.00	$45.93	$2.67	$0.08	$16.00	$104.68
Inspector	Inspector	$27.00	$31.00	$1.80	$0.05	$10.80	$70.66

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:	***2. MEETING DATE:***
Keith Meyerl, Parks & Recreation	July 25, 2024

3. REQUESTED MOTION/ACTION:

Approve the contract with New Line Skateparks, FL Inc. for the design and construction of the Skatepark at Frank Brown Park in the amount not to exceed $1,400,000 and designate the use of ARPA funds for the Project.

4. AGENDA:

REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: Yes

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY:
Quality of Life
Attractive Community

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

The City released a Request for Qualifications solicitation on January 19, 2024, seeking a qualified, experienced, and licensed Design-Build Firm to design and build a Skatepark at Frank Brown Park (FBP). The intent is to utilize a Guaranteed Maximum Price Contract for the design-build services. The Skatepark is part of the 5-year capital improvement plan for the park and is to be located in the South-Western portion of FBP near the South Ballfield Complex. Three (3) responses were received by the March 13, 2024, deadline from ECSC along with Team Pain Skate Parks, New Line Skateparks FL, and Spohn Ranch. Responses were reviewed by a five (5) member evaluation committee selected by the City Manager using the following criteria elements for evaluating the responses: (1) firm qualifications and experience, (2) organizational profile and design-build team qualifications, (3) firm's approach to scope of work, and (4) past performance and references. The evaluation committee held a public meeting to discuss the responses and make a recommendation using the assigned points for each of the referenced criteria elements. New Line Skateparks was scored the highest by each of the committee members. .

Council approved the ranking of the three submittals and approved authorizing the City to enter negotiations with New Line Skateparks FL, Inc on April 11, 2024. On May 23, 2024, the Council held a lengthy discussion about the Skatepark Project as well as pickleball courts and subsequently approved moving forward with the Skatepark project at the proposed budget of $1,400,000.

Included in the agenda packet is the Agreement with New Line for the design-build of the Project as well as selected pages from their submittal that include the Project methodology and schedule as well as several conceptual designs. Staff recommends approval of the Agreement as well as the designation to use ARPA funds for the project.

Res 24-160.Agreement with New Line Skateparks FL Inc..pdf
Exh A.Contract signed by New Line Skatepark FL.pdf
New Line Skate Parks Submittal Response.PDF

RESOLUTION NO. 24-160

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH NEW LINE SKATEPARKS FL, INC. FOR THE DESIGN AND CONSTRUCTION OF THE FRANK BROWN PARK SKATEPARK PROJECT IN THE AMOUNT NOT TO EXCEED $1,400,000.00, AND DESIGNATING THE USE OF ARPA FUNDS FOR THE PROJECT.

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

1. The appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and New Line Skateparks FL, Inc. for the design and construction of the Frank Brown Park Skatepark Project in the amount not to exceed One Million Four Hundred Thousand Dollars and No Cents ($1,400,000.00), in substantially the form **attached** as **Exhibit A** and presented to the Council, with such changes, insertions, or omissions as may be approved by the City Manager and whose execution of such Agreement shall be conclusive evidence of such approval.

2. The Council has found and determined that the construction of the Skatepark Project at Frank Brown Park will enable the City to improve the community's quality of life by providing new outdoor amenities for residents and visitors to enjoy. The Council hereby directs that the funds received by the City from the American Rescue Plan Act be used for the design and construction of this Project.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED, APPROVED, AND ADOPTED in regular session this ____ day of July 2024.

CITY OF PANAMA CITY BEACH

By: _____
Stuart Tettemer, Mayor

ATTEST:

_____
Lynne Fasone, City Clerk

DESIGN BUILD AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2024 by and between THE CITY OF PANAMA CITY BEACH, FLORIDA, (hereinafter called "OWNER") and NEW LINE SKATEPARKS FL, INC, a corporation, having a business address of #1, 137 West Marion Ave., Edgewater, FL 32132 (hereinafter called "CONTRACTOR"), for the conceptual design, final design, construction documents, site work and construction of a new reinforced concrete skate park to be located at Frank Brown Park, 16200 Panama City Beach Parkway, Panama City Beach, Florida, ("Project"), in accordance with PCB24-25 RFQ - Skate Park Design Build Services and all other Contract Documents hereafter specified.

OWNER and CONTRACTOR, for the consideration herein set forth, agree as follows:

1. The CONTRACTOR shall design, construct and deliver the completed Project in accordance with the Scope of Services and Deliverables described in PCB 24-25 - Skate Park Design Build Services and Contractor's response as described in its Methodology and Schedule ("the Work"). The skate park shall be approximately 22,250 square feet in size. Contractor shall be solely responsible for the payment of all taxes, labor fringe benefits, insurance and bond premiums, and all other expenses and costs required to complete the Project in accordance with this Agreement. OWNER agrees that the Project shall exclude: Extended site landscaping and support amenities (i.e. restroom buildings), Costs for any required County or City permitting, and Environmental Consulting. CONTRACTOR'S employees and personnel shall be qualified and experienced to perform the portions of the Work to which they have been assigned. In performing the Work hereunder, CONTRACTOR shall be an independent contractor, maintaining control over and having sole responsibility for CONTRACTOR'S employees and other personnel. Neither CONTRACTOR, nor any of CONTRACTOR's sub-contractors or sub-subcontractors, if any, nor any of their respective employees or personnel, shall be deemed servants, employees, or agents of the OWNER.

2. After the final design documents are approved by the OWNER, the CONTRACTOR will complete the project construction program within **24 weeks** after the date of the Notice to Proceed with the construction work to be issued by OWNER in writing.

3. The CONTRACTOR agrees to pay the OWNER, as liquidated damages, the sum of $500 for each calendar day that expires after the date of Project Completion. Liquidated damages shall not be due for delays caused by weather, reasonably unforeseen conditions, or other factors outside CONTRACTOR'S control.

4. The CONTRACTOR agrees to perform all the Work described in the Contract Documents and comply with the terms therein for the not to exceed price of One Million, Four Hundred Thousand Dollars $1,400,000.00, which is the project budget allotted in Addendum #1 to the RFQ. ("Contract Price"). If CONTRACTOR seeks an increased budget for the Project due to unforeseen circumstances, the request shall be presented to the City Council, who must approve any increase in budget.

5. The term "Contract Documents" means and includes the following documents, all of which are incorporated into this Agreement by this reference:

REQUEST FOR QUALIFICATIONS PCB 24-25 RFQ SKATE PARK DESIGN-BUILD SERVICES which includes:

NOTICE TO PROPOSERS

SCOPE OF SERVICES

TERMS AND CONDITIONS

PROPOSER'S CERTIFICATION

CONFLICT OF INTEREST STATEMENT

DRUG-FREE WORKPLACE FORM

E-VERIFY AFFIDAVIT

NON-COLLUSION AFFIDAVIT

PUBLIC ENTITY CRIMES STATEMENT

W9

EXHIBIT A INSURANCE REQUIREMENTS

ADDENDA

No. 1, dated February 22, 2023

No. 2, dated March 1, 2023

No. 3, dated March 7, 2024

CONTRACTOR'S RESPONSE TO THE RFQ

The Contract Documents also includes any written amendments to any of the above signed by the party to be bound by such amendment. The Contract Documents are sometimes referred to herein as the "Agreement."

6. The OWNER will pay the Contract Price to the CONTRACTOR in the manner and at such times as set forth in Terms and Conditions. The CONTRACTOR shall be entitled to a deposit of 10% of the agreed upon construction value 12 weeks prior to crew arrival on site. All progress payments under the Agreement shall be approved by the City's Construction Manager.

7. CONTRACTOR shall be required to obtain performance and payment bonds in the amount of the agreed upon construction value from companies lawfully authorized to issue surety bonds and executed in the forms attached as Exhibit "A".

8. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

9. This Agreement shall be governed by the laws of the State of Florida.

10. All notices required or made pursuant to this Agreement shall be in writing and, unless otherwise required by the express terms of this Agreement, may be given either (i) by mailing same by United States mail with proper postage affixed thereto, certified, return receipt requested, or (ii) by sending same by Federal Express, Express Mail, Airborne, Emery, Purolator or other expediated mail or package delivery, or (iii) by hand delivery to the appropriate address as herein provided. Notices to OWNER required hereunder shall be directed to the following address:

If to Owner:

City of Panama City Beach
17007 Panama City Beach Parkway
Panama City Beach, FL 32413

ATTENTION: Drew Whitman City Manager
Fax No.: (850) 233-5108

If to Contractor:

CONTRACTOR: New Line Skateparks FL, Inc.

ADDRESS: Unit #1, 137 West Marion Avenue,
Edgewater, FL 32132

ATTENTION: Trevor Morgan, Vice President

Fax No. (604)530-1119

Either party may change its above-mentioned address by giving written notice to the other party in accordance with the requirements of this Section.

11. CONTRACTOR recognizes that OWNER is exempt from sales tax and may wish to generate sales tax savings for the Project. Accordingly, to the extent directed by and without additional charge to OWNER, CONTRACTOR shall comply with and fully implement its sales tax savings program. If required by OWNER, a Sales Tax Exemption Addendum shall be made a part of the Contract Documents.

12. The failure of OWNER to enforce at any time or for any period any one or more of the provisions of the Agreement shall not be construed to be and shall not be a continuing waiver of any such provision or provisions or of its right thereafter to enforce each such provision.

13. Each of the parties hereto agrees and represents that the Agreement comprises the full and entire agreement between the parties affecting the Work contemplated, and no other agreement or understanding of any nature concerning the same has been entered into or will be recognized, and that all negotiations, acts, work performed, or

payments made prior to the execution hereof shall be deemed merged in, integrated and superseded by this Agreement.

14. Should any provision of the Agreement be determined by a court with jurisdiction to be unenforceable, such a determination shall not affect the validity or enforceability of any other section or part thereof.

15. Unless the context of this Agreement otherwise clearly requires, references to the plural include the singular, references to the singular include the plural. The term "including" is not limiting, and the terms "hereof," "herein," "hereunder," and similar terms in this Agreement refer to this Agreement as a whole and not to any particular provision of this Agreement, unless stated otherwise. Additionally, the parties hereto acknowledge that they have carefully reviewed this Agreement and have been advised by counsel of their choosing with respect thereto, and that they understand its contents and agree that this Agreement shall not be construed more strongly against any party hereto, regardless of who is responsible for its preparation.

16. For this Project, OWNER has designated a Project Representative to assist OWNER with respect to the administration of this Agreement. The Project Representative to be utilized by OWNER for this Project, shall be Construction Manager, Chad Roeder.

17. The CONTRACTOR acknowledges and agrees that no interruption, interference, inefficiency, suspension or delay in the commencement or progress of the Project from any cause whatever, including those for which the OWNER, PROJECT REPRESENTATIVE, may be responsible, in whole or in part, shall relieve CONTRACTOR of its duty to perform or give rise to any right to damages or additional compensation from OWNER. CONTRACTOR expressly acknowledges and agrees that it shall receive no damages for delay. CONTRACTOR's sole remedy, if any, against OWNER will be the right to seek an extension to the Contract Time; provided, however, the granting of any such time extension shall not be a condition precedent to the aforementioned "No Damage For Delay" provision. This section shall expressly apply to claims for early completion, as well as to claims based on late completion. Notwithstanding the foregoing, if the Work is delayed due to the fault or neglect of OWNER or anyone for whom OWNER is liable, and such delays have a cumulative total of more than 90 calendar days, CONTRACTOR may submit a claim for its actual and direct delay damages accruing after said 90 calendar days. Except as expressly set forth in this section, in no event shall OWNER be liable to CONTRACTOR whether in contract, warranty, tort (including negligence or strict liability) or otherwise for any acceleration, soft costs, lost profits, special, indirect, incidental, or consequential damages of any kind or nature whatsoever.

18. INSURANCE - BASIC COVERAGES REQUIRED

The CONTRACTOR shall at its expense procure and maintain in force during the Term the insurance on policies and with insurers acceptable to the City as required by the City's Insurance Requirements attached to the RFQ as Exhibit "A." These insurance requirements shall not limit the liability of the CONTRACTOR. The insurance

coverages and limits required of CONTRACTOR under this Agreement are designed to meet the minimum requirements of OWNER and the OWNER does not represent these types or amounts of insurance to be sufficient or adequate to protect the CONTRACTOR'S interests or liabilities. CONTRACTOR alone shall be responsible to the sufficiency of its own insurance program.

Within thirty (30) days of the date of the Award, and thereafter upon the written request of the City, Bidder shall furnish to the City such certificates of coverage and certified copies of policies pursuant to the City's Insurance Requirements. In order to satisfy this provision, the documentation required by this part must be sent to the following address: Attn: Risk Manager, 17007 Panama City Beach Parkway, Panama City Beach, FL 32413. The CONTRACTOR and the CONTRACTOR'S subcontractors and sub-subcontractors shall be solely responsible for all of their property, including but not limited to any materials, temporary facilities, equipment, and vehicles, and for obtaining adequate and appropriate insurance covering any damage or loss to such property. The CONTRACTOR and the CONTRACTOR'S sub-contractors and sub-subcontractors expressly waive any claim against OWNER arising out of or relating to any damage or loss of such property, even if such damage or loss is due to the fault or neglect of the OWNER or anyone for whom the OWNER is responsible. The CONTRACTOR is obligated to include, or cause to be included, provisions similar to this paragraph in all of the CONTRACTOR'S subcontracts and its subcontractors' contracts with their sub-subcontractors.

The CONTRACTOR'S deductibles/self-insured retentions shall be disclosed to OWNER and are subject to OWNER'S approval. They may be reduced or eliminated at the option of OWNER. The CONTRACTOR is responsible for the amount of any deductible or self-insured retention. Any deductible or retention applicable to any claim or loss shall be the responsibility of CONTRACTOR and shall not be greater than $25,000, unless otherwise agreed to, in writing, by OWNER.

19. PUBLIC RECORDS:

The City is a public agency subject to the Florida Public Records Law expressed in Chapter 119, Florida Statutes. Accordingly, to the extent that it is determined that Contractor is acting on behalf of City as provided under Section 119.011(2), Contractor agrees to also comply with that law, specifically including to:

A. Keep and maintain public records that ordinarily and necessarily would be required by the City in order to perform the service.

B. Upon request of the City, provide the public with access to public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law, or provide the City with a copy of the requested records.

C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Contractor does not transfer the records to the City.

D. Meet all requirements for retaining public records and transfer, at no cost, to the City all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the City.

E. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, IT IS THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, AND TO CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 850-233-5100, LFASONE@PCBFL.GOV, 17007 PANAMA CITY BEACH PARKWAY, PANAMA CITY BEACH, FL 32413.**

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by their duly authorized officials, this Agreement in two (2) copies each of which shall be deemed an original on the date first written above.

(SEAL)

ATTEST:

_____
City Clerk

_____
City Attorney (as to form only)

OWNER:

CITY OF PANAMA CITY BEACH, FLORIDA

BY: _____

NAME: _____
(Please type)

TITLE: _____

CONTRACTOR:

ATTEST:

S Calder

NAME Shauna Calder
(Please Type)

BY: _____

NAME: Kyle Dion
(Please type)

ADDRESS: #1-137 W. Marion Avenue, Edgewater, FL 32132

[END OF AGREEMENT]



CITY OF PANAMA CITY BEACH

RFQ PCB 25-25: SKATEPARK DESIGN-BUILD SERVICES

NEWLINE SKATEPARKS

NEW LINE SKATEPARKS FL, INC
#1, 137 WEST MARION AVE, EDGEWATER FL, 32132
T 1.866.463.9546 F 604.530.1119
WWW.NEWLINESKATEPARKS.COM
INFO@NEWLINESKATEPARKS.COM

MARCH 13th, 2024

NEWLINE SKATEPARKS

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Required Forms Attached Separately

EXECUTIVE SUMMARY

RE: PCB25-25 RFQ - SKATEPARK DESIGN-BUILD SERVICES

Thank you for considering our team for modern skatepark development assistance. We believe this project will be an excellent investment in the youth and families of Panama City Beach and a welcome addition to the community.

We are pleased to submit our proposal for design-build services. **New Line Skateparks FL, Inc (Lead Designer, Professional Engineer and General Contractor)** is proud to offer a unique combination of focused local resources and internationally renowned skatepark development expertise capable of addressing the full suite of needs for this project, its stakeholders and the City of Panama City Beach (CPBC). While our skatepark experience spans 23 + years, 4 continents and more than 450 projects, our 'heart' and focus remains in Florida, where our team lives, works and plays. We have been careful to monitor our company growth and workload over the last two decades and offer our full confirmation that our team (~75 full time staff) has the availability, licensure/ certifications, and specialized resources required to execute this special community project within the important design-build parameters outlined. In short, this project will have the full breadth of our capabilities, experience and passion!

For the project at hand, we are excited about the prospect of employing our unique skill, experience, and resources as a proven team to deliver significant efficiencies and unsurpassed quality throughout the development process. With our pioneering work on many of the world's most recognized concrete youth park facilities, coupled with our extensive skatepark design and construction work in the area *(most recently our design-build of the Downtown Panama City Skatepark)*, we will approach this project with exceptional understanding and a heightened ability to navigate through the community outreach process, technical issues, municipal protocol, and local construction environment. While still preserving meaningful opportunities for local suppliers to participate in non-specialty construction scopes, ***Our team will self-perform all key skatepark design, engineering and specialty concrete construction undertakings, and serve as the single point of accountability for the CPCB - ensuring full design continuity and complete quality + cost control throughout all phases of the project.***

Within this RFP submission you will find detailed information about our team including our previous project experience, key staff, proposed approach and value-added offerings. We are aware of this project's unique site and important community engagement considerations, and are excited about the prospect of delivering a highly integrated and accessible "all wheel" skatepark environment that will truly enhance Frank Brown Park and serve as a celebrated destination for Panama City Beach youth, families and visitors from across the region.

Please see the following two pages for specific information related to our corporate structure, history and State licenses. Upon review of our entire submission, don't hesitate to contact us should you have any questions or comments. Our team is prepared to begin work immediately and will proceed through each project phase upon approval from CPCB.

Sincerely,

Kyle Dion
President and Primary Contact - New Line Skateparks FL, Inc
#1, 137 West Marion Ave, Edgewater FL, 32132 (US Head Office)
T 1.866.463.9546 F 604.530.1119
info@newlineskateparks.com
Support Offices: San Diego CA, Langley BC

NEWLINE
SKATEPARKS

CORPORATE INFORMATION



State of Florida

Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of NEW LINE SKATEPARKS FL, INC., a Florida corporation, filed on March 30, 2017, as shown by the records of this office.

I further certify the document was electronically received under FAX audit number H17000087616. This certificate is issued in accordance with section 15.16, Florida Statutes, and authenticated by the code noted below.

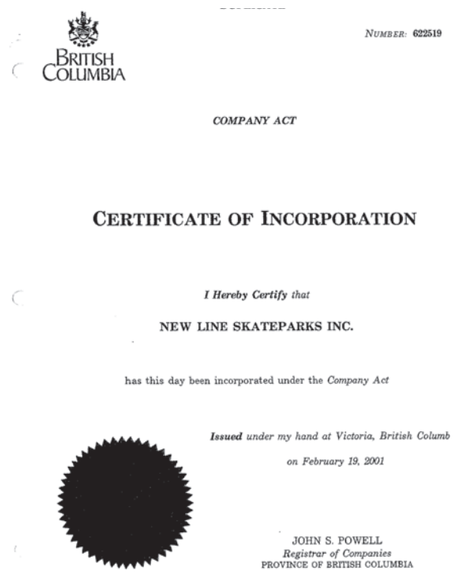
The document number of this corporation is P17000028931.

Authentication Code: 117A00006222-033117-P17000028931-1/1

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Thirty-first day of March, 2017

Ken Detzner
Secretary of State

New Line Skateparks FL, Inc
(Contracting Entity For Project at Hand)
Year Incorporated: 2017
Sate Incorporated: Florida
President: Kyle Dion



BRITISH COLUMBIA

NUMBER: 622519

COMPANY ACT

CERTIFICATE OF INCORPORATION

I Hereby Certify that

NEW LINE SKATEPARKS INC.

has this day been incorporated under the *Company Act*

***Issued** under my hand at Victoria, British Columb*

on February 19, 2001

JOHN S. POWELL
Registrar of Companies
PROVINCE OF BRITISH COLUMBIA

New Line Skateparks, Inc
(Parent Corp)
Year Incorporated: 2001
Sate Incorporated: British Columbia
President: Kyle Dion

LICENSURE INFORMATION



Ron DeSantis, Governor

Melanie S. Griffin, Secretary

Florida dbpr

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE GENERAL CONTRACTOR HEREIN IS CERTIFIED UNDER THE PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

MISIANO, ANTHONY JAMES JR

NEW LINE SKATEPARKS FL, INC.
137 W. MARION AVENUE
#1
EDGEWATER FL 32132

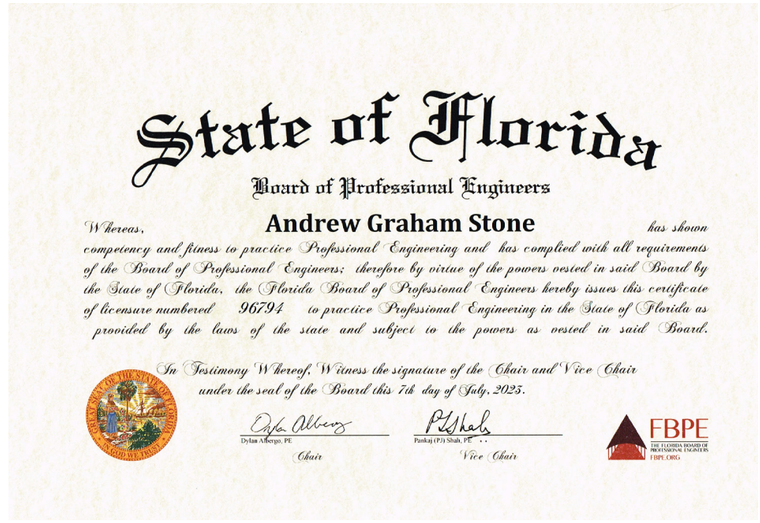
LICENSE NUMBER: CGC1513874
EXPIRATION DATE: AUGUST 31, 2024

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

General Contractor License
License #: GC1513874
Licensed Since: 2017
License Expiry: Aug 31, 2024



State of Florida

Board of Professional Engineers

Whereas, **Andrew Graham Stone** has shown competency and fitness to practice Professional Engineering and has complied with all requirements of the Board of Professional Engineers; therefore by virtue of the powers vested in said Board by the State of Florida, the Florida Board of Professional Engineers hereby issues this certificate of licensure numbered 96794 to practice Professional Engineering in the State of Florida as provided by the laws of the state and subject to the powers as vested in said Board.

In Testimony Whereof, Witness the signature of the Chair and Vice Chair under the seal of the Board this 7th day of July, 2023.

Dylan Albergo, PE
Chair

Pankaj (PJ) Shah, PE
Vice Chair

FBPE
THE FLORIDA BOARD OF PROFESSIONAL ENGINEERS
FBPE.ORG

Florida Engineering License
(Andrew Stone - Staff Engineer)
License #: 96794
License Expiry: July 7, 2025

FIRM QUALIFICATIONS AND EXPERIENCE

NEWLINE SKATEPARKS

ABOUT US

Let Us Introduce Ourselves

New Line Skateparks is North America's Premier Skatepark Development Firm. With over 450 highly recognized projects around the world, we are proud to serve as one of the Nation's longest running and most experienced concrete youth park design-build teams.

Our staff (approx 75) is comprised of registered landscape architects, engineers, planning experts, and construction professionals who are passionate active skateboarders. This passion inspires us to deliver cutting edge designs and authentic finished environments that create a meaningful connection between youth and the communities in which they live.

We love what we do. When we engage a community in the development process we bring a professional, organized and fun attitude. The design journey is important and our approach is inclusive. We spare no resource to ensure youth and affected stakeholders truly become part of each project solution.



NE Community Park Skatepark
Frisco, TX

American Shotcrete Association
Outstanding Shotcrete Award

Texas Recreation and Parks Association
Excellence in Design Award



Plaza at the Forks, Winnipeg, MB

"The quality of the design is demonstrated by the international recognition the Plaza received from the skateboarding community. The Plaza at the Forks sets the bar for other cities throughout North America which are struggling to respond to similar issues."
- CSLA Jury Comments

Canadian Society of Landscape Architects
National Honor Award

Skaters for Public Skateparks
Public Space Award

What We Believe

New Line Skateparks is committed to the improvement of natural and built environments for all generations. Our goal is to promote environmental quality as a way to protect what we value in our unique region. Through listening, watching and testing ideas, we create youth park solutions that work in harmony with existing environments and ultimately lead to fully integrated places.

Skateparks are changing. The days of the stereotypical 'grey square' have long passed as a new era of concrete facility design responds to far more than purely function. When designed and constructed with strong community input and sensitivity to the surrounding context, skateparks not only become beloved destinations for local youth but celebrated public spaces for all to enjoy!

Services... The Art of Shaping Space

Master Planning and Feasibility Studies - NLS provides planning expertise to municipal governments for action sports networks as well as individual project developments. Through completing the award winning Calgary Skateboarding Amenities Strategy, as well as Skateboarding/Action Sports Master Plans for Lethbridge AB, Arlington TX, Port Coquitlam BC, and Waterloo ON, we have established a proven, transparent and credible planning process that has been widely recognized as a benchmark for our industry. Whether it be site selection, feasibility studies, fundraising programs, or long term facility development strategies, we strive to offer the best mix of qualified personnel and specialized resources for each unique planning challenge.



Callingwood Youth Park Concept Master Plan Edmonton, AB



City of Vancouver Skateboarding Amenities Strategy

CSLA
National Honor Award



Site Selection Boards
Brantford, ON

Public Consultation - NLS provides comprehensive consultation services to facilitate community input in the design of Skateparks and other progressive public spaces. As passionate skateboarders and avid park users ourselves, we know how important participation by youth and other members of the community will be to the long term success of each project. No matter what project size, we deliver a tailored program of hands-on, interactive design workshops and public presentations facilitated by principal members of our team. Outside of our scheduled meetings, youth and other stakeholders are encouraged to continue to submit written comments, sketches, pictures etc. through our specially developed custom web survey for immediate and ongoing feedback. Overall, we believe engaging the community in a meaningful way is one of the most critical aspects of any skatepark design journey and a key factor to our team's continued success.





1st design workshop - Panama City, FL
Pre-construction community info session - Seattle, WA

NEWLINE
SKATEPARKS

Services... The Art of Shaping Space

Design - NLS designs award winning municipal concrete skateparks and other wheeled sport environments that continually set the bar for international skatepark and pump track development. From day one, we have chosen to think outside the 'concrete square' by leading the industry in introducing a *site and community-specific design approach*, *integrated art/sculptural installations*, *green/sustainable development initiatives*, *CPTED principles*, *innovative materials and aesthetic detailing*, *progressive lighting schemes, skateable donor recognition signage*, and *architecturally striking skatepark roof structures*. We believe that every project and community has a unique 'story' that can be told through authentic and enduring skatepark architecture. To realize our unique designs, we take great pride in delivering photorealistic 3D facility modeling, animated project 'fly-through' experiences, and certified technical drawings to ensure complete project understanding and a thorough construction process for each park.

Construction - New Line Skateparks is one of North America's most experienced providers of large-scale municipal skatepark construction services - serving as the General Contractor on a significant portion of the 450 + designs completed by our team. Whether it be complete turnkey project solutions or specialty services/products, we are recognized as a global leader in the development of site-built concrete skatepark construction technology and techniques. Our team has also worked hard to lead the industry in cost and schedule control, safety, and concrete quality accreditation - with a guarantee of design-build budget certainty, on-time project performance, and ACI (American Concrete Institute) certified team members overseeing all shotcrete operations. Finally, New Line Skateparks has been fully bonded and insured for over 23 years and employs approximately 40 dedicated field staff leading municipal skatepark projects across the world.

American Shotcrete Association
Outstanding Shotcrete Awards
NE Community Skatepark - Frisco, TX + Norton Skatepark - Burlington, ON



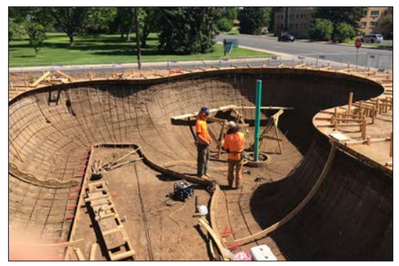
CJ Smith Skate Plaza - Newnan, GA



Seattle Center Skate Plaza - Seattle, WA



Bonita Springs Skatepark - Bonita Springs, FL



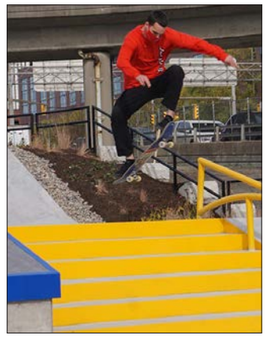
Centennial Park, Greeley, CO



Youth Park Design Philosophy....

New Line Skateparks Inc. has worked extensively in the planning, design and construction of concrete skateparks, pump tracks, BMX parks, mountain bike courses and other progressive 'casual recreation' facilities. Although this emerging area of recreation is not new, the participation levels associated with inline, BMX, mountain biking and skateboarding have climbed to exceptional levels over the last 20 years.

Vancouver Skate Plaza - CSLA Regional Honour Award



Youth Park Design Philosophy...

The inclusion of 'Action Sports' in the planning process benefits the whole community by making children, youth and adults that participate in these activities feel valued. Developing a youth park strategy that includes action sports programs and facilities will introduce new experiences and challenges for a broad demographic that is often difficult to engage and/or overlooked in community parks planning.

Roc City Skate Plaza - Rochester, NY - American Public Works Association Excellence in Design Award



Youth Park Design Philosophy...

Developing a successful youth park design requires a consultant to think and act in a way that respects the desires of future park users. This respect must be balanced with an understanding of construction tolerances, safety standards, community needs, security, and budget. NLS has a diverse and qualified staff who consistently seek new ways to achieve the expectations of the target user group while setting realistic goals, limits and deadlines.

Marina Park Skate Plaza - Thunder Bay, ON - Parks and Recreation Ontario Excellence in Design Award

NEWLINE SKATEPARKS

‘UNIQUELY NEW LINE’ + LOCAL UNDERSTANDING AND EXPERIENCE

Proven Local Experience and Understanding

WE KNOW CONCRETE SKATEPARK DESIGN-BUILD IN BAY COUNTY... Over the past 3 years, our team has had the privilege of creating meaningful community relationships in Bay County through our Design-Build delivery of the ***Downtown Panama City Skatepar***k. This has afforded our team with a proven in-depth understanding of local design + costing considerations and exceptional ability to navigate the community outreach process, CPCB/ Northwest Florida regulatory requirements, and the nuances of the Panama City Beach construction environment.

Unique and Extraordinary Project Delivery

NOT ‘JUST ANOTHER’ SKATEPARK... While a base scope of work is outlined for this project, our team intends on delivering a final design and construction program that will far exceed minimum project requirements and provide a considerable amount of additional value to the CPCB. We not only want to create an amazing skatepark, but an amazing public space that will serve as a marquee component of Frank Brown Park. On top of bold, compelling, and highly accessible forms of street-style terrain inviting to all abilities (beginner and intermediate in particular), we look forward to working with local youth and families to create a ‘signature’ of community. Specifically this means a final design-build program that incorporates skateable art/sculpture, inviting viewing and socializing areas, innovative energy-efficient lighting, a robust ‘green’/LID civil drainage program, and strong connections to the greater Frank Brown Park context. *Additionally, in recognition of team’s our 23rd anniversary, we look forward to providing the following value-added offerings at no-charge.*

- Post occupancy skatepark programming consulting and 3 day residency for school-based skateboarding program
- Grand opening event production assistance including securing high-level professional skateboarders (including our own Kanten Russell) and bikers for through our team’s connections to some of the world’s elite action sports athletes and their industry sponsors
- Professional video production of grand opening festivities and the related park development journey
- $2,000 in professional skateboarding/BMX/Scooter/Inline prizes for park opening celebrations

Proven Design-Build Experience

MUNICIPAL SKATEPARK DESIGN-BUILD IS IN OUR DNA... *Over the past 5 years, our team has been involved in approximately 45 municipal concrete skateparks executed via fixed priced Design-Build contracts*. For practicality, we have profiled 8 projects within the following pages that illustrate the depth of our design and construction capabilities in the lead designer and prime contractor role.

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(SEE FOLLOWING PAGES FOR RELEVANT EXPERIENCE AND REFERENCES)

Panama City Skate Spot *Panama City, FL*

Located near the heart of Downtown Panama City, our team collaborated with the local community and municipal staff to realize the final design of this exciting new urban youth park project. Traditional street elements such as ledges and rails, manual pads, banks and step-ups are complimented by creative integral colored concrete, viewing areas, tactful stormwater management zones, and strong connections to pedestrian access points + surrounding parking. The facility is testament to what is possible in a limited footprint in a unique urban context - offering a versatile community recreation element for all ages and ability levels.

Project Budget: $230,000
Timeline: Spring 2020 - Fall 2020
Client: City of Panama City, Kesia Milner
kmilner@pcgov.org, 850.872.3199

Team Responsibilities:
- site analysis + public process
- conceptual and final design
- full construction services

Financial Summary
GMP $230,000
Gen Cnds ~16%, Ovrhd ~15%, Profit ~8%
Change Orders Added to GMP- $0
Design and Pre Construction: ~$20,000





"Dedicated to Excellence...
People Serving People"

November 09, 2020

To Whom It May Concern,

It is with great pleasure I recommend New Line Skateparks for any design-build skatepark project. New Line Skateparks was contracted in the fall of 2020 by the City of Panama City to construct and build our skatepark. The New Line team was very professional, organized and efficient when working on our project.

New Line Skateparks' dedication and passion for the project was always evident. The team had excellent communication, whether it was with the public, the city leaders or among themselves. They were always willing to work with the City and take on work that would deliver a quality product.

In addition to great communication, their staff was very knowledgeable about the technical aspects of the designs and parks, and went beyond to offer support about the skateboarding community and best practices in keeping the parks working after they leave the site. They were always transparent and realistic in terms of budgets and timelines to the point where the project was completed a head of schedule

Thank you, and if you have any questions please don't hesitate to contact me at 850.872.3199 ext. 4558

Kesia Milner, Ed.D

Quality of Life Department- Arts & Culture Coordinator

Main: 850.872.3199

kmilner@pcgov.org

Rolling Magic Skatepark *Lenexa, KS*

This modern skatepark both replaces and pays homage to one of the first generation of concrete skate facilities developed in Kansas. Utilizing a similar footprint and recycling much of the concrete sub base of the original facility, the new park offers a state of the art update and exemplifies the integrated design sensibilities and exacting construction best practices of contemporary skatepark development. Along with a versatile modern transition and street terrain, the final landscaping plan invites individuals of every age to participate, spectate, and enjoy the overall environment. The expansive flow bowl is already sparking a pilgrimage of transition riders from across Kansas while the street section serves riders of every ability.





Project budget: ~$770,000
Timeline: Fall 2022 - Summer 2023
Client: City of Lenexa, Logan Wagler, 913.477.7140

Team Responsibilities:
-site analysis
- public process
-conceptual and final design
- full construction responsibilities

Financial Summary
GMP $850,000
Gen Cnds ~17%, Ovrhd ~14%, Profit ~7%
Change Orders Added to GMP- ~$0
Design and Pre Construction: ~$70,000



Lenexa KANSAS
Parks and Recreation Department

October 5, 2023

To whom it may concern,

I am writing to recommend NewLine Skateparks for any skatepark or pump-track related project. The Newline team was a pleasure to work with from start to finish and we had an incredibly positive experience.

Lenexa Parks and Recreation contracted with Newline in 2022 to design, facilitate a robust community engagement process, and construct a fully inclusive skatepark to replace our existing park which was over 21 years old. They did a great job of helping us define the program, project goals, and lead us through the process. Being a replacement project and being located within a metropolitan area, public input was a critical component. They did a great job of leading the public open houses, setting up online surveys, and communicating with interested parties. What I appreciated most is that they were able to balance the needs and priorities of the various groups as everyone wanted something different. They were creative in their concepts, went the extra mile to explore options, and most importantly; kept us within budget.

Their staff was responsive, professional, innovative, and extremely passionate. Newline Skateparks delivered on what was promised and the entire process was one of the smoothest projects I have ever been involved with. They met all project timelines, budgets, and performed high-quality work. You can tell that skateparks are more than just a job for their employees, it's a passion and they pour their selves into each project.

Please don't hesitate to reach out with any questions.

Logan Wagler
Director of Parks and Recreation
Lenexa Parks and Recreation

Bonita Springs Skatepark *Bonita Springs, FL*

With a goal of providing the highest durability, greatest design versatility, and most accommodating riding surface for small wheels (skateboard, inline, scooter) AND larger-wheel activities (mountain bike, BMX), the City of Bonita Springs embarked on the creation of a poured in place concrete pumptrack and modern skatepark combination. The facility was completed in Spring 2021 with considerable fanfare among locals and eager visitors from across the State. In addition to the unique terrain assortment, the facility also features accessible pathway tie-ins, integral concrete color inspired by the City's logo, and a concrete patio/viewing zone lining the length of the park's perimeter.





Project Budget: ~$1,120,000
Timeline: Fall 2020 - Summer 2021
Client: City of Bonita Springs - Nicole Perino
nicloe.perino@cityofbonitasprings.org 239.992.2556

Team Responsibilities:
- site analysis + public process
- conceptual and final design
- full construction services

Financial Summary
Owner Budget = GMP
Gen Cnds ~16%, Ovrhd ~17%, Profit ~5%
Change Orders Added to GMP- $60,000
Pre Construction: ~$25,000



NEWLINE SKATEPARKS
RELEVANT EXPERIENCE

City of Bonita Springs Florida

March 11,2024

To Whom it May Concern,

In September of 2023, we contracted with New Line Skateparks, to construct our new 16,500 square foot skate park facility. The construction began just before our coast was hit by Hurricane Ian. Although our city was in chaos, roads were shut down, materials and housing were scarce, the New Line team pushed on and delivered a world class skate facility. Project Manager, Tony Misiano leads a talented group of builders, who are passionate about the quality of their work. Plus, they are a blast to watch ride their skateboards after the work is complete! Additionally, they were very quick to respond to a warranty/maintenance visit request, which we value greatly in Parks and Recreation.

We whole-heartedly recommend New Line Skateparks for any and all upcoming skatepark-related projects. Feel free to reach out to me if you have any questions.

Nicole Perino
Parks and Recreation Director

City of Bonita Springs Florida

phone | (239) 992-2556
email | Nicole.perino@cityofbonitasprings.org
website | www.cityofbonitasprings.org

C. Jay Smith Skate Plaza & Pump Track *Newnan, GA*

Newnan's highly anticipated new regional skatepark is now complete. Located in the city's beloved C. Jay Smith Park, the park features ~ 34,000 sqft of unique urban plaza terrain, a competition level bowl unit, and world-class concrete pump track area punctuated by multiple green islands. Along with a one-of-a-kind hardscape configuration detailed with the City's colors, the greater park offers new visitor parking, restrooms, an adventure playground, splash park, custom site furnishings, and linkages to public transit and pathways. The park is among the region's largest and most progressive youth facilities - attracting visitors from across the Country and serving as an appealing venue for high-level action sports contests, demonstrations, and events.





Project Budget: $1,900,000
Timeline: Fall 2020 - Summer 2021
Client: City of Newnan - Cleatus Phillips, City Manager
cphillips@cityofnewnan.org 770-254-2358

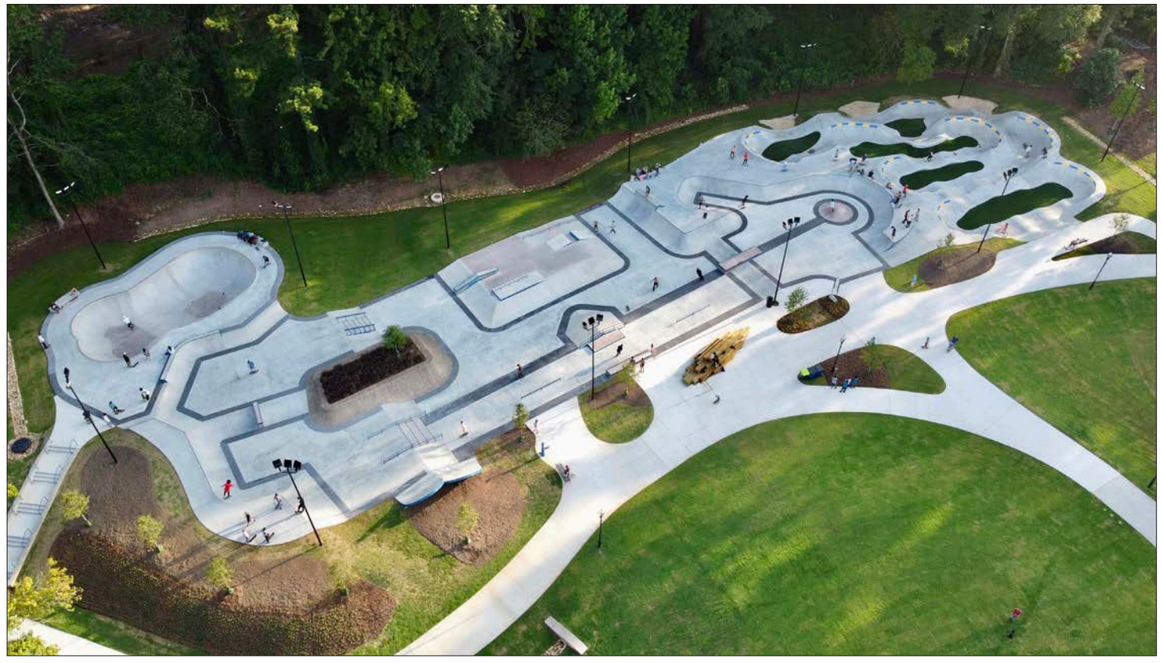
Team Responsibilities:
- site analysis + public process
- conceptual and final design
- full construction services

Financial Summary
Owner Budget = GMP
Gen Cnds ~15%, Ovrhd ~15%, Profit ~8%
Change Orders Added to GMP- $0
Design and Pre Construction: ~$140,000



C.J. Smith Skatepark continued





Greeley Skatepark Network *Greeley, CO*

In 2018 the City of Greeley retained New Line Skateparks to create not just one, but a network of three modern concrete skateparks strategically distributed throughout the city. This master-planned development allows the majority of Greeley residents to have access to a skatepark within just over a mile of their residence - each with a distinct character, unique terrain style and site integration approach.

Informed by an exciting community engagement process consisting of a series of interactive design workshops and open house sessions, the final design program resulted in a Flow/Transition oriented Facility at Centennial Park, an expansive modern Street-Style Plaza at 3rd Street, and a versatile Skate Spot (existing concrete slab retrofit) at Peakview Park. Our team also collaborated closely with the City's Public Art program to incorporate custom installations by sculptor Joshua Goss into each facility footprint.





Team Responsibilities:
- *site analysis*
- *public consultation*
- *conceptual and final design*
- *full construction services*

Project Budget: ~ $1,800,000
Timeline: Winter 2018 - Spring 2020
Andy McRoberts, CPRE
Director - Culture, Parks and Recreation
970-350-9425

Financial Summary
Owner Budget = GMP
Gen Cnds ~18%, Ovrhd ~16%, Profit ~7.5%
Change Orders Added to GMP - $0
Design and Pre Construction: ~$120,000



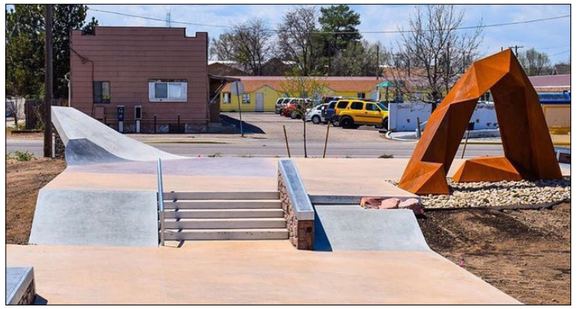






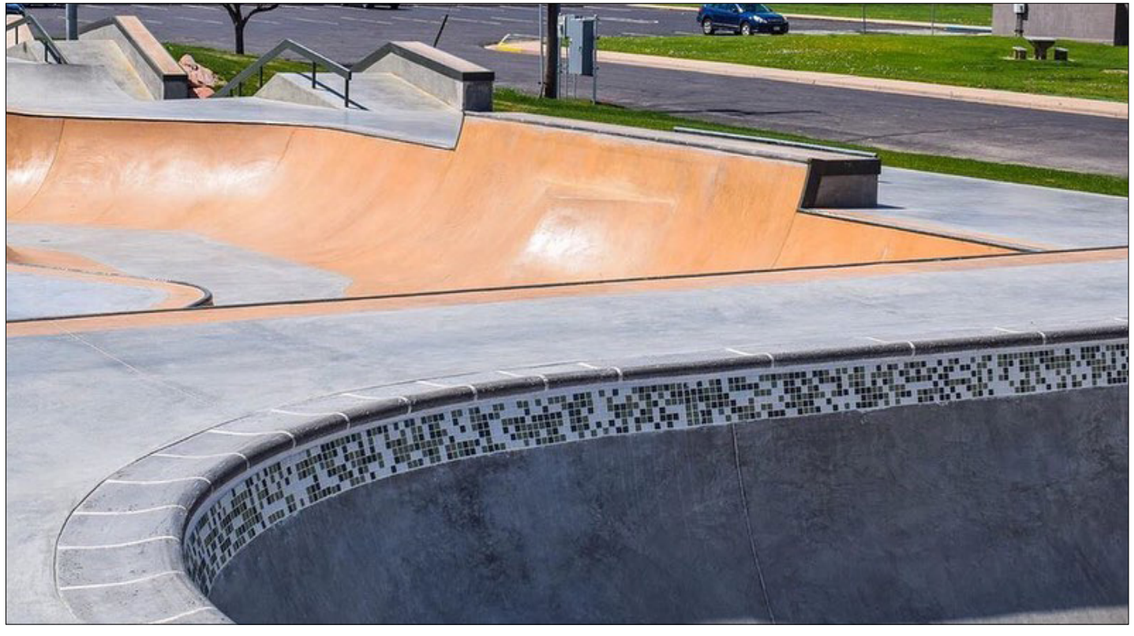
Greeley Skatepark Network continued











CityWalk Skatepark *Birmingham, AL*

Now completed, CityWalk BHAM includes a 31-acre, 10-block-long linear public park underneath the I-59/I-20 bridges in downtown Birmingham, featuring world-class design and pedestrian amenities that provide active and passive recreational gathering opportunities. Working closely with Barge Design Solutions, ALDOT, the City and local stakeholders, the skatepark solution was developed to not only fit the thematic structure of the CityWalk landscape but to also offer a completely unique experience within the context of this one of a kind under-viaduct urban environment. Complimenting surrounding children's playscapes, an outdoor skating rink, a dog park, walking paths, multiple performance spaces and gathering areas, the skatepark features a balanced mix of transition, flow, street and pump track obstacles while adhering to the traffic, inspection and pedestrian pathway requirements of ALDOT and the City of Birmingham. With a footprint of over 56,000 sqft, the skatepark will also serve as one of North America's largest action sports destinations.

Timeline: Spring *Spring 2020 - Summer 2022*
Budget: ~$3.5 Million
Client: *City of Birmingham / ALDOT - Steve Haynes hayness@dot.state.al.us (East Central Region Engineer)*

Team Responsibilities:
-site analysis
-public process
-conceptual and final design
-concrete skatepark construction

Financial Summary

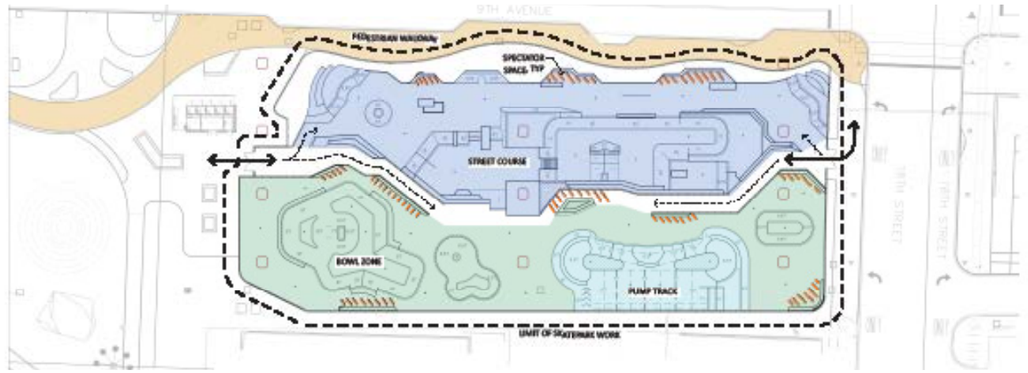
Gen Cnds ~15%, Ovrhd ~15%, Profit ~9%
Change Orders Added to GMP- $0
Design and Pre Construction: ~$130,000







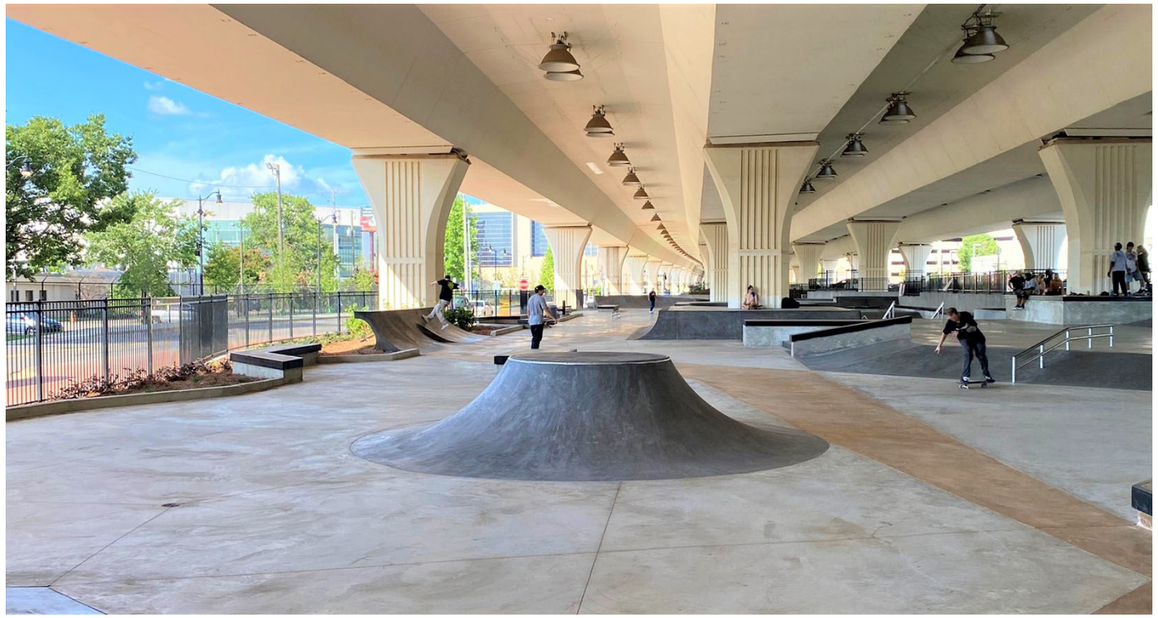
CityWalk Skatepark...continued

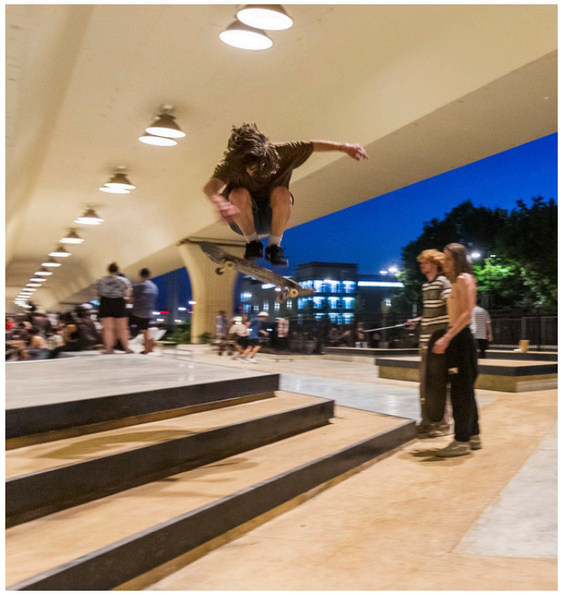


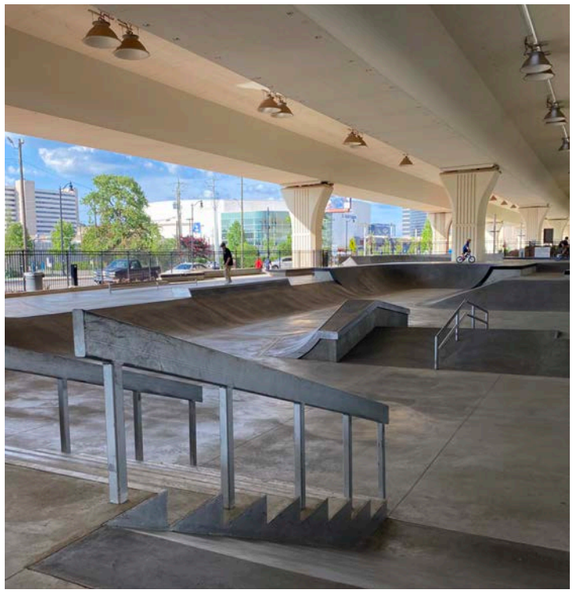




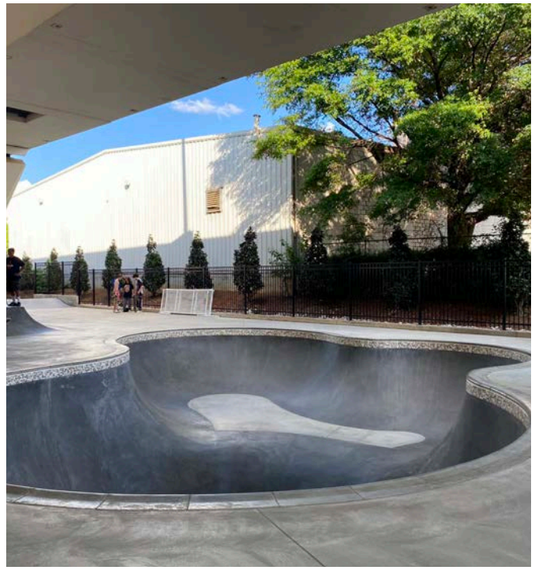
CityWalk Skatepark...continued







CityWalk Skatepark...continued







Mueller Skatepark and Pump Track *Austin, TX*

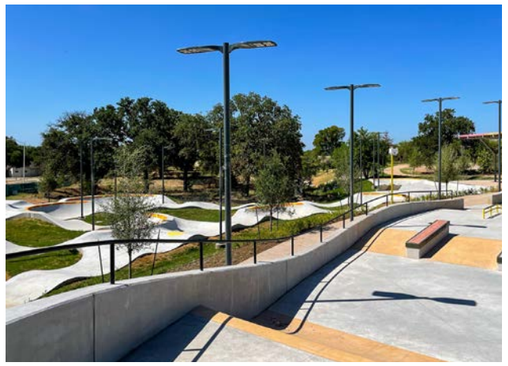
Located in the heart of the 700-acre award winning, master-planned Mueller community (a redevelopment of Austin's Robert Mueller Municipal Airport), is Texas's first combination concrete pump track and urban skate plaza development. Along with offering a versatile assortment of custom skateboarding, BMX/Mountain Bike, inline, and scooter-friendly terrain, the park also serves as a marquee family gathering and socializing area within the community's expansive Southeast Greenway recreation and natural lands corridor. Beloved by locals and visitors alike, the facility has garnered considerable Nation-wide acclaim, demonstrating what's possible when Residential Developers, City Staff, Action Sports Consultants, and Community Members can accomplish when working together.

Project Budget: ~ $1,100,000
Timeline: Fall 2021 - Summer 2022
Client: Catelus Developments

Team Responsibilities
- site analysis
- public process
- conceptual and final design
- full construction services

Financial Summary
Owner Budget = GMP
Gen Cnds ~13%, Ovrhd ~15%, Profit ~7%
Change Orders Added to GMP- $0
Design and Pre Construction: ~$85,000











Topaz Skate Plaza + Bike Skills Park *Victoria, BC*

The City of Victoria's Topaz Skate Plaza and Bike Skills Park serves as one of Canada's largest integrated action sports venues and is quickly gaining world wide attention as a top skateboarding and BMX/Mountain bike destination. On top of premium plaza, obstacle, pump track, and modern bowl terrain, the development features integrated rain gardens, custom lighting and sculptural elements, innovative wayfinding and shade structure elements, and extensive viewing areas, event space and formalized pedestrian corridors. Our team was proud to serve as Prime Contractor and Lead Designer to bring this landmark community project to life for the vibrant community of Victoria.





Project Budget: $3,600,000
Timeline: Spring 2021 - Spring 2022
Client: City of Victoria, Moira Wilson, mowilson@victoria.ca

Team Responsibilities
- *site analysis*
- *public process*
- *conceptual and final design*
- *full construction services*
- *programming consulting*

Financial Summary
Owner Budget = GMP
Gen Cnds ~18%, Ovrhd ~16%, Profit ~6%
Change Orders Added to GMP- $0
Design and Pre Construction: ~$260,000









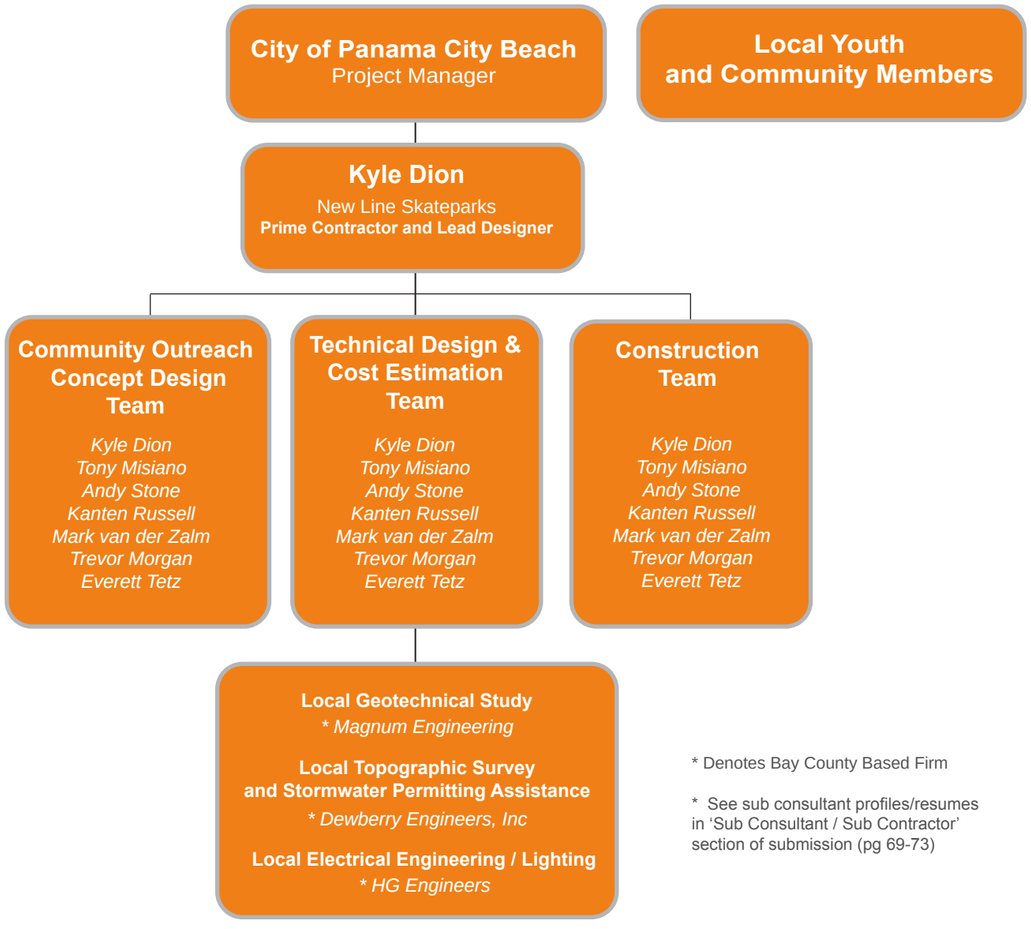


ORGANIZATIONAL PROFILE AND PERSONNEL

QUALIFICATIONS

NEWLINE SKATEPARKS

TEAM ORGANIZATION AND KEY PROJECT STAFF



* Denotes Bay County Based Firm

* See sub consultant profiles/resumes in 'Sub Consultant / Sub Contractor' section of submission (pg 69-73)

As Prime Contractor and Lead Designer, New Line Skateparks will direct all project action and self-perform all specialized skatepark community consultation, certified design and complex concrete and steel construction works. *All remaining non skatepark-specialized construction scopes such as bulk earthworks, finishing landscaping, etc will be executed under our direction by reputable local Bay County contractors. Similarly, all major materials (sub base aggregate, concrete, rebar, lumber, etc.) will also be sourced locally through an internal RFP process.* These materials and non skatepark-specific scopes will also serve as strong opportunities for In-Kind Donations (should the Owner be interested in pursuing).

The effectiveness of our core team and design-build organizational structure has been proven and enhanced over 450 projects throughout Florida and across North America. Orderly internal communication, coordination of activities, and our distribution of key project information will be informed by our 23 + years of municipal design-build project management experience and general compliance with ISO 9001 quality assurance measures. Subcontractors/Subconsultants will have clearly defined scopes of work + contracts and will be vetted for final approval with the CPCB prior to engagement.

At New Line Skateparks we understand the part that 'local' plays in developing livable and lively communities. At the same time we understand the value of using cutting edge designers with international experience and recognition. Thus, we have assembled a carefully selected multi-disciplinary team of passionate professionals with both world-class credentials and unparalleled local resources. ***Please see previous section for Key Staff project reference information (Princpal and Project Management Staff have worked together on all projects profiled in our Firm Qualifications).***

KYLE DION

President and Project Director



Mr. Dion is the founder and president of New Line Skateparks Inc. and will direct all action for the project at hand. He is a seasoned active skateboarder and father of 5 who has tirelessly dedicated himself to the promotion of skateboarding/action sports across North America and throughout the world. Kyle is also a current executive board member of CASA (which coordinated CDN skateboarding's debut in the 2021 Olympic Games in conjunction with the International Olympic Committee) and has provided his professional consulting and construction services for over 450 high profile municipal skateparks across the United States, Canada, Europe, and Australia. In addition to receiving numerous recognitions for his work (including the esteemed Canadian Society of Landscape Architects National Honour Award), Mr. Dion is regularly featured in international media publications for his unique community recreation contributions.

PROFESSIONAL EXPERIENCE

New Line Skateparks
Edgewater, FL
President / Principal Designer
2001 - Present

Puzzled Skate Movement
Maple Ridge, BC
President
1997 - 2001

City of Maple Ridge
Maple Ridge, BC
Youth Program Specialist
1994 - 1997

Luxton Designs
Perth, Australia
Project Manager
1990 - 1994

PROFESSIONAL AFFILIATIONS

American Shotcrete Association

Skateboard Canada
(Board Member)

PROFESSIONAL AWARDS

CSLA - Regional Honor Award - Vancouver Skate Plaza
CSLA - National Honor Award - Plaza at the Forks
Skaters for Public Skateparks - Public Space Award - Plaza at the Forks
Parks and Recreation Ontario - Excellence in Design Award
Texas Recreation and Parks Society - Excellence in Design Award
CSLA National Citation - Calgary Skateboarding Amenities Strategy
American Shotcrete Association - Outstanding Shotcrete Award

PROJECT EXPERIENCE

(project values $300,000 - $3 Million)

Downtown Panama City Skatepark - Panama City, FL
Bonita Springs Skatepark - Bonita Springs, FL
Helen McCall Skatepark - Walton County, FL
Topaz Skatepark and Bike Park - Victoria, BC
C Jay Smith Skate Plaza and Pump Track - Newnan, GA
Rolling Magic Skatepark - Lenexa, KS
CityWalk Skatepark - Birmingham, AL
Creston Skatepark - Creston, BC (2019)
Plaza at the Forks - Winnipeg, MB
Calgary Skateboarding Amenities Strategy - Calgary, AB
Banff National Park Skatepark - Banff, AB
Kensington Skatepark - Vancouver, BC
Seattle Center Skatepark - Seattle, WA
South Kitsap Skatepark - Port Orchard, WA
Lafayette Skate Plaza - Los Angeles, CA
SOMA Skate Plaza - San Francisco, CA
House Park Skate/BMX Park - Austin, TX

Additional Project Experience Listing Available Upon Request

NEWLINE SKATEPARKS

TONY MISIANO

Construction Superintendent



Living in Edgewater FL, Tony Misiano is high-level skateboarder and construction superintendent with over 20 years of successful concrete skatepark development experience across the United States. Tony personally oversees all cost estimation and construction operations from first shovel through to grand opening to ensure full continuity and quality control through each phase of development. Tony is an ACI Certified Shotcrete Nozzlemen, a licensed General Contractor, COR Safety and ISO 90001 compliance trained, and will serve as lead estimator and construction manager for the project at hand.

PROFESSIONAL EXPERIENCE

Newline Skateparks
Edgewater, FL
Superintendent, US Construction
General Contractor CGC1513874
July 2017 – Present

Misiano Skateparks
New Smyrna Beach/Edgewater, FL
President and Founder
General Contractor CGC1513874
Designer and Builder Over 50
Skateparks in 10 States
July 2007 – July 2017

New Smyrna Beach Skatepark Committee
New Smyrna Beach, FL
Member of Non-profit Organization
Winner Volusia County Echo Grant
Winner Tony Hawk Foundation Grant
December 2005 – August 2008

Traveling Professional Skateboarder
New York, NY – home base
Tokyo, Seoul, 28 of 50 US States
January 99 – December 2005

Concrete Foreman
110 Liberty Street, LLC
New York, NY – Ground Zero
Concrete Construction and Carpentry
January 2002-July 2003

EDUCATION

University of Central Florida
BA Arts Administration 1994

Second Studio, NY, NY
Method Acting Conservatory 2000-2003

Certified General Contractor
CGC1513874 Florida, July 2007

PROJECT EXPERIENCE

(project values $300,000 - $2.5 Million)

Downtown Panama City Skatepark - Panama City, FL
Bonita Springs Skatepark - Bonita Springs, FL
Helen McCall Skatepark - Walton County, FL
C Jay Smith Skate Plaza and Pump Track - Newnan, GA
Rolling Magic Skatepark - Lenexa, KS
CityWalk Skatepark - Birmingham, AL
LaGrange Skatepark, LaGrange, GA
Sandwich Skatepark, Sandwich, MA
Whistlestop Skatepark, Whistlestop, FL
Colin's Dream Park, Orange City, FL
Stratford Skatepark, Stratford, Ontario
Banff Skatepark, Banff, Alberta
Albany's Washington Park Skatepark, Albany, NY
Raymondville Skatepark, Raymondville, TX
Los Fresnos Skatepark, Los Fresnos, TX
Youth Activities Skatepark, O'Fallon, MO
Nyack Memorial Skatepark, Nyack, NY
Charles R. Woods Skatepark, Lake George, NY
Ronald Reagan Skatepark, Lawrenceville, GA
Nova Community Skatepark, Ormond Beach, FL
Bayhead Action Skatepark, Largo, FL
Procko Park Skatepark, Branford, FL
New Richmond Skatepark, New Richmond, WI
Buena Vista Skatepark, Buena Vista, CO
Scituate Skatepark, Scituate, MA
Ian Tilmann Memorial Skatepark, Safety Harbor, FL
Forestgate, Lakeside, Harpers Landing & Terramont Skateparks,

Additional Project Experience Listing Available Upon Request

NEWLINE SKATEPARKS

MARK VAN DER ZALM LEED AP, ASLA, CSLA

Principal Landscape Architect



Mr. van der Zalm is the serves as the principal landscape architect for our team. His duties will include liaising with the client, stakeholders and the public as well as certified design development and project management. Mr. van der Zalm is a registered member of both the American and Canadian Society of Landscape Architects and has been the recipient of Regional and National Honor awards for his work across North America and Europe. He holds a masters degree in landscape architecture and environmental planning with design expertise centered on parks and recreation development and urban design. Mark has served as landscape architect on over 300 of the continent's most recognized concrete youth/ skateparks and is a frequent presenter on youth park development across the globe.

EDUCATION

Masters of Landscape Architecture
and Environmental Planning Degree
Utah State University

PROFESSIONAL AFFILIATIONS

RLA Texas
RLA Florida
RLA Colorado
RLA Kansas
RLA Oregon
RLA Michigan
RLA Georgia
LEED AP
ASLA

PROFESSIONAL EXPERIENCE

New Line Skateparks
Langley, BC / Edgewater, FL
Principal Landscape Architect
2001- Present

VDZ + associates inc.
Vancouver, BC
Principal
2000 - Present

DMG Landscape Architects
Burnaby, BC
Associate
1996 - 1998

Diseno Pasajista
Porto Veijo, Ecuador
Sr. Design Associate - Summer
Exchange Program

PROFESSIONAL AWARDS

CSLA - Regional Honor Award - Vancouver Skate Plaza
CSLA - National Honor Award - Plaza at the Forks
Skaters for Public Skateparks - Public Space Award - Plaza at the Forks
Parks and Recreation Ontario - Excellence in Design Award
Texas Recreation and Parks Society - Excellence in Design Award
CSLA National Citation - Calgary Skateboarding Amenities Strategy
American Shotcrete Association - Outstanding Shotcrete Award

PROJECT EXPERIENCE

(project values $300,000 - $2.5 Million)

Downtown Panama City Skatepark - Panama City, FL
Bonita Springs Skatepark - Bonita Springs, FL
Topaz Skatepark and Bike Park - Victoria, BC
C Jay Smith Skate Plaza and Pump Track - Newnan, GA
Rolling Magic Skatepark - Lenexa, KS
CityWalk Skatepark - Birmingham, AL
Helen McCall Skatepark - Walton County, FL
Plaza at the Forks - Winnipeg, MB
Calgary Skateboarding Amenities Strategy - Calgary, AB
Banff National Park Skatepark - Banff, AB
Lake Wilcox Youth Park - Richmond Hill, ON
Gellert Community Skatepark - Halton Hills, ON
Vancouver Skate Plaza - Vancouver, BC
Chuck Bailey Youth Park - Surrey, BC
Seattle Center Skatepark - Seattle, WA
Kensington Skatepark - Vancouver, BC
Melfort Skatepark - Melfort, SK
Chinook Winds Skatepark - Airdrie, AB
Station One Skate Plaza - Saint John, NB
Fredericton Downtown All Wheel Plaza - Fredericton, NB
Seattle Center Skatepark - Seattle, WA

Additional Project Experience Listing Available Upon Request

NEWLINE SKATEPARKS

ANDY STONE PENG
Project Engineer



Andy brings nearly 20 years of experience as a senior civil engineer (Florida License 96794) and project manager specializing in land development, infrastructure rehabilitation, water distribution and LID storm water management systems for public sector projects - including over 40 municipal skatepark developments across North America. With a strong project management background, Andy enjoys staying directly involved with the client and project stakeholders as well as technical design leads from all other professional disciplines contributing to the design. Andy was also a professional skateboarder from 1993 to 1999, during which he traveled the world competing and performing demonstrations as well as helping manage a team, assist in art direction, and overseeing production of advertising and board graphics. Andy will serve as lead engineer for the project at hand.

EDUCATION

BS Civil, Environmental and Infrastructure and Engineering
George Mason University
Fairfax, Virginia

CERTIFICATIONS

Certified Pipeline, Manhole, and Lateral Assessment Certification

National Association of Sewer Service Companies (NASSCO),2016

Inspector Training Certification Program for Manhole Rehabilitation, NASSCO, 2013

30-Hour Construction Safety OSHA, 2013

First Aid / CPR, American Heart Association, 2018

SKATEPARK PROJECT EXPERIENCE

(project values $300,000 - $2.5 Million)

Rolling Magic Skatepark - Lenexa, KS
Bonita Springs Skatepark - Bonita Springs, FL
Barrhead Skatepark + Pump Track - Barrhead, AB
Fernie Skatepark Redevelopment (2023) - Ferine, BC
Spruce Grove Skatepark Redevelopment (2023) - Spruce Grove, AB
Arvada Skate Park, Arvada, Colorado
Etnies Skate Park, Lake Forest, California
Erie Community Skatepark, Erie, Colorado
Maloof Skate Park, Washington, DC
Oldsmar BMX Track, Oldsmar, Florida
Oakland Skate Park, Oakland, California

INFRASTRUCTURE PROJECT EXPERIENCE

Sanitary Sewer Collection Beach Interceptor Trenchless Technology Improvements, Laguna Beach, CA
National Zoological Park – Asia Trail Project, Smithsonian Institution, Washington, DC
Water System Improvement Project , Aurora Water, Aurora, CO
Manhole Rehabilitation Project, South Adams County, CO
Sanitary Sewer Collection System Rehabilitation, Aurora, CO
Infrastructure Rehabilitation – Miller Coors Brewery, Golden, CO
Adams County Government Center, Brighton, CO

Additional Project Experience Listing Available Upon Request

NEWLINE SKATEPARKS

KANTEN RUSSELL
Sr Skatepark Designer and Design Project Manager



Kanten is a globally recognized professional skateboarder with over 14 years of international experience endorsing his pro model shoes and signature skateboards. Kanten worked for the City of Chula Vista in the engineering/ surveying department followed by a decade in the architectural design world serving as a skatepark development consultant. Since turning to design, Kanten has spent the last 13 years utilizing his knowledge of action sports on over 260 municipal youth park facilities, including skateparks, urban plazas, and progressive pump tracks. Kanten's specialized technical expertise is uniquely informed by his experience on the professional skateboard circuit as well as being a father of 3 girls - resulting in creative material and surface choices as well as compelling variations in flow and complexity of obstacles. Kanten has been with New Line Skateparks since 2018 and will serve as lead terrain designer for the project at hand.

EDUCATION

AS, Engineering Survey & CAD Design, Cuyamaca College, San Diego, California

AWARDS

2018 ASLA New York Upstate Chapter Merit Aware, Planning and Analysis (Rochester Urban Skate Park)

2017 American Public Works Association (APWA) Southern California Chapter, Creative & Innovative under 50,000 ft2 (Manhattan Beach Skate Park)

2016 California Parks & Recreation Society Award (CPRS) District 12, Best New Facility (Encinitas Community Plaza and Skate Plaza)

2014 California Park & Recreation Society Award of Excellence, Alga Norte Community Park (Skate Park)

2014 American Public Works Association - San Diego & Imperial Counties Chapter Public Works Project of the Year (Alga Norte Community Park (Skate Park)

PROJECT EXPERIENCE

(project values $300,000 - $3 Million)

Downtown Panama City Skatepark - Panama City, FL
Bonita Springs Skatepark - Bonita Springs, FL
Helen McCall Skatepark - Walton County, FL
Topaz Skatepark and Bike Park - Victoria, BC
C Jay Smith Skate Plaza and Pump Track - Newnan, GA
Rolling Magic Skatepark - Lenexa, KS
CityWalk Skatepark - Birmingham, AL
Ypsilanti Skatepark, Ypsilanti, Michigan, (2019)
Rochester Urban Skate Park, Rochester, NY (2019)
Reservation Road Skate Park, Boston, MA (2019)
Washington Park Skate Park, Albany, NY (2013)
Nyack Skate Park, Nyack, NY (2015)
Faber Skate Park, Staten Island, NY (2015)
Lynch Family Skate Park, Cambridge, MA (2015)
Holyoke Skate Park, Holyoke, MA (2013)
Skate Corridor & Pump Track at Smith Playground, Boston, MA (2018)
Sandwich Skate Park, Sandwich, MA (2019)
Encinitas Community Park Skate Plaza, Encinitas, CA (2015)
City Heights Skate Park, San Diego, CA (2018)
Eagan Skate Park, Eagan, MN (2018)
Watermark Skate Park, Lethbridge, AB (2018)
Dunnville Skate Park, Haldimand County, ON (2015)
Caledonia Skate Park, Haldimand County, ON (2015)
The Station at Gulfton Park, Houston, TX (2017)
Appleton Skate Park at Telulah Park, Appleton, WI (2013/2017)
Goodman Skate Park, Madison, WI (2015)
Lake Geneva Wheel Plaza, Lake Geneva, WI (2012)
Heritage Skate Plaza, St. Cloud, MN (2011)
T.J. O'Grady Memorial Skate Park Bowl Phase, Acton, MA (2018)

Additional Project Experience Listing Available Upon Request

NEWLINE SKATEPARKS

TREVOR MORGAN BComm

Vice President / Facility Development Strategy



Mr. Morgan is an active skateboarder with over 22 years of large-scale municipal project development experience. His dedicated work has contributed to the creation of over 250 highly recognized ongoing youth organizations, public skateparks, and emerging sport programs across Canada, the United States, Europe and South America. Mr. Morgan is also an internationally respected speaker on the subject of municipal youth park / wheeled sports facility planning - presenting on a regular basis to State planning and recreation organizations across North America. Trevor will serve as co-principal for the project at hand - focusing on overall facility development strategy, design-build process continuity and public consultation.

PROFESSIONAL EXPERIENCE

New Line Skateparks
Langley BC
Vice President
2005 - Present

Newell Industries
Mississauga, ON
Key Account Manager
2003 - 2004

City of Calgary
Calgary, AB
Skatepark Specialist
1998 - 2003

EDUCATION

Bachelor of Commerce
University of Calgary
Calgary, AB, 2003

PROFESSIONAL AFFILIATIONS

American Shotcrete Association

Alberta Recreation and Parks Association (Corp Member)

PROFESSIONAL AWARDS

Eaton Foundation Academic Scholarship - 2002
Avenue Magazine Top 40 Under 40 - 2011
CSLA - National Honor Award - Plaza at the Forks
Skaters for Public Skateparks - Public Space Award - Plaza at the Forks
Parks and Recreation Ontario - Excellence in Design Award
Texas Recreation and Parks Society - Excellence in Design Award
CSLA National Citation - Calgary Skateboarding Amenities Strategy
American Shotcrete Association - Outstanding Shotcrete Project Award

PROJECT EXPERIENCE

(project values $300,000 - $3 Million)

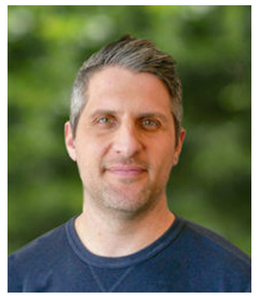
Downtown Panama City Skaepark - Panama City, FL
Bonita Springs Skatepark - Bonita Springs, FL
Topaz Skatepark and Bike Park - Victoria, BC
C Jay Smith Skate Plaza and Pump Track - Newnan, GA
Rolling Magic Skatepark - Lenexa, KS
CityWalk Skatepark - Birmingham, AL
Vic West Skatepark Expansion - Victoria, BC
Barrhead Skatepark + Pump Track - Barrhead, AB
Calgary Skateboarding Amenities Strategy - Calgary, AB
Banff National Park Skatepark - Banff, AB
Fernie Skatepark Redevelopment (2023 - Fernie, BC
Creston Skatepark - Creston, BC (2019)
Plaza at the Forks - Winnipeg, MB
Vancouver Skate Plaza - Vancouver, BC
Chuck Bailey Youth Park - Surrey, BC
Queensborough All-Wheel Park - New Westminster, BC
Kensington Skatepark - Vancouver, BC
Seattle Center Skatepark - Seattle, WA
South Kitsap Skatepark - Port Orchard, WA
Lafayette Skate Plaza - Los Angeles, CA
SOMA Skate Plaza - San Francisco, CA
House Park Skate/BMX Park - Austin, TX
Umea Skatepark - Umea Sweden

Additional Project Experience Listing Available Upon Request

NEWLINE SKATEPARKS

EVERETT TETZ

Community Outreach and Programming



Everett Tetz is a former Vice Principal of the Red Deer Public School district. He has a breadth of experience working with youth and was an active member of the provincial Diversity, Equity and Human Rights committee for several years. Everett has a passion for re-thinking the way we connect with youth and believes that their involvement in education and community needs to be meaningful and authentic. In 2013, Everett created Skate Class - a school based skateboarding program that is the first of its kind in North America with it's own locally approved curriculum. Everett has since launched a non-profit organization that seeks to connect marginalized populations to their communities by providing mentorship, training, and support, through skateboard programming and outreach. Everett is eager to connect with communities across Florida interested in involving youth, community agencies and other stakeholders in the planning, designing and construction of custom skatepark facilities and exploring a variety of programming opportunities. ***As a valued-added service for the project at hand, Everett will be available to meet with local programmers and share the Skate Class curriculum, and assist the CPCB with exploring the creation of other sustainable/ongoing, community-driven skatepark programming initiatives.***

EDUCATION

University of Calgary 2014-2017
Interdisciplinary Master's in Education

University of Alberta 2009
Bachelor of Education
(with distinction)

PROFESSIONAL EXPERIENCE

New Line Skateparks
Langley BC
Manager of Community Outreach
2017 - Present

Academy Skateboard Collective
North America
Founder and Director
2013 - Present

Skateistan Canada
Treasurer for Canadian
Fundraising Entity
2019-Present

Red Deer Public Schools
Red Deer, Alberta
Vice Principal / Teacher
2014 - 2017

Red Deer Public Schools
Red Deer, Alberta
School Counsellor / Teacher
2011-2014

PROJECT EXPERIENCE

(project values $300,000 - $3 Million)

Downtown Panama City Skaepark - Panama City, FL
Bonita Springs Skatepark - Bonita Springs, FL
Topaz Skatepark and Bike Park - Victoria, BC
C Jay Smith Skate Plaza and Pump Track - Newnan, GA
Rolling Magic Skatepark - Lenexa, KS
CityWalk Skatepark - Birmingham, AL
Qualicum Beach Skatepark Redevelopment (Current)
Topaz Skatepark and Bike Park - Victoria, BC (2021)
Westshore Skatepark (2022)
Tofino Skatepark Refurbishment (2020)
Vic West Skatepark Expansion - Victoria, BC
Fernie Skatepark Redevelopment (2023) - Ferine, BC
Spruce Grove Skatepark Redevelopment (2023) - Spruce Grove, AB
CitySkate (Vancouver Skateboard Amenities Strategy), (2022)
Fire Station Skate Plaza, Fort Worth, TX (2023)
Ypsilanti Skatepark, Ypsilanti, Michigan
CityWalk Skatepark, Birmingham AL
Calgary Skateboarding Amenities Strategy - Calgary, AB
Banff National Park Skatepark - Banff, AB
Lake Wilcox Youth Park - Richmond Hill, ON
Gellert Community Skatepark - Halton Hills, ON

Additional Project Experience Listing Available Upon Request

OUR

APPROACH

|| One must work and dare ||

|| if one really wants to live. ||

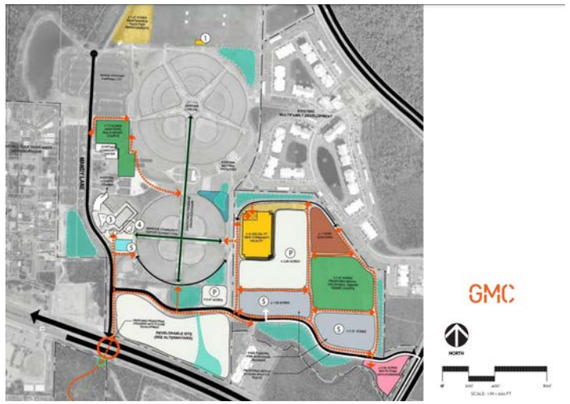
|| - Vincent van Gogh ||

NEWLINE SKATEPARKS

PROJECT UNDERSTANDING

The residents of Panama City Beach have determined that the development of a modern, highly integrated, and inclusive skatepark would be a welcome addition to the City's parks network. City Council and Staff have supported this initiative with the designation of a site and a commitment of project funding It is also understood that a passionate group of local skateboarders/wheeled sports enthusiasts, community leaders and parents are standing by to provide creative input throughout the development process.

The proposed site for the project will lie just south of the Miracle League Fields within the community's popular Frank Brown Park. Frank Brown Park has been the focus of significant redevelopment planning that will aim to further establish the site as a destination recreational hub for locals and visitors alike. Thus, introducing the new skatepark will require utmost sensitivity to the area's multiuse surroundings and the guiding principles of the master planning completed to date by the CPCB and consultants, Goodwyn Mills Caywood. Key components in this vein will be *ensuring the new skatepark integrates tactfully with the existing natural landscape and addresses the safety, accessibility, aesthetic, visibility, drainage, CPTED, lighting, environmental sustainability and operations/maintenance concerns (ie. programming, hours, garbage, graffiti policy etc.) of City Council, Staff and park visitors.*

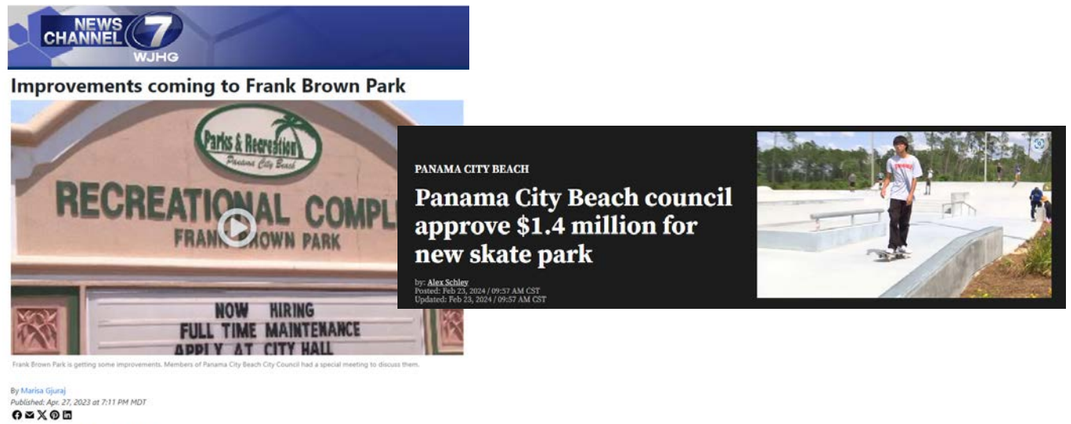




Views of Frank Brown Park master planning process + photos of the project site taken during our team's latest site visit, February 27th, 2024.

With key staff based in Edgewater and recent past work in the area (Panama City Skatepark, Walton County Skatepark), our team has maintained strong relationships with the local skateboarding/action sports community. This interaction has continued by way of our attendance at various skatepark related events in the area and a number of visits to Panama City Beach and the proposed project site. ***Based on this experience, we know that there is a highly diverse, passionate, and committed community of skateboarders, all wheel enthusiasts, and freestyle bikers - each with a strong culture, history and a fervent desire to seize this incredible development opportunity to create something truly unique in the region. We recognize that the final park user experience must be centered on an equitable approach to design - allowing opportunities for all styles and skill levels of users.***

We anticipate that the park terrain will consist of highly accessible and compelling forms of authentic modern street/plaza and flow features - suitable for all ability levels but highly accommodating to beginner and intermediate users *(details of which shall be confirmed through close consultation with the project team and community).* Design considerations shall also address the opportunity for users to grow and progress in their skills as well as take into account the park's ability to serve multiple uses and host a variety of programming initiatives. Modern skateparks are amazing family facilities and great to watch, therefore attention must also be given to *safe and inviting viewing areas, tactful landscaping, lighting and the* ***inclusion of signature art/ sculptural installations (rideable and otherwise) that capture the 'story' of what makes Panama City Beach unique and special.***



Above: Local media reporting on the planned imporovements to Frank Brown Park. With strong community interest in the skatepark, it will be critical to conduct a meaningful stakeholder input program to relaize the facility's final design.

The Design-Build Team shall ensure the completion of a thorough site analysis, in-depth stakeholder consultation program, creation of the overall conceptual plan, development of all working and as built drawings, permitting, full construction services, and project close-out responsibilities under a fixed price design-build contract. Should there be interest from the Owner, the development process shall also support any community in-kind donation opportunities and other pertinent project information that may be leveraged for added financial support. Having the design-build team become a 'Partner' with the City, and ensuring a meaningful level of local community member/business participation in the appropriate non-specialty scopes of construction will be a key factor in this endeavor.

In conclusion, it is understood that the entire development process shall be undertaken in close collaboration with City Staff, key stakeholders and other interested local youth and community members. This includes seeking the participation of voices that are actively using all-wheel skateparks in increasing numbers but are often underrepresented in the facility public process. ***These stakeholders must be respected, fully engaged in the development process, and intimately understood by the skatepark development team.***

NEWLINE SKATEPARKS

OUR APPROACH

1. Community Consultation: Our experience has shown that active participation by youth and other members of the community throughout the development process will be crucial to the long-term success of the project. For the new Panama City Beach Skatepark the call for stakeholder involvement will be equally important as there has been considerable community interest in the initiative and a significant commitment of municipal land and funding.

Thus, our team will approach this project from a collaborative point of view. We will engage the community throughout the design journey and bring a professional, organized and fun attitude. We want youth and affected community members to truly feel that they are a part of the project solution and build lasting ownership in the final product.

The design team will meet with City Staff, youth and interested community members through a series of key stakeholder meetings and public design workshops. These sessions will allow us to introduce our team, establish open lines of communication and determine the ultimate design vision for the project. If a stakeholder cannot attend one of our 'live' sessions, then we will encourage them to contact us through email or visit the project online surveys that will be created for this project. We will spare no resource to ensure that the experience of designing and building the skate, pump and sport park is as rewarding as using the final product!





To effectively address park development issues discussed with the public in an efficient manner, it will be critical to have experienced and effective facilitators working with the diverse stakeholder groups. Meetings must be led by individuals who not only intimately understand the subtleties and nuances of skateboarding/BMX and youth concerns but who also can relate issues back to area residents, seniors, business owners, civic officials etc.

Our team offers 3 individuals (Kyle Dion, Kanten Russell and Trevor Morgan) - each with 23 + years of individual experience working specifically in urban development and skatepark related planning). We will make certain all stakeholders first understand this unique project and then have an opportunity to be heard while keeping sessions productive and the project timeline 'on track'.

Part of our strategy will include using effective visual aids (color presentation panels, advanced 3D modeling, power point etc.) which illustrate examples and draw on information from numerous other concrete skatepark/plaza developments our team has completed across the nation. Although community issues relating to this park will be truly unique to Panama City Beach, there will be some consistency and overlap with communities that we have previously worked with (over 450 to date). We see this as a major strength of our team. We will bring knowledge gained from similar skatepark projects throughout North America and Europe and apply where appropriate when working with project stakeholders.









Another key aspect of our approach will be keeping our working sessions highly interactive. In addition to 'airing out' important development issues through meaningful discussion, we encourage other types of 'hands on' involvement such as writing, sketching, and real time 3D modeling of park ideas/elements alongside our team within the meetings. Outside of scheduled meetings, stakeholders will be once again invited to submit written comments, sketches, pictures etc. through our custom web survey for feedback and consideration from our team. *For even further interaction, youth will be encouraged to assist our team in presenting concept plans and revised design renderings back to the community as the project progresses. In addition, youth/young adults interested in pursuing education related work experience / credit programs will also be invited to participate in our design process where possible (this has proven to be very rewarding on past skatepark projects we have completed).*



Check us out! Log on to www.newlineskateparks.com

Overall, engaging key stakeholders in a meaningful way early in the process will be a major key to the project's success. We will seek to gather endorsements in a logical order and work to identify and focus on common goals to bridge gaps between stakeholder groups. Moreover, by researching local issues ahead of time and utilizing empirical information gained from other skatepark projects we have completed, we will strive to preempt many of the contentious issues that can arise from public misconceptions that often surround skatepark developments.

Based on our experience with similar projects, we propose conducting 3 public design workshops and an ongoing series of internal meetings throughout the development program. This should provide ample opportunity to conduct an in depth design development program and allow stakeholders to view and understand the proposed skatepark design objectives. At each major meeting a combination of comprehensive hand sketches and 3D renderings will be used illustrate project details at different stages of development. This will in turn provide key stakeholders and the community with an accurate representation of how the skatepark will look and function within the Frank Brown Park site before moving forward to construction.

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2. Context and Design Considerations: Creating a fully integrated park design that not only provides world-class skateboarding/BMX/scooter terrain but also enhances the site and respects the surrounding community will be a key focus of our design team. The Frank Brown Park site offers an exciting setting for the development of a truly inviting and unique all wheel park destination. However, along with the many contextual opportunities the location offers, several challenges may also arise that must be approached tactfully. Of significant importance will be working with the site's existing ground conditions, protection of the public and natural environment during construction, and ensuring a tactful integration of the skatepark with all surrounding multiuse amenities/areas (current and future).



Bio Filtration and Sand Filtration Planters not only provide for creative LID storm water treatment but may serve as integrated skateable elements



Light-Weight Structural Styrofoam Sub Base
Queensborough All-Wheel Park - New Westminster, BC and Seattle Center Skate Plaza - Seattle, WA

Geotechnical / Site Base Data - Our experience has shown that many sites can pose certain challenges to development due to the presence of unstable sub surface conditions that stem a variety of factors. Our team is well prepared for these type of challenges and has extensive experience designing and building over existing concrete foundations/slabs, contaminated sites, high water tables, flood plains and variable ground conditions within Bay County and across Florida. For each project's unique geotechnical and civil requirements, our team has employed an engineering process that draws on the skill and experience of our internal staff as well as the direction of local geotechnical engineers with relevant first-hand knowledge and expertise relevant to the ground conditions of Panama City Beach. We will ensure the entire team clearly understands the nature of the proposed facility and then jointly develop our final grading and drainage, base prep, and structural details for the park. For the new Frank Brown Park skatepark, our team will match a thorough understanding of geotechnical conditions with a full analysis of all existing civil infrastructure that may be eligible for tie-in with the new development. The result will be a final design plan that maximizes the potential of all suitable existing site infrastructure while mitigating any negative affects that potentially challenging sub surface conditions may have on the final budget and facility play value.



Use of recycled base materials



Soil analysis for biofiltration area



Ecosmart Concrete

Sustainable Development / Green Infrastructure / Protection of Public During Construction - Preserving natural and built environments will also be critical when we develop our plans for the site. Relevant ecological initiatives, surrounding vegetation, and the comfort of the public and nearby residents must be considered. Our team will ensure the park's design and construction documentation accounts for proper access of construction/maintenance traffic, proper treatment of storm water, tree protection, erosion and sediment control, and removal of unwanted materials in a way that minimizes undesirable impacts to the surrounding site area. We are proud to have introduced LID and 'green drainage' systems on a number of our recent skatepark designs and continue to participate in Leadership in Energy and Environmental Design (LEED) certified projects throughout North America. We look forward to providing our experience in this increasingly important area and offer the following sustainability practices that could be considered for the new PCB skatepark (note that this is not an exhaustive listing):

- *Implement opportunities for onsite treatment of storm water through skateable biofiltration and sand filtration planters within skatepark hard surface and surrounding landscape ('green' storm water management system).*
- *Source locally produced granite for ledge applications*
- *Use of recycled concrete as potential skatepark sub base material*
- *Use of recycled steel in potential skateable sculptures*
- *Use of 'green friendly' or EcoSmart concrete and state of the art PLANT FIBER reinforcement in mix design*
- *Recycling of wood forming materials used in project*
- *Provide incentives for project staff to access work site by skateboard, bike, public transport*
- *Avoid unnecessary document printing related to project and use recycled paper whenever possible*







Area Seniors capturing the action at a local skatepark

Most importantly, the new skatepark should be an inviting destination for all visitors and provide a true ‘sense of place’ for the community. With this in mind, it is important to not overlook the non-active user. They too must be welcomed into the site - to feel comfortable sitting down, watching or slowly walking by. For the primary users (skateboarders, scooter, BMX, etc.), their activity often happens in bursts and is not a continuous endurance session. Much of the time users are watching, socializing, and waiting for a turn. Thus, focusing on the whole of the site area and design components beyond the immediate function of the skate and bike park terrain will be critical. The following sections outline just a few elements that will be considered in this endeavor.

Safe pedestrian walk ways and viewing areas – Ensuring collisions/conflicts do not occur between skaters and casual visitors/bystanders will be important for setting the ‘tone’ for the park. Our team will work purposefully to design an overall layout and surface detail that will naturally direct activity to the appropriate areas without feeling contrived. We will ensure ample room for safe, unobstructed viewing and unfettered access around all key skatepark areas for the user and non-user alike. Existing area pathways and infrastructure will be analyzed, adjusted, and tied into the final design for eventual construction. We are confident that the new facility will provide a significant improvement in the overall accessibility and connectivity of Frank Brown Park.



Spectator overlooks and pedestrian promenades
at The Plaza at the Forks



Diverse colours, textures and integrated landscaping

Landscape and materials detailing – focusing on the landscape design and materials detailing around the park will be important to a pleasant and subtle integration within the site. Our team will provide direction on green space forming and use of varied materials selections that create a vibrant and enduring setting. This will be balanced with our understanding of the construction budget, maintenance requirements, and usage realities of a high use public youth park. For the new PCB skatepark, special attention will be paid to utilizing a combination of appropriate local plant palette, pavers, steel and rock work options to create functional viewing, socializing, and shade areas in sync with the community’s picturesque surroundings and unique character.

Art integration and theming – With a movement for greater integration of youth culture and contemporary activities into mainstream society and public spaces, we are beginning to look at skateparks differently. The days of the typical ‘concrete square’ are quickly coming to an end as a new generation of increasingly holistic skatepark designs respond to far more than purely function. A major part of this new design vision includes introducing art installations within and around the skatepark development. Our team has had the opportunity to spearhead this concept in North America and is excited with any opportunities the CPCB and local community may wish to pursue.









locally inspired skateable art installations at our Plaza at the Forks, Dickies Skate Plaza, UBC Skatepark, Roanoke Skatepark Carrington Covered Skatepark and Gitanmaax First Nation Skateparks

With a diverse site area, rich local culture and proud history, there will be ample opportunities for both skateable/rideable sculptures and other artistic elements. Whether it be referencing the community’s breathtaking waterfront setting or more modern representations of Panama City Beach as a beacon for inclusivity and diversity, numerous ideas will surface for art installations that capture the City‘s ‘spirit’ and ‘feel’. We look forward to engaging the community to help direct and determine the thematic structure and opportunities for art interventions within the skatepark’s rideable footprint.

Our experience with the Plaza at the Forks in Winnipeg, MB is an excellent example of the integration of art and skate terrain. The design introduced locally created/inspired signature skateable sculptures and other art pieces from concept through completion into what would become a world-renowned public space. It was a process without precedent that has now given our team the unique advantage of understanding how to successfully engage local artists *(and work within official City Art Programs),* help choose submissions and oversee the transformation of artistic concepts to built installations that are both interesting and safe to skate. We have also acquired a keen understanding of the budget implications that come with each step in the process.

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While our design team may have many ideas for compelling artistic themes and concepts, we want to be careful not to prescribe these to the project prior to hearing from public. Our experience has shown that many of the most exciting artistic solutions have been informed by local youth and community via our series of interactive design workshops and engagement events. Ideally, we want key stakeholders and the greater community to truly feel that they have provided meaningful creative direction on the final artistic themes and concepts.



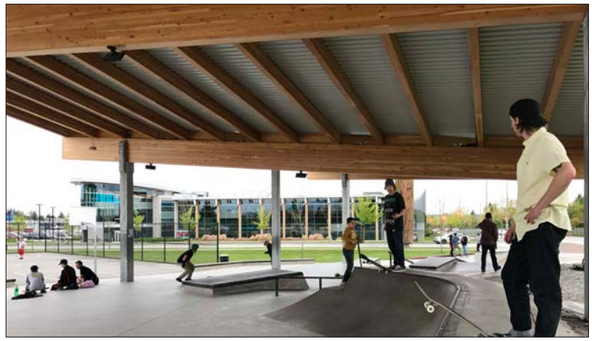








Skatepark Roof / Open Air Structures – Innovative architectural roof structures and creative park shelters have received considerable attention in the international municipal action sports park industry over the 5 years, and along with our leadership in the skateable art movement, our team has been honoured to introduce the first purpose-built municipal skate/bike park roof structures in North America. Starting with the Chuck Bailey covered youth park in 2011, and followed up with our landmark Cloverdale covered youth park in 2014, we were able to demonstrate the tremendous successful impact introducing compelling covered structures within the skate/bike park environment can have. This impact not only relates to facilitating safe skateboarding/bike activity in the park during inclement weather, but also for opening up opportunities for special events, shade, artistic installations, and servicing hubs (water, power, multimedia). Our unique experience with skatepark/bike park specific roof structures has provided our team with a rare ability to provide custom architectural installations that are functional within the context of a complex actions sports environment, visually striking, and cost effective. *While perhaps not to the same scale as Chuck Bailey and Cloverdale, we look forward to potentially applying this skill and experience to the design-build challenge at Frank Brown Park to develop a creative open air structure that is 'uniquely Panama City Beach' (in terms of sustainable material use and architectural detailing) while also being cost effective and highly functional.*

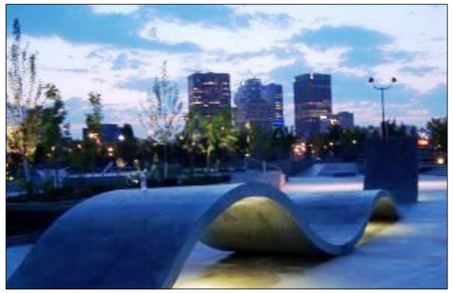






Covered structures from our Cloverdale and Chuck Bailey covered youth park projects

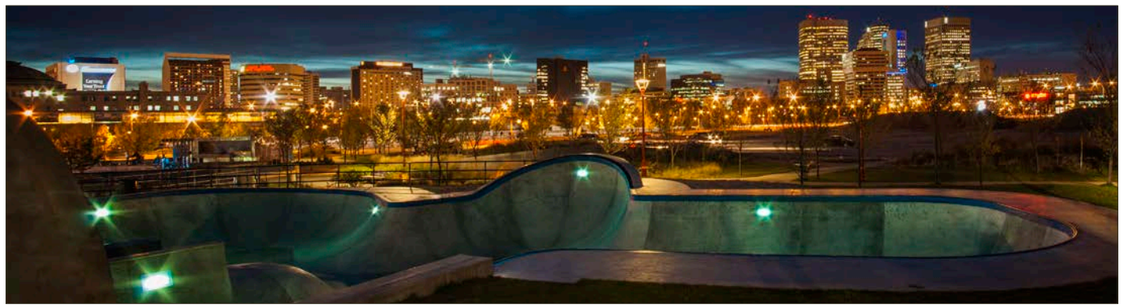
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Site Servicing / Lighting – Site services engineering for any modern youth park is important and must be performed with consideration to future amenities as well as immediate usage requirements. O*ur team is proud to have served as a pioneer in the development of skatepark specific photometric studies/ plans and are happy to present options for immediate or future implementation.* We have developed proven strategies to cost effectively implement optimal lighting programs in relation to specific user preferences, energy efficiency/conservation and neighborhood impact.







The challenge will be to develop and install a plan that meets the reality of the current budget and satisfies the desires of the Owner, park users and surrounding community. Our approach will be to communicate the available lighting choices for the specific requirements outlined in the RFP (photocell/motion activated with timer override, Dark Sky compliant), while also providing additional comprehensive lighting options for execution at the Owner's discretion. For the project at hand, we see a tremendous opportunity to include highly creative but cost effective artistic lighting accents in some of the signature skatepark features / skateable art installations. Whatever plan is implemented, it will be critical to consider the long term operation goals of the skate/bike park and ensure the initial scope of construction will accommodate any future lighting upgrades (if applicable).









Site Signage – From recognizing project contributors to helping educating park visitors, signage may be an important item for the skatepark. Above are just a couple of examples of signage options from previous New Line projects that may serve as a base for this development. In many cases we have found great success with the use of highly durable concrete, granite/natural stone and steel materials combined with innovative molding and engraving techniques - all intended to be vandal resistant (through material impact density and graffiti abatement protection) and in most cases even rideable by skateboard, inline and BMX. Our team looks forward to presenting unique signage options for the CPCB's consideration.

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CPTED (crime prevention through environmental design) – Throughout North America we have witnessed the tremendous effect that skatepark-specific CPTED planning in can yield. Our team will consult with project stakeholders to identify current and potential crime and safety issues in the park and surrounding neighborhood, and design to mitigate the chance of their presence in the new development. Our experience with the Downtown Vancouver Skate Plaza (see picture and profile below) will also prove invaluable as the creation of the facility resulted in a major decrease in illicit activity in a trouble-ridden location – a true skatepark success story!



The Vancouver Skate Plaza successfully uses an under utilized scrap of industrial land under the Georgia Street viaduct and transforms it into an internationally recognized street-style skateboarding plaza. The design was developed in close partnership with the Vancouver Skate Coalition, the Vancouver Police Service, and surrounding community members through a series of interactive workshops and a custom online forum set up for ongoing stakeholder feedback. Key emphasis was placed on creating true 'urban form', maximizing available budget through creative use of existing site infrastructure and value engineering, identifying appropriate skateable and non-skateable access routes to and around the site, and the implementation of sound CPTED principles. Since its completion, the park has served as the basis for case studies across North America for the development of successful youth parks in areas undergoing urban renewal.

Canadian Society of Landscape Architects
Regional Honour Award

Skaters for Public Skateparks
Case Study - Success Project

Graffiti – hand in hand with CPTED principles is the common skatepark concern of graffiti. Despite the challenges this issue can pose, it is being addressed successfully by communities across North America through a combination of facility design techniques and park operating policies supported by the community. For graffiti, our team will work closely with the CPCB to explore an array of management techniques ranging from commissioned graffiti art programs to zero-tolerance policies involving mitigating graffiti through state-of-the-art liquid removal systems. We are proud to have consulted on some of the first successful community commissioned skatepark graffiti art programs in North America while also helping identify suitable 'cover-up' paint mixes and surface-safe steam/liquid removal systems for municipalities who have chosen to go graffiti free.

Park visibility must also not be overlooked. As countless communities throughout the country attest, visibility is a key component to the success of a modern youth park. Projects that are open and highly visible generate interest and engagement from the community, while those that are hidden have proven to breed a host of social problems. Our team will take care to ensure available sight lines are maintained in conjunction with the design of all concrete elements, land forming and planting.



Park Accessibility / Accessibility Requirements - Park accessibility must be considered when developing an inclusive public skateboarding/ BMX facility. Our team is no stranger to designing to various State and Municipal accessibility requirements and is currently working with compliance officials for many of our skateparks underway in multiple jurisdictions throughout Florida and across North America. This work has afforded us with an in depth understanding of the most recent public park accessibility considerations, which we will utilize as a base for the Idaho Springs Skatepark. *However, our team desires to look beyond State regulations by exploring additional creative design options that will allow for an even more inclusive experience for disabled park visitors/ users* ***(recognizing that a growing population of disabled visitors will actually be riding the skatepark terrain).***

At minimum, access to the skatepark facility will comply with Title II of the American Disabilities Act (which references municipal facilities, services and programs). Specifically, construction code 111.4.1 for Area of Sport and Activity accessibility requirements will be followed as a starting point. Examples include: access ways that may include ramp grades and landings, pathway widths, transition and letdown points, bollards, access to amenities such as picnic tables, benches, and resting areas to the perimeter of the active user space. In the skatepark user space itself, the design will include designated standing and gathering areas with strict adherence to fall height requirements and requirements for guardrails or barriers to prevent falls to the outside of the riding zone.

Visually Impaired Professional Skateboarder and Adaptive Design Consultant, Dan Mancina, riding New Line Skateparks' LaGrange Community Skatepark
- LaGrange, GA

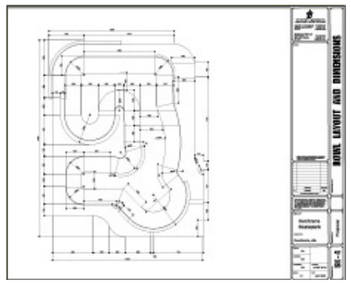


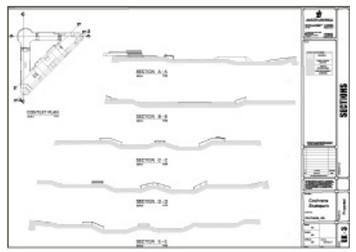
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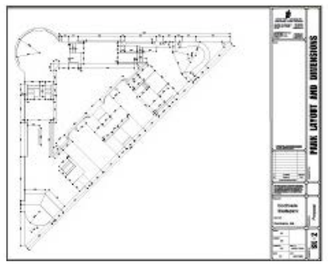
3. Technical Design and Working Drawings The technical drawings for this unique project will be of critical importance. Our team takes this task very seriously and we challenge ourselves to create informative, illustrative, and comprehensive drawing packages. Our goal is to eliminate all ambiguity in the project specifications to help ensure a very clear approval and construction process.

Our ability to deliver industry leading drawing packages stems largely from our experience from both a consultant and contractor's standpoint. New Line Skateparks is one of the most experienced concrete skatepark specific design-build teams in the world. **Over the past decade, we have built out a large proportion of our 450 + skate and bike park design projects through our own fully bonded and insured construction teams.** The constant exposure to both realms of project management allows us to quickly improve/refine our drawings and communication strategies in response to field problems/ issues on an ongoing basis. Essentially, as we design we also understand intimately what it will take to execute in the field. This heightened knowledge allows us to stay on budget and deliver final designs as they were intended - not as near replicas. This is another competitive advantage of our team and a major reason for our award winning facilities.

All drawings will be generated and engineered 'in-house', allowing for a seamless stream of communication within our development team. Review sets of all plans (including a comprehensive storm water management plan) will be provided at various stages of completion for approval by the project owner and the appropriate regulatory bodies. Upon final red line review and approval, all skatepark specific drawings and specifications will be issued for construction. To date, our custom drawings and specifications have been approved for implementation across North America. **Errors and Omissions insurance of $2,000,000 *(specifically covering concrete skate/bike park design)* will accompany each final drawing submission.**







4. Construction Once the design drawings have been converted into technical details the park must be built. For this important responsibility, New Line Skateparks Inc. is excited to offer one of the longest running, most experienced and highly recognized concrete youth/skatepark construction teams in North America. Our team has worked hard to earn this industry reputation over the last 23 years.

Construction Staff - Skate/bike park construction is a very technical and specific art form that requires the proper care and precision to 'get it right'. Crew members must not only possess highly specialized concrete construction expertise but also have a comprehensive understanding of the skatepark user groups and their activities. Our team consists of approximately 40 full-time highly trained and accredited concrete construction specialists (including 3 ACI trained shotcrete nozzlemen), most of whom are also active recreational and/or competitive skateboarders, BMX bikers and parents of middle school children. Under the leadership of Kyle Dion and Trevor Morgan, some members of this crew have worked together since the company's inception (23 + years), resulting in an extremely efficient and experienced proven core team with an unmatched level of top-rated municipal concrete skateparks to their credit.

'Construction Compartmentalization' - The term 'construction compartmentalization' simply refers to the division of the skatepark project into manageable units. We do not tolerate cost/schedule cutting through the use of massive concrete pours. We prefer instead to pour panels within manageable dimensions that allow experienced finishing crews to spend time 'polishing' and 'smoothing - out' the finished surface. The first panel poured should resemble the last, thereby providing a uniform surface across the park.









CNC Form Fabrication and Custom Finishing Tools - To further ensure all concrete elements are completed accurately to the set design specifications, New Line Skateparks Inc. has access to a custom fabrication facility equipped with Computer Numerical Control (CNC) technology. The shop prepares complex forming packages and custom concrete finishing tools required for each unique project. The specially fabricated forms and tools allow for a significantly higher degree of terrain accuracy and quality throughout each park while providing heightened efficiency and cost savings by virtually eliminating the majority of arduous onsite form preparation (typically 2 - 3 weeks). The CNC form and tool system is proprietary to New Line Skateparks and has been the result of years of testing on projects across the globe.

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BMX Reinforced Coping / Custom Edge Detailing - With the range of users taking advantage of the new recreational opportunities afforded by youth parks, we have seen some challenges to strong construction and durability. Skateboards, bmx, and inline, all have an impact on the park and it is critical to provide a 'heavy-duty' finish so that the park maintains a safe and 'new' feeling for many years. One of the main issues related to park degradation is weak edges. These edges exist on all concrete features, either at coping or on steel edged ledges.

One "optional" innovation that was brought about due to concrete damage from bmx 'pegs' was the alteration of our coping detail. We now utilize heavy gauge steel plates welded to the top of coping (with the appropriate offset for 'locking-on'), set flush in the outer deck of the park. **This detailing is used exclusively by our team and provides a consistent and heavy wear plate for the extended pegs of modified bmx. This innovation does not affect the skateability of a park, but enhances the long-term wear of the concrete.**

Another innovation in edge detailing is the use of custom poured concrete edges. The construction team prepares a number of forms that replicate the concrete edges of surrounding seat walls and ledges. These 'concrete coping' elements are bolted into place where traditionally we have placed steel edging. This element provides a true 'street' feel. Skaters have commented that they appreciate some elements within the park that allow them to have a true concrete grind edge. This concrete element can be changed after a period of heavy wear, without large cost or time expenditure. The result is a park that feels 'new' for an extended period of time.







Concrete Mix Design and Reinforcement - While the skatepark must be formed, shaped, and finished correctly, it is critically important not to overlook the intricacies of effective concrete mix design and reinforcement specifications. As one of the Country's longest running municipal concrete skatepark builders, New Line Skateparks brings nearly 23 years of proven skatepark-specific concrete mix design and reinforcement research and field testing to every project undertaken. *Each specialized concrete mix design variation and associated steel reinforcement specification has been developed with feedback from multiple engineering disciplines, ready-mix suppliers, and ACI / ASA certified concrete consultants, and will be tailored to each skatepark's unique terrain elements (ie. flat vs ledge, vs. bank vs.transition vs oververtical), site-specific engineering recommendations, and regional aggregate properties*. The result will be a final skatepark facility with superb concrete durability and performance specific to *local climatic conditions in Panama City Beach* . Our continued leadership in the field of skatepark-specific concrete mix design and reinforcement technology is a major reason *our team has earned the trust of communities across the Continent.*

All Weather / Winter Construction **-** Our team is no stranger to difficult work conditions and demanding time lines. With many municipalities facing increasingly stringent grant requirements and ambitious community expectations related to project schedule and budget, we have responded with the development of specialized tools and procedures that will minimize risk of project weather delay. This includes the use of a specialized series of concrete shelter systems as well as other industry best practices for architectural concrete works under inclement weather conditions. Our success in this area has made us one of the most sought after construction teams for time-sensitive and off-season projects.





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Community / local business participation / youth mentorship and work experience programs - Truly successful skateparks have proven to be the result of active involvement from individuals across the entire community. This is true in relation to gathering input during the design process but often also throughout the execution of the park's construction. Our team welcomes the participation of community members and neighborhood businesses throughout project's duration in both a paid and volunteer/donation capacity. From past experience, we know that many landmark projects would not be possible without this consideration.

Please see the following information on our approach to accommodating various donations and keeping project monies within the community by retaining local businesses to assist with project work.



local company, MD Landscaping, assists with excavation and grading in Cochrane, AB



community volunteer and skatepark work experience program at Mount Nelson Skatepark - Invermere, BC

Donations in kind... Donations of cash and materials/labor in kind from the community may be contributed to this project during design development and at various points throughout construction. Our team welcomes select donations of materials and labour at a reasonable market value. Each donation will be reviewed and discussed with the project owner and a value will beset prior to accepting. Each contribution will result in a contract credit or addition to the park development. These additions may include extra square footage, park amenities, additional landscaping, etc. *Our team will work closely with the CPCB in exploring major in-kind donation options - especially opportunities in the areas of concrete supply, fill material, excavation machine time, landscaping supply, site fencing, iron works, etc. In past projects we have seen some of these items contribute to* ***up to a third or more*** *of the overall project budget!*

Paid Participation... Although concrete youth/skatepark construction is a highly specialized field involving unique equipment and personnel, there are still many opportunities for local businesses to assist with paid scopes of work for the Panama City Beach project (we want to keep as much of the skatepark construction budget possible within the community). Below are materials, equipment and labour our team will seek to source in Panama City Beach (these items may also serve as eligible in-kind donations):

- Excavation machinery and civil works services/contractors
- Trucking / shipping
- Structural fill materials
- Drainage materials
- Rebar
- Lumber
- Concrete supply and pumping
- Overnight site security during critical pours
- Landscaping services and materials
- General labour for basic site assistance

Safety – Safety of our crews and the community from project start to finish is paramount to our team. Over the past 22 years we have developed a comprehensive OH & S compliant safety plan designed to protect our crews and the public throughout the construction process. Success with our safety program is evidenced by a clean track record with Workers Compensation and zero formal infractions issued by any state safety regulatory body to date. **We look forward to continuing safe operations for the City as an official *Certificate of Recognition* (COR) accredited company. New Line Skateparks was the first concrete skatepark specific design-build team in North America to hold this advanced standard of construction safety certification.** We look forward to submitting our detailed safety plan for the CPCB to review prior to construction start-up.

Workplace Safety Certificate of Recognition

5. Overall Quality Control - *New Line Skateparks has established design and construction operations that are in general compliance with ISO 9001 quality assurance measures, and environmental policies in general compliance with ISO 14001.* Our team will provide timely reports on project progress for compliance to specifications and client expectations. Detailed reports will be provided to the owner's representative to ensure that schedule, budget, and deliverables are met. If the Owner has specific questions related to progress, schedule, or quality, our team of professionals will investigate and respond in a timely fashion. Our team uses ISO 9001 standard protocol for project documentation and reporting. The Owner can expect clear, concise, and professional documentation of project progress so that reports can be made to other senior staff, specific departments, or political constituents.

Budget Control - Our team is a national leader for concrete skatepark design, technical detail development, and construction. Because of our intimate knowledge of this style of project development, we are collectively involved with approximately 35 new concrete youth parks every year. This involvement in a variety of jurisdictions has given us a unique perspective on costing trends and projections throughout Florida and across the continent. Our in-house senior quantity survey team has worked on over 450+ construction sites for skatepark development and we bring an unparalleled understanding of the issues that affect concrete skatepark construction costs. Our team has full confidence in our ability to deliver a final design and construction program that will demonstrate exceptional value for the CPCB and remain on-budget in accordance with the original project parameters. We look forward continuing this track record of budget certainty during this project with a final detailed construction cost breakdown submitted for approval prior to construction start-up.

Schedule Control - From our experience working on ~450 similar facility developments across the continent, our team is confident that the schedule outlined within this proposal is both reasonable and achievable. A final project timeline will be confirmed (and adjusted if desired) with the owner prior to start up and reviewed on a weekly basis by the consulting team to ensure key milestones are being met within set time allowances. Should a schedule deviation occur, all parties will be notified immediately with a discussion on project implications and mitigation options taking place thereafter.

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6. Warranty and Post Occupancy Support - Having the appropriate checks and balances is important for any large construction project. The development of the new Panama City Beach Skatepark will be no different in this respect. Our team will be available to commission a series of testing over the project's course including fill compaction as well as various concrete mix design, slump, and cure tests. In addition, we will work with the Owner to create an open schedule of inspections by the appropriate municipal staff and local regulatory bodies. This will then be backed by our *2 year warranty* program with regular review inspections conducted by senior staff from our Florida o base (warranty period may be extended subject to negotiation and associated bonding costs).

Prior to opening our crews will also conduct a *maintenance and care seminar with appropriate City Staff*. This will include an onsite 'hands on' session covering typical maintenance and operations procedures. Finally, a comprehensive park *operations and maintenance manual* will be provided for reference, and we are always available for assistance with our parks at anytime.

As much of the park will be constructed highly durable municipal grade concrete based on the best practices of our 23 year industry tenure, the facility will require relatively minimal maintenance over the expected 35+ year life span. That said, we encourage our clients to engage in regular inspections and some level care for the park each season.



AN OWNER'S GUIDE FOR YOUR NEW SKATEPARK

Congratulations, your community is now the proud owner of a modern concrete skatepark! As with all public facilities and capital assets, your new skatepark will require management. This document offers a summary of tips and advice to be considered for both PRE AND POST OCCUPANCY in 3 key areas:

RISK MANAGEMENT

MAINTENANCE & OPERATIONS

PEOPLE & COMMUNITY

* Disclaimer: The information provided in this manual is a collection of general tips and suggestions based on our team members' and clients' past experience in the development and operations of public concrete skateparks. While we hope this guide is helpful, it is not intended to be an exhaustive or definitive resource for all aspects related to the topics addressed therein (Risk Management, Maintenance and Ops, Community Integration). In particular, all Risk Management information should be reviewed and approved by your Risk / Legal Professional prior to implementation.

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METHODOLOGY AND SCHEDULE

The following pages reflect our detailed work plan and project schedule. While we are confident in the rationale for our methodology, our team is always open to adjustments in cooperation with the City to best serve the project. We have been careful to monitor our company growth and workload over the last two decades and offer our full confirmation that our team (~75 full time staff) has the availability, and specialized resources required to execute this special community project within the schedule parameters outlined. **Our project commitment involves a highly responsive, in-person consulting presence and interaction with the City and community, taking advantage of our history of work in the immediate area and our intimate understanding the of the design-build challenge that lies ahead.**

Phase 1: Site Analysis, Community Consultation and Concept Design

Task	Specific Objective	Timeline/Deliverables
1.	**Project Initiation, Program Review and Site Base Data Collection** The Design-Build Team will meet with the City to review the intended program for the skate/bike park development. At this time, project goals and objectives will be confirmed, work plan steps and schedule milestones reviewed, lines of communication established (including a suggested bi-weekly update meeting day and time), and key design and engineering parameters verified. Focused time will also be reserved to discuss our proposed approach to the key stakeholder and public engagement process. The Design-Build Team will then work with the City to review all on hand base data for the site. This will include all relevant planning documents and development guidelines, existing GIS information, and other pertinent data related to grades, irrigation, existing vegetation, current and future site development. This information (along with our separately commissioned site survey and goetechnical study) will contribute to the base for all future planning and design work. We will conclude the Initiation session with a thorough 'walkthrough' of the project site with City staff to discuss existing conditions and other key context-driven development considerations.	*Week 1* *(Upon Award)* Meeting minutes key contact Information Project Journal initiated Proposal concepts and budget reviewed Project safety, environmental and quality assurance plan submitted Geotechnical Study and Site Survey Initiatied
2.	**Create Base Maps and Site Analysis Drawings** Using information gleaned from task one, the design team will prepare base maps from which all future design work will be based. This is critical to ensure that design development adheres to an accurate site specific data set and the design team does not encounter unexpected site conditions later in the technical design phase.	

Phase 1: Site Analysis, Community Consultation and Concept Design...

Task	Specific Objective	Timeline/Deliverables
3.	**Skateparks 101 Community Participatory Design Workshop 1** Prior to engaging in conceptual design development, the consulting team will conduct a community project information session and design workshop. This ~2hr session usually takes place in the early evening at a time convenient to both parents and youth. The workshop will begin with a presentation introducing the project team and objectives, an overview of the skatepark development journey, and an exciting case study based review of modern concrete skateparks and the activities they facilitate (our internationally recognized 'Skateparks 101' presentation). Once attendees are familiarized with the project parameters and vast array of skatepark improvement/ expansion possibilities / options, the workshop will then transition to a comprehensive, 'hands-on' component consisting of a 'dotmocracy' exercise, interactive drawing/ sketching, writing, discussion, modelling of specific park layout/features, and site integration options ***(note that the preliminary/sample concept directions submitted in this proposal may be also be referenced as a starting point for this exercise)*** The workshop will conclude with a general summary of the input received and the collection of all participant sketches and feedback forms. Attendees will be encouraged to continue submitting ideas and comments through our custom online survey until such time that the design team returns for the next community design workshop.	*Week 3* Prepare and conduct workshop Minutes and summary report of workshop submitted to Owner Online forum open for continued feedback.
4.	**Begin Development of Alternate Design Concepts** The consulting team will tabulate information from the first participatory design workshop and initial key stakeholder meetings to begin developing concept directions. Our experience has shown us that one dominant design detail will begin to emerge through this process, although we will offer a couple concept options for feedback. Our team is prepared to provide design for all aspects of the surrounding site area as highly integrated design approach.	Workshop feedback tabulated into spreadsheets, written summary, and presentation graphics for Owner and Public review. In-progress design sketches provided to Owner and posted online for continued feedback
5.	**Internal Review of Preliminary Budget Concept Options** The consulting team will meet with the City to review the concept development progress and discuss budgetary issues. The designs will continue to be refined and the cost implications of the preliminary concept(s) will be evaluated in preparation for presentation to the public	*Week 8* 2D concept drawings and preliminary cost estimates reviewed with City

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Phase 1: Site Analysis, Community Consultation and Concept Design...

Task	Specific Objective	Timeline/Deliverables
6.	**Presentation of Preliminary Concepts - Community Design Workshop 2** Comprehensive 2D renderings of the preliminary concept design options will be brought back to the community for feedback through a second interactive design workshop on a weekday evening convenient for parents and youth. The concept presentation will consist of a PowerPoint aided overview of the development process to date, a discussion of the guiding principles established at the first participatory workshop, and a thorough review of the site-specific concept design(s) developed for the skatepark expansion/improvements. This will be followed by a general Q&A session and opportunity for attendees to vote (via feedback feedback forms and online survey) on the preferred concept directions + submit suggestions for any final modifications of the final concept design.	*Week 9* Prepare and conduct workshop 24” x 36” presentation panels of 2D skatepark concept renderings. Concepts will be posted to online forum for continued voting.
7.	**Preparation of Preferred Concept Design and Review with City** Detailed 3D renderings and updated cost information of the preferred concept will be prepared and then reviewed with the City for comment and feedback.	*Week 12*
8.	**Presentation of Preferred Concept - Community Design Workshop 3** Comprehensive photorealistic 3D renderings of the preferred concept design will be brought back to the community for any final feedback through a third interactive design workshop. The final community concept presentation will consist of a PowerPoint aided overview of the development process to date and a thorough review of the final concept design developed for the skatepark. This will be followed an opportunity for attendees to provide any last comments for consideration in written feedback forms.	*Week 13* Prepare and conduct workshop 24” x 36” presentation panels of 3D skatepark concept renderings.
9.	**Submission of Final Concept Design and Phase 1 Summary Report** Any modifications as a result of the final community concept design review will be prioritized for implementation and work will begin on the final concept adjustments in conjunction with the City. We will update our plans so that the preferred park concept is fully dimensionally correct and technical drawings can proceed with ease. The final park concept and Phase 1 summary report will be submitted to the City and we will be available to conduct any final presentations to relevant parties as required.	*Week 14* Final concept design renderings and conceptual cost estimate+ Phase 1 summary report.

Phase 2: Technical Design and Construction Drawings

Task	Specific Objective	Timeline/Deliverables
1.	**Begin Working Drawings and Specifications and Permit Applications** We will begin work in earnest to complete the technical specifications and working drawings for the youth park project. We anticipate a time frame of 3 weeks until we can submit 60% drawings for discussion and review with City Staff.	*Week 15*
2.	**Complete Construction Drawings Reviews** The technical design team will complete all construction detailing, construction documents and specifications for the skatepark project. Drawing sets and cost estimates will be sent to the City and relevant local and State approval bodies for full red line review and approvals at 60%, 90%, and 100%. Update meetings to review and approve potential in-kind donations will also be conducted at each drawing review milestone.	60%, 90%, and 100% complete drawings, and cost estimates
3.	**Delivery of Final Construction Drawings** Any last amendments will be included in final construction documents and specifications. Final sealed IFC drawings, specifications, and GMP budget package will be sent to the Owner in accordance with the desired file scheme. Any changes made during construction will be provided via ‘as built’ drawings upon completion.	*Week 21* Copies of IFC drawings package, specifications, and final budget delivered to Owner in CAD and PDF formats

Phase 3: Construction

1.	**Construction Mobilization** The construction team will meet with City to review the priorities for park construction and a detailed schedule for completion of key milestones within each phase of construction. Our key COR (Certificate of Recognition) site safety policies, environmental program, and ISO 9001 generally compliant construction quality assurance measures will also be confirmed at this time. We will also work with the City to physically verify the site fencing, construction access and staging areas, and traffic control realities.	*Week 1* *(Exact Summer/Fall 2024 Construction Start Date TBD with CPCB)* *Weekly meeting date with Owner set. Construction progress meeting minutes to be submitted weekly.*

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Phase 3: Construction...

Task	Specific Objective	Timeline
2.	**Layout, Demolitions and Site Preparation** The construction team will layout all design grades, complete all required demolitions and removals, and prepare the site for grading and drainage.	*Week 1*
3.	**Grading & Drainage** The construction team will proceed with installation of the drainage system. Any required site servicing (including conduit and lighting pole bases) will be roughed into the park area at this time. Base skatepark design grades will then be established.	*Week 3*
4.	**Fine Shaping / Banks & Transitions** Once the rough grades are established and the drainage is installed, we will proceed with fine shaping of the park elements. The park construction team will then assess the weather forecast. If weather is favourable for pouring concrete, our team will proceed with installing the banks and transitions. All banks and transitions are poured in small, controlled panels to ensure proper shaping and finishing.	*Week 5*
5.	**Flat Slabs** Once all banks and panels are complete the construction team will prepare, form and pour the base slabs. These sections will require favourable weather as they are larger pours.	*Week 9*

Phase 3: Construction...

Task	Specific Objective	Timeline
6.	**Ledges & keystone features** Upon completion of the banks, transitions and flat slabs, the construction team will proceed with forming and pouring all ledges and keystone features.	*Week 12*
7.	**Finishing Landscaping / Lighting / Support Amenities** Once all concrete is completed and the park is cleaned and ready for use, our team will coordinate all landscaping, lighting and support amenities installation.	*Week 14*
8.	**Clean Up / Demobilization / Project Close-Out and Facility Grand Opening** Upon completion of all construction works, our team will remove debris and prepare the park for public use. Prior to opening our crews will also conduct a *maintenance and care seminar with appropriate City Staff*. This will include an onsite 'hands on' session covering typical maintenance and operations procedures. As-built drawings will be submitted and our warranty program will be initiated. Finally, at New Line Skateparks, we also take pride in participating in the skatepark opening ceremony and dedication events by helping organize professional skateboarding talent and prizes for the community. **We are committed to employing our full resources for completion of the project in a timely manner to maximize community use for the season. Construction of this community scale park is expected to take approximately 18 weeks from mobilization. It is our intention to work efficiently until project completion. Should severe weather alter our work program, we will adjust our schedule to ensure quality control.**	*Week 18*

PCB SKATEPARK DESIGN-BUILD

(P) (D) — (!) Project Milestone; (X) Project Work Production

Proposed Project Schedule

	wk 1	wk 2	wk 3	wk 4	wk 5	wk 6	wk 7	wk 8	wk 9	wk 10	wk 11	wk 12	wk 13	wk 14	wk 15	wk 16	wk 17	wk 18	wk 19	wk 20	wk 21
	April				May					June				July				August			
	1-5	8-12	15-19	22-26	29-3	6-10	13-17	20-24	27-31	3-7	10-14	17-21	24-28	1-5	8-12	15-19	22-26	29-2	5-9	19-23	26-30
Phase 1: Site Analysis, Community Consultation and Concept Design																					
Project Initiation, Site and Program Review	(!)																				
Base Data Collection, Create Base Maps and Site Analysis Drawings	(X)	(X)	(X)																		
Community Design Workshop 1: Project Intro, Review Preliminary Concepts			(P)																		
Preparation of Preferred Concept Option				(X)	(X)	(X)	(X)														
Internal Review of Preferred Concept Option							(D)														
Community Design Workshop 2: Presentation of Preferred Concept								(P)													
Preparation and Internal Review of Final Concept and Budget Breakdown									(X)	(X)	(X)	(D)									
Final Community Presenation and Submission of Phase 1 Summary Report											(X)	(X)	(P)	(!)							
Phase 2: Technical Design and Construction Drawings																					
Begin Working Drawings and Specifications														(X)	(X)	(X)	(X)				
Complete Construction Drawings Reviews															(D)	(X)	(X)	(D)			
Delivery of Final Construction Drawings																		(X)	(!)		
Phase 3: Construction																					
Construction Mobilization																					(!)
Layout / Demolitions / Site Preparation																					(X)
Grading, Drainage and Lighting Pole Bases																					(X)
Fine Shaping / Banks and Transitions																					(X)
Flat Slabs																					(X)
Ledges and Keystone Features																					(X)
Finished Landscaping, Lighting and Support Amenities																					(X)
Clean Up / Demobilization / Facility Grand Opening																					(!)

wk 1	wk 2	wk 3	wk 4	wk 5	wk 6	wk 7	wk 8	wk 9	wk 10	wk 11	wk 12	wk 13	wk 14	wk 15	wk 16	wk 17	wk 18
2024 Project Construction Window (exact start date subject to negotiation with Owner)																	

FRANK BROWN PARK SKATEPARK

SAMPLE CONCEPT EXPLORATION #1

CONCEPT OVERVIEW



SITE PLAN LEGEND

SKATE FEATURES

- A 2-foot Quarter Pipe Wall
- B 5-stair with Centered Handrail
- C China Bank Wall with Hip
- D 3-foot Quarter Pipe With Pocket
- E Hipped Pyramid
- F 12” High Ledge
- G Round Flat Bar
- H 14” High Ledge
- I Combo Island - Kickers, Out-rail, Manual Pad
- J Long Bank Wall
- K Bank Wall With Double Side Hubba Ledge
- L 10”High Ledge / Manual Pad

SITE AMENITIES & FEATURES

1 - Pathway Connections to Existing Bridge(s)
2 - Shade Canopies with Seatwalls Below
3 - Planned Parking Lot
4 - Shaded Concession Area
5 - Pedestrian Entry & Spectator Plazas
6 - Preserved Existing Pine Tree
7 - Detention Basin with Overflow Structure
8 - Mulched Planting Areas

NEWLINE SKATEPARKS

PANAMA CITY BEACH FLORIDA

The following preliminary design directions illustrate 1 of countless stylistic approaches and terrain assortments that could be pursued in some form for the Frank Brown Park Skatepark. Included in this direction, is a versatile selection of highly accessible site-built concrete street-style features tactfully tied into the surrounding landscape. Hardsurface terrain elements will be complimented by numerous safe and inviting viewing areas, possible biofiltration storm water management zones, strong connections to surrounding pathways, and opportunities locally inspired skateable art installations. Creative saw cut floor patterns, integral colour concrete, a custom community logo inscription, and an integrated entry sign will introduce the skatepark to all visitors. *Note: skatepark size dependent on confirmed civil approach, final geotechnical details, and the landscaping + amenity specification desired by Owner. Final design will also be informed by our in-depth consultation process with the Owner and community.*

PANAMA CITY BEACH, FL

MARCH 2024

WWW.NEWLINESKATEPARKS.COM

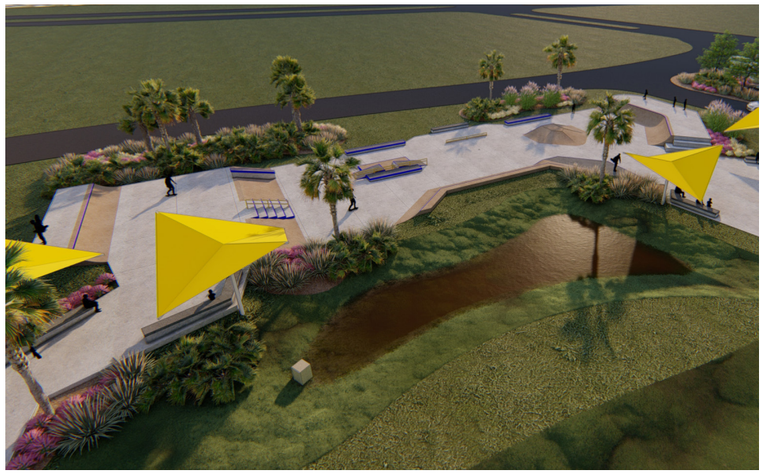
FRANK BROWN PARK SKATEPARK

SAMPLE CONCEPT EXPLORATION #1

BIRD'S EYE VIEW OF SKATEPARK



ADDITIONAL PERSPECTIVE VIEWS





NEWLINE SKATEPARKS

PANAMA CITY BEACH, FL

MARCH 2024

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FRANK BROWN PARK SKATEPARK

SAMPLE CONCEPT EXPLORATION #2

CONCEPT OVERVIEW



SITE PLAN LEGEND

SKATE FEATURES

- **A** 5-stair, Out-Ledge, Gap, Rail & Hubba
- **B** Cantilevered Sculptural 'Sails' Bank
- **C** China Bank Wall with Hip & Inset Ledge
- **D** Mirrored Manual Pad & Ledge Combo
- **E** Square Flat Bar
- **F** Round Flat Bar
- **G** Long Bank Wall
- **H** Bank to Barrier
- **I** Multi-level 3/4 Transition Zone
- **J** Quarterpipe Wall with Roll-in
- **K** A-frame with Ledge, Rail & Gap Combo
- **L** Bank and Step-up Gap Combo
- **M** Mini Transition Pocket
- **N** Potential Turndown Wall Signage Location

SITE AMENITIES & FEATURES

1 - Pathway Connections to Existing Bridge(s)
2 - Shade Canopies with Seatwalls Below
3 - Planned Parking Lot
4 - Shaded Concession Area
5 - Pedestrian Entry & Spectator Plazas
6 - Preserved Existing Pine Tree
7 - Detention Basin at Center of Skatepark
8 - Mulched Planting Areas
9 - Planted Bioswale & Pedestrian Bridge

NEWLINE SKATEPARKS

PANAMA CITY BEACH FLORIDA

The following preliminary design directions illustrate 1 of countless stylistic approaches and terrain assortments that could be pursued in some form for the Frank Brown Park Skatepark. Included in this direction, is a versatile selection of highly accessible site-built concrete street-style features punctuated by a central 'green ilsand'. Hardsurface terrain elements will be complimented by numerous safe and inviting viewing areas, possible biofiltration storm water management zones, strong connections to surrounding pathways, and opportunities locally inspired skateable art installations. Creative saw cut floor patterns, integral colour concrete, a custom community logo inscription, and an integrated entry sign will introduce the skatepark to all visitors. *Note: skatepark size dependent on confirmed civil approach, final geotechnical details, and the landscaping + amenity specification desired by Owner. Final design will also be informed by our in-depth consultation process with the Owner and community.*

PANAMA CITY BEACH, FL

MARCH 2024

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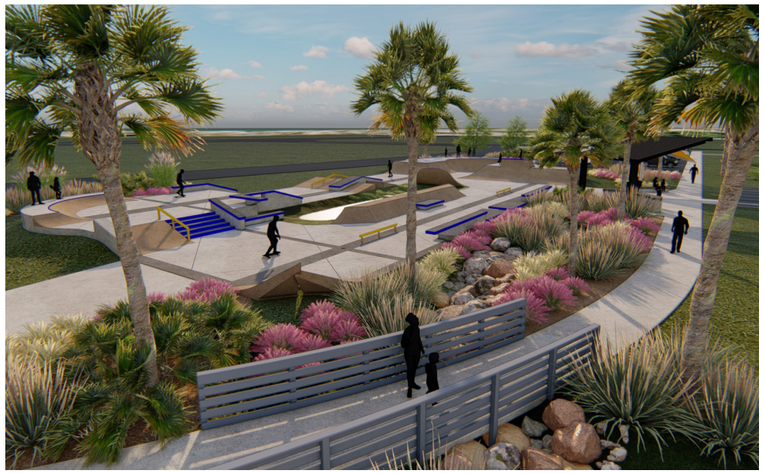
FRANK BROWN PARK SKATEPARK

SAMPLE CONCEPT EXPLORATION #2

BIRD'S EYE VIEW OF SKATEPARK



ADDITIONAL PERSPECTIVE VIEWS





NEWLINE SKATEPARKS

PANAMA CITY BEACH, FL

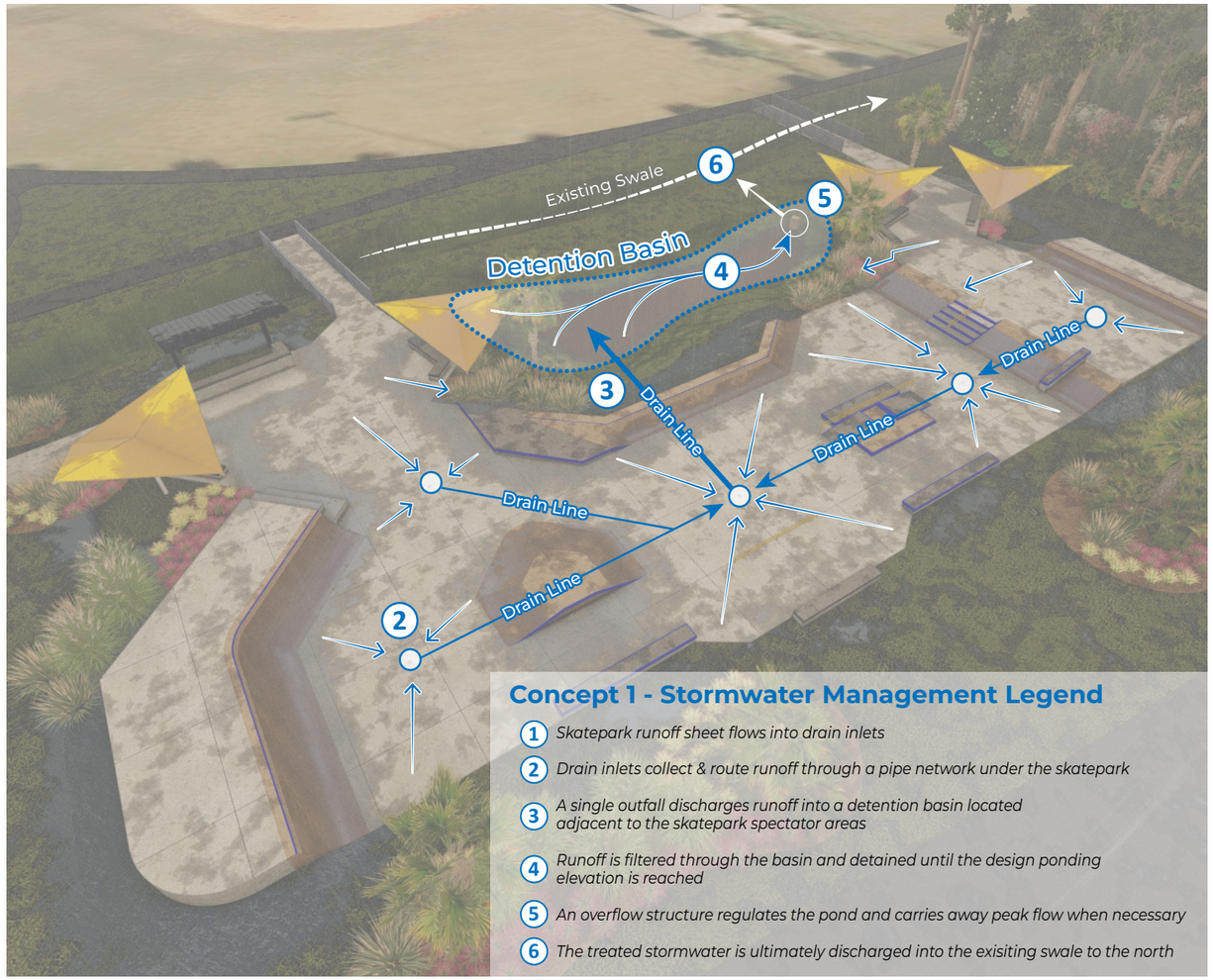
MARCH 2024

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FRANK BROWN PARK SKATEPARK

STORMWATER MANAGEMENT APPROACH

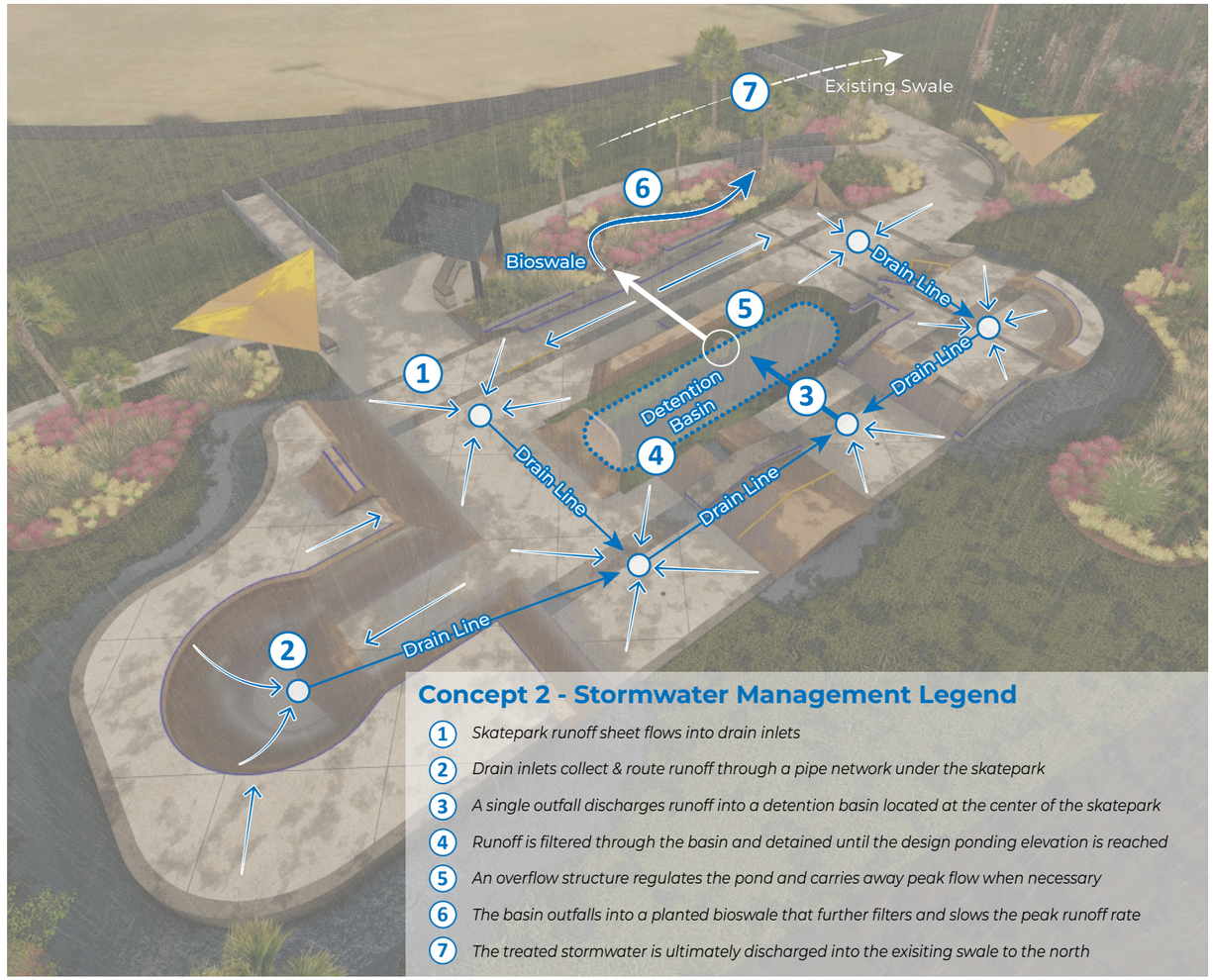
SAMPLE CONCEPT #1 - STORMWATER & DRAINAGE APPROACH



Concept 1 - Stormwater Management Legend

1. *Skatepark runoff sheet flows into drain inlets*
2. *Drain inlets collect & route runoff through a pipe network under the skatepark*
3. *A single outfall discharges runoff into a detention basin located adjacent to the skatepark spectator areas*
4. *Runoff is filtered through the basin and detained until the design ponding elevation is reached*
5. *An overflow structure regulates the pond and carries away peak flow when necessary*
6. *The treated stormwater is ultimately discharged into the exisiting swale to the north*

SAMPLE CONCEPT #2 - STORMWATER & DRAINAGE APPROACH



Concept 2 - Stormwater Management Legend

1. *Skatepark runoff sheet flows into drain inlets*
2. *Drain inlets collect & route runoff through a pipe network under the skatepark*
3. *A single outfall discharges runoff into a detention basin located at the center of the skatepark*
4. *Runoff is filtered through the basin and detained until the design ponding elevation is reached*
5. *An overflow structure regulates the pond and carries away peak flow when necessary*
6. *The basin outfalls into a planted bioswale that further filters and slows the peak runoff rate*
7. *The treated stormwater is ultimately discharged into the exisiting swale to the north*

NEWLINE SKATEPARKS

PANAMA CITY BEACH FLORIDA

Stormwater & Drainage Notes:

- ***Preliminary calculations show that the proposed development will produce approximately 8,500 CF of runoff in a 25-year design storm. Storage volume of detention features shown on the sample concepts shown exceed this figure.***
- ***Conceptual drainage approach assumes existing patterns discharges into the existing stand of trees to the east. These approaches can be adapted to confirmed conditions during technical design.***
- ***Detention basins shown assume that a metered outlet structure would be required but also that native soils will allow for some level of infiltration.***
- ***Water table elevations in this region are typically shallow. The skatepark baseline elevation may need to be elevated to accommodate this factor.***

PANAMA CITY BEACH, FL

MARCH 2024

WWW.NEWLINESKATEPARKS.COM

KNOWLEDGE OF SITE AND LOCAL CONDITIONS +

REFERENCES

NEWLINE SKATEPARKS

KNOWLEDGE OF SITE AND LOCAL CONDITIONS

New Line Skateparks and our extended project team's experience working within Panama City, the greater Bay County and throughout Florida's coastal communities has given our team an exceptional understanding of local conditions as well as the unique considerations that will affect the design and construction program for the project at hand.

Stormwater management in the area will be of critical importance and our team has an extensive understanding of regional drainage patterns / drainage concerns that could affect Frank Brown Park and the identified project site. An existing drainage channel crosses from west to east along the north end of the project site, which we anticipate will act as the stormwater outfall for our skatepark. As part of the conceptual stormwater design, we will identify the point of discharge, tailwater conditions, preliminary site grading, preliminary stormwater runoff collection and conveyance to an agreed upon stormwater management facility. If a new stormwater management facility is required, the results of our geotechnical soils evaluation will dictate the type of stormwater treatment system applicable to the project site.

FDEP/NWFWMD ERP Permit – It is anticipated that an Environmental Resource Permit (ERP) will be required for the project. Site engineering plans and stormwater report will be submitted to the applicable agency for review and permit approval and our experience in the region will ensure coordination and communication with the agencies will be timely and efficient.

City of Panama City Beach Development Order – Site engineering plans and reports will be submitted to the Planning Department, Public Works Department, and Utility Department for review and approval of site improvements, accessibility, site grading, utilities, and stormwater drainage.

FDEP Wastewater Permit – According to city utility base maps, it appears gravity sanitary sewer is not available adjacent to the site. If a services concession is ultimately included the project, it is assumed that grinder pump station will be utilized for wastewater service. If a pumped wastewater system is required, site engineering plans and report will be prepared and submitted to the City Utility Department and FDEP for review and permit approval.

FDEP NPDES – The project site identified for our work is noted to be approximately 22,250 square feet. Since the project site will be less than 1-acre, FDEP NPDES stormwater discharge permit will not be required for the project. Regardless of no permit required for a project site under 1-acre, the construction plans will include stormwater pollution prevention and best management practices to control sediment discharge generated by construction activities.

Having constructed our Bonita Springs Skatepark during Hurricane Ian, our team is also no stranger to designing and constructing in Hurricane-affected areas. Design-build detailing for high winds (~13 projects in 140 - 150mph wind zones), low elevations (~20+ projects with ave elevations under 7' above sea level) and other Hurricane risks is simply part of our approach to working in Florida's coastal areas.

Finally, the ***safety of community and our crews from project start to finish is paramount to our team. Over the past 23 years we have worked on over 400+ sites that have included contexts and nearby amenities similar to those present in Frank Brown Park***. Success with our safety program is evidenced by a clean track record with Workers Compensation and zero formal infractions issued by any State safety regulatory body to date.

REFERENCES

PCB24-25 RFQ – SKATE PARK DESIGN-BUILD SERVICES

REFERENCES FORM

Bidder shall provide a minimum of three references, for which they are currently providing a similar service/commodity of size and scope for Government agencies.

1. Client: City of Panama City Contact: Kesia Milner kmilner@pcgov.org

Job Name: Downtown Panama City Skatepark (design-build)

Job Start Date: Spring 2020 Job Completion Date: Fall 2020

2. Client: City of Lenexa Contact: Logan Wagler lwagler@lenexa.com

Job Name: Rolling Magic Skatepark (design-build)

Job Start Date: Spring 2022 Job Completion Date: Fall 2023

3. Client: City of Newnan Contact: Cleatus Phillips cphillips@cityofnewnan.org

Job Name: CJay Smith Skate Plaza and Pump Track (design-build)

Job Start Date: Fall 2020 Job Completion Date: Summer 2021

4. Client: City of Bonita Springs Contact: Nicole Perino nicole.perino@cityofbonitasprings.org

Job Name: Bonita Springs Skatepark (redesign and construction)

Job Start Date: Fall 2022 Job Completion Date: Spring 2023

5. Client: City of Greeley Contact: Andy McRoberts andy.mcroberts@greeleygov.com

Job Name: Greeley Skatepark Network (3 parks, design-build)

Job Start Date: Winter 2018 Job Completion Date: Spring 2020

MINORITY PARTICIPATION AND SUB CONSULTANT

INFORMATION

NEWLINE SKATEPARKS

MINORITY PARTICIPATION

New Line Skateparks is not a certified MBE, SBE or a veteran-owned business. However, we're committed to diversity in the workforce and support the use of such firms. We regularly partner with them and other subconsultants with small business status.

As a firm, we embrace an inclusive environment by valuing all individuals and their many diverse backgrounds. Thus, we are better able to deliver high-quality services to our clients, create competitive advantages, and drive market leadership. It's an established United States government and New Line Skateparks policy to provide an equitable and proactive opportunity for minority businesses, small businesses, disadvantaged businesses, women-owned small businesses, and HUBZones to compete for New Line Skateparks subcontracts and purchases consistent with their capabilities, government requirements, and New Line Skateparks' contractual requirements. Our policy is to confirm that small business concerns, including those owned and controlled by socially and economically disadvantaged individuals, will have the maximum practical opportunity to participate in the performance of subcontracts awarded.

New Line Skateparks employs equitable and proactive practices in offering opportunities to small and minority businesses. New Line Skateparks is proud of its past and current efforts in seeking, contracting with, and—more importantly—working with these small businesses. Our corporate history in meeting and exceeding subcontracting goals established in our small business plans is excellent. New Line Skateparks' approach is to actively seek minority businesses, small businesses, disadvantaged businesses, women-owned small businesses, and HUBZones that share our high-quality standards, service, timeliness, and reasonable cost.

SUB CONSULTANT PARTICIPATION

As Prime Contractor and Lead Designer, **New Line Skateparks,** will direct all project action and self-perform all specialized skatepark community consultation, certified design and complex concrete and steel construction works.

Joining us once again after a successful collaboration on the *Downtown Panama City Skatepark*, local topographic survey, permitting and stormwater engineering support will be provided by Morgan Hurst and the team at **Dewberry (Panama City)**. Dewberry's extensive past and current work throughout Bay County will provide our team with a strong grasp of local and State permitting requirements and management protocol, excellent site and community context understanding, and full-service Engineering and Site Survey support as needed throughout the project.

Rounding out our group is the trusted team at **Magnum Engineering and HG Engineers**. Well known within the area, Magnum Engineers and HG Engineers will work under our direction as a sub-consultants for the supply of all site geotechnical investigations and electrical engineering/lighting design responsibilities.

All remaining non specialized construction scopes such as bulk earthworks, finishing landscaping, lighting installation etc will be executed under our direction by reputable local Panama City Beach area contractors. All major materials (sub base aggregate, concrete, rebar, lumber, etc.) will also be sourced locally through an internal RFP process.

Dewberry

HG ENGINEERS

MEI MAGNUM ENGINEERING INC
GEOTECHNICAL ENGINEERING CONSULTANTS



Morgan Hurst, PE
SENIOR PROJECT MANAGER | STORMWATER/ROADWAY ENGINEER

- **OFFICE ADDRESS**
  203 Aberdeen Parkway
  Panama City FL 32405
- **EDUCATION**
  BS • Environmental Engineering • University of Florida
- **REGISTRATIONS**
  PE • FL #60813
- **YEARS OF EXPERIENCE**
  Dewberry • 6
  Prior • 19

Morgan Hurst is responsible for developing various civil design projects. He has extensive experience and is responsible for the design and permitting of various engineering projects for both public and private entities through local, state, and federal regulatory agencies. His primary responsibilities involve Client Management, Project Administration, Public Institutional development, residential development, stormwater management design, drainage basin and hydraulic analysis, utility design, and permitting.

Panama City Skate Park, Panama City, FL, Civil Engineer
Provided engineering, planning, and site design of a skate park in downtown Panama City. The new skate park is a 5,000± SF concrete street skate style park with multiple transitions and elements applicable to skateboarders, in-line skaters, BMX bicyclists, razer scooter riders, and similar recreation users. Tasks included site design, surface grading, stormwater management design, permitting, and construction phase services.

Lynn Haven City Hall, Lynn Haven, FL, Civil Engineer
Provided engineering, planning, and design of a City Hall campus spanning multiple noncontiguous properties. The new building will be the central location for the council chambers, staff office space, and police department for the City of Lynn Haven. The project consisted of a new building, plaza courtyard, onsite parking lot, off-site parking lot and stormwater. Tasks included site design, surface grading, wet detention pond, utility connections, and construction administration services for the construction of a new 16,000 square foot City Hall.

GCSC STEM Building, Panama City, FL, Project Engineer
The project will consist of a ±88,000 square foot STEM building, surface parking facilities, road and sidewalk connections, potable water and wastewater services, drainage conveyance and stormwater management. Our team provided professional services for surveying, planning, engineering, meetings, permitting, and construction phase services.

Bay District Schools, Haney New Classroom Building, Bay County, FL, Project Manager
Dewberry was part of the team selected to assist with re-building schools that were damaged during Hurricane Michael. For the Tom P. Haney Technical Center, Dewberry provided civil engineering services including surveying, engineering and permitting, and construction phase services. Tasks included preparing a topographic survey; developing the overall site plan including parking lot configuration and traffic circulation, ADA accessibility, and determining utility service connection locations; preparing construction engineering plans; performing stormwater modeling and treatment; and coordinating construction meetings, inspections, and certifications.



Jonathan Gibson, PSM
SURVEY DEPARTMENT MANAGER | SURVEYOR

- **OFFICE ADDRESS**
  03 Aberdeen Parkway
  Panama City FL 32405
- **EDUCATION**
  BS • Geomatics • Troy University
- **REGISTRATIONS**
  FL • Professional Surveyor and Mapper #LS6851
- **YEARS OF EXPERIENCE**
  Dewberry • 4
  Prior • 13

Jonathan Gibson has extensive experience in all aspects of land surveying, including commercial and residential development projects as well as specific purpose and construction layout services. He has experience in providing certified ALTA/ACSM surveys which include review of title work and land use and zoning documents.

Lynn Haven City Hall, Lynn Haven, FL, Lead Surveyor
Provided survey services for the City Hall campus spanning multiple noncontiguous properties. The new building will be the central location for the council chambers, staff office space, and police department for the City of Lynn Haven. The project consisted boundary and topographic survey of 7.98± acres.

Breakfast Point East Hotel, Bay County, FL, Lead Surveyor
Provided survey services for the Breakfast Point East Hotel on approximately 7.27± acres located at 47 Chip Seal Pkwy, Panama City Beach. The project consisted boundary and topographic survey.

Panama City Beach CRA Contract, Panama City Beach, FL, Lead Surveyor
Leading survey related tasks for City of Panama City Beach CRA planned projects. The Front Beach Road CRA Segments 4.1 and 4.2 projects is a 3.2± mile roadway project located in Panama City Beach, Florida. This project consisted of route topographic and right of way surveying to aid in civil engineering design.

Bay District Schools, Haney New Classroom Building, Bay County, FL, Leas Surveyor
Leading survey related tasks for a new building and all supporting infrastructure on the Haney school campus. Tasks performed for this project include topographic survey for existing surface improvements and underground utilities.

Thomas Drive, Panama City Beach, FL, Lead Surveyor
The Thomas Drive Resurfacing project is a 3.1± mile roadway project located in Panama City Beach, Florida. This project consisted of route topographic and right of way surveying to aid in civil engineering design

Harbour Green Apartments, Panama City Beach, FL, Lead Surveyor
Harbour Green Apartments is a 26 building multi-family apartment complex on approximately 19.5 acres located at 7120 Patronis Drive, Panama City Beach, Florida. Jonathan served as lead Professional Land Surveyor for an ATLA/ACSM survey.

College Station Development, Bay County, FL, Lead Surveyor
College Station is a multi-phase 401.5 acre residential development in Bay County, Florida. Dewberry is providing pre-design services for the College Station residential development area, including surveying and environmental services.



DANIEL WHITE

P.E. LEED AP (BD+C)

Project Manager
Electrical Engineer
Energy Engineer
Business Owner

17 Years Experience -- 16 Years with HG Engineers

HG ENGINEERS

142 Eglin Parkway SE
FORT WALTON BEACH
Florida 32548

621 N. Tyndall Parkway, Unit C
PANAMA CITY
Florida 32404

4286 Woodbine Rd, Unit D
PACE
Florida 32571

AFFILIATIONS

Florida Engineering Society

National Society of Professional Engineers

Society of American Military Engineers

U.S. Green Building Council

SKILLS

Power Systems // Energy
Lighting // Fire Alarm Systems
Grid-Tie Photovoltaic Power // Power Metering // RF // ESS
CCTV // ACS

EDUCATION

May 2006
BSEE

January 2012
PE

April 2011
LEED

FOUNDATION:

Bachelor of Science in Electrical Engineering - Auburn University

PROFESSIONAL LICENSES:

Professional Engineering license in Florida - 73790
Licensed in AL and NC.

INDUSTRY FOCUS:

Accredited Professional for Building Design and Construction

COMPANY ROLE

Dan has 17 years of degreed consulting engineering and seven years of experience working for a consulting engineer company prior to obtaining his degree. He leads the engineering for architectural design services. He has field experience as a project engineer surveying power systems on military projects across the continental United States and internationally in Germany and Japan. His design experience includes military, schools, multi-family housing, airport terminals, churches, parks, and commercial buildings.

EXPERIENCE

CITY OF LYNN HAVEN SPORTSPLEX FACILITY
HG provided electrical engineering construction documents for the approximately 26, 491 sq ft facility including two full basketball courts, concessions, administration, equipment room, computer lab, aerobics/ exercise, restrooms, and supporting spaces.

ST. ANDREWS STATE PARK RV
HG provided electrical engineering construction documents for the upgrade of 174 camp sites from 30amps to 50amps, including new electrical infrastructure. Design included power utility coordination, site electrical units, lift station power, and repowering restroom buildings.

TRUST FOR PUBLIC LAND-4 PARKS
HG provided electrical engineering construction documents for the four parks. Island Park View: $2M/2018, Innerarity Point Park $4.3M/2019, Captain Leonard Destin Park $5M/2021, Lynn Haven Bayou Park and Preserve $11.5M/2021 - Total Value $22.8M

MEXICO BEACH TWO NEW PAVILIONS
HG provided the electrical engineering construction documents for two pavilions, Canal Park pavilion and Boat Ramp pavilion and fish cleaning station. Design also included wildlife lighting, site utility power, lighting, power, and HVAC power.



EDUCATION:

BS, Civil Engineering, Florida State University

REGISTRATIONS:

Florida Registered Professional Engineer 56813
Florida Certified General Contractor CGC1510945
Florida Class C Drinking Water Treatment Plant Operator 0022070

YEARS OF EXPERIENCE:

Magnum Engineering, Inc. : 17

Prior: 13

James T. Vickers PE

Geotechnical Engineer (Magnum Engineering, Inc.)

Mr. Vickers is the Senior Geotechnical Engineer/ Principal Consultant/ Owner for Magnum Engineering, Inc. located in Lynn Haven, Florida. Responsible for all aspects of Geotechnical Engineering Consulting, Project Management, and Coordination; including site inspections, drilling coordination, site preparation recommendations, pavement recommendations, stormwater recommendations, and foundation recommendations, (both deep and shallow).

RECENT RELEVANT EXPERIENCE (CITY OF PANAMA CITY BEACH, FL)

Skate Park PCB – Sports Park – Panama City Beach (2020)

Breakfast Point Subdivision – Panama City Beach (2019 to 2023)

N. Clara Avenue – Panama City Beach (2016)

JCF Living – N. Clara Avenue - Panama City Beach (2020 - 2021)

Moylan Road North Extension - Panama City Beach (2021)

Panama City Beach City Hall – Panama City Beach (2022)

Numerous commercial sites pavement and stormwater recommendations

Numerous commercial and residential foundation recommendations

FINANCIAL RESOURCES AND LEGAL

INFORMATION

NEWLINE SKATEPARKS

FINANCIAL RESOURCES

New Line Skateparks FL, Inc (including related companies and subsidiaries) is in excellent financial standing and has a sterling record of financial performance proven through more than 23 years of continuous execution of large-scale municipal skatepark projects in multiple jurisdictions throughout Florida and across North America. New Line Skateparks is not currently involved a Bankruptcy proceeding and has never had a Bankruptcy Petition filed since its original incorporation (February 2001). See Surety Qualification Letter from our bonding provider below.

Kyle Dion
President - New Line Skateparks FL, Inc

Liberty Mutual INSURANCE

Date: February 29th, 2024

To: City of Panama City Beach
17007 Panama City Beach Parkway
Panama City Beach, FL 32413

Re: **CONTRACTOR:** **NEW LINE SKATEPARKS FL, INC.**

PROJECT: PCB24-25 RFQ SKATE PARK DESIGN-BUILD SERVICES

Dear All:

We are the Surety for **New Line Skateparks FL, Inc.** They have demonstrated to us in the past an ability to complete their projects in accordance with the conditions of their contracts and we have no hesitation in recommending their services to you.

Our client wishes to be prequalified as a bidder on the captioned project. New Line Skateparks FL, Inc. has completed single projects in excess of $2,500,000 and have maintained an aggregate work program in excess of $10,000,000 though these limits may be increased at the sole discretion of the Surety. Based on the limited information available at this time and subject to our assessment of the project and our client's work program at the time of tender, we do not anticipate a problem in supporting the captioned project and supplying the requisite bonds, if asked to do so. However, the execution of any bonds will be subject to an assessment of the final **contract terms, conditions, financing and bond forms** by our client and ourselves.

Liberty Mutual Insurance Company is rated A, Stable by A.M. Best rating agency.

If we can provide any further assurances or assistance, please don't hesitate to call upon us.

Yours truly,

LIBERTY MUTUAL INSURANCE COMPANY

Gilbert Kimani, CPA, CA
Attorney-In-Fact

LIBERTY MUTUAL INSURANCE COMPANY
181 Bay Street, Suite 900, Brookfield Place, Toronto, Ontario M5J 2T3

LEGAL PROCEEDINGS AND PERFORMANCE

New Line Skateparks, FL Inc has never paid liquidated damages or been terminated for default. New Line Skateparks FL, Inc also has had no Arbitrations, Lawsuits, or Other Proceedings in the last 5 years. Our firm (and subsidiaries) has never had a Bankruptcy Petition filed nor a contract that was terminated by another party. Finally the New Line Skateparks group of companies has never had a bond called (use of boding) in the history of our operations (23 + years).

CITY OF PANAMA CITY BEACH

February 22, 2023

ADDENDUM NO. 1

PCB24-25 RFQ
SKATE PARK DESIGN-BUILD SERVICES

Questions:

1. What is the budget for this project?

   A. The City's original allocation for this project was $400,000.00 –the budget has been amended to $1.4 million, as a result of the City Council Meeting held on February 22, 2024.

Revision:

A pre-proposal conference and site visit will be held for interested parties on **Tuesday, February 27, 2024 at 11:00AM CDT**, in the Panama City Beach Council Chambers, 17007 Panama City Beach, Florida 32413. Attendance of this meeting is optional, ~~please note however, virtual participation is not available for this event.~~

Virtual participation of this conference will be available via the following link:
Please email purchasing@pcbfl.gov with your intention to attend.

Join Zoom Meeting

https://us06web.zoom.us/j/8211759910?pwd=WG84REN1UG1STDhuaVZZb0lScDI2dz09

Meeting ID: 821 175 9910

Passcode: PCBCS2020

One tap mobile

+13052241968,,8211759910#,,,,*420587769# US

+13017158592,,8211759910#,,,,*420587769# US (Washington DC)

Dial by your location

• +1 305 224 1968 US

• +1 301 715 8592 US (Washington DC)

• +1 309 205 3325 US

• +1 312 626 6799 US (Chicago)

• +1 646 931 3860 US

• +1 929 205 6099 US (New York)

• +1 689 278 1000 US

• +1 719 359 4580 US

• +1 253 205 0468 US

• +1 253 215 8782 US (Tacoma)

• +1 346 248 7799 US (Houston)

• +1 360 209 5623 US

• +1 386 347 5053 US

• +1 507 473 4847 US

• +1 564 217 2000 US

• +1 669 444 9171 US

• +1 669 900 6833 US (San Jose)

Meeting ID: 821 175 9910

Passcode: 420587769

Find your local number: https://us06web.zoom.us/u/kjhC5nsLy

CITY OF PANAMA CITY BEACH

March 1, 2023

ADDENDUM NO. 2

PCB24-25 RFQ
SKATE PARK DESIGN-BUILD SERVICES

Questions:

1. Where can we find the reference form?

   A. The reference form is attached to this addendum.

2. Can we get access to CAD drawings?

   A. Please use the following link to access the CAD drawings.

   Skate Park CAD

REFERENCES FORM

Bidder shall provide a minimum of three references, for which they are currently providing a similar service/commodity of size and scope for Government agencies.

1. Client: _____ Contact: _____

Job Name: _____

Job Start Date: _____ Job Completion Date: _____

2. Client: _____ Contact: _____

Job Name: _____

Job Start Date: _____ Job Completion Date: _____

3. Client: _____ Contact: _____

Job Name: _____

Job Start Date: _____ Job Completion Date: _____

4. Client: _____ Contact: _____

Job Name: _____

Job Start Date: _____ Job Completion Date: _____

5. Client: _____ Contact: _____

Job Name: _____

Job Start Date: _____ Job Completion Date: _____

CITY OF PANAMA CITY BEACH

March 7, 2024

ADDENDUM NO. 3

PCB24-25 RFQ
SKATE PARK DESIGN-BUILD SERVICES

Questions:

1. Can you provide the status of the other improvements for the connector road, and other amenities, such as the pavilion? Where are they in the stormwater permitting process and what is the percentage complete?

   A. The connector road construction is 60% complete. Anticipated substantial completion in May 2024. The Miracle League Pavilion and Restroom, and skate pad design is currently in the design process. Design is anticipated to be completed by July 15, 2024.

   The connector road project we are repairing/replacing an existing roadway so stormwater permitting was not required. Additional parking areas were handled with adjacent swales and the engineer of record handled stormwater permitting for those added areas. The skate park has an existing stormwater facility to the north that should not be disturbed during construction and the pavilion runoff is captured through a system that goes to an existing stormwater pond.

   The stormwater masterplan for the entire park is on the march 28, 2024 agenda for approval to move forward with the design for all proposed future amenities.

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:	***2. MEETING DATE:***
Scott Passmore, Community Redevelopment Agency	July 25, 2024

3. REQUESTED MOTION/ACTION:

Authorize the City Manager to execute change orders to the agreement with CWR Contracting, Inc. for the Front Beach Road Segment 3 Project to address unforeseen circumstances and under certain conditions in an amount not to exceed $150,000.

4. AGENDA:

REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: Yes

Detailed Budget Amendment Attached: No

6. IDENTIFY STRATEGIC PRIORITY:
Quality of Life
Attractive Community
Transportation

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

This resolution authorizes the use of additional contingency funds not to exceed $150,000.00 for the contract. These additional funds will be used by the City Manager and CRA staff to fund future Contract Change Orders (CO's) that will not exceed the City Manager's purchasing authority of $25,000 per CO.

Background: The cost of CO's that have executed to date have been funded and offset by the availability of existing contract funds that were not used due to sales tax savings from the City's direct purchase of materials incorporated into the project. As the contract nears completion, the majority of the materials required have already been purchased; therefore, additional sales tax savings on owner direct purchased materials are not available to offset the cost of future CO's.

All CO's that have been or will be authorized by the City Manager (within his delegated authority of $25,000) are used for the following purposes, consistent with Florida Statute 337.11, and require approval of the City's Finance Director and City Attorney:

a) To clarify the plans and specifications of the contract,
b) To provide for unforeseen work, grade changes, or alterations in plans which could not reasonably have been contemplated or foreseen in the original plans and specifications,
c) To change the limits of construction to meet field conditions,
d) To provide a safe and functional connection to an existing pavement,
e) To settle contract claims, and
f) To make the project functionally operational in accordance with the intent of the original contract.

Examples of changes that may be authorized using these funds include compensation for extra time and material work due to unforeseen or hidden conditions that may impact the project schedule if not addressed immediately, correction of minor drainage issues creating a public nuisance and not included in the original contract, changes in pavement markings and signing required for immediate public safety, and other similar field changes. Most of these changes require immediate attention in order to keep the project moving and avoid the additional cost and time of delayed action.

Major or minor scope changes that exceed $25,000 per issue, and all changes in contract time, will continue to be presented to the City Council via contract Change Order for approval prior to the performance of the work.

Res 24-161.CWR.FBR Seg 3.Chang Order Add Contingency.pdf

RESOLUTION NO. 24-161

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AUTHORIZING ADDITIONAL CONTINGENCY FUNDS FOR CHANGE ORDERS TO THE CITY'S AGREEMENT WITH CWR CONTRACTING, INC. FOR THE CONSTRUCTION OF THE FRONT BEACH ROAD SEGMENT 3 PROJECT TO ADDRESS UNFORESEEN CIRCUMSTANCES AND UNDER CERTAIN CONDITIONS IN AN AMOUNT NOT TO EXCEED $150,000.00.

BE IT RESOLVED by the City Council of the City of Panama City Beach that the City Manager is hereby authorized to execute and deliver on behalf of the City Change Orders to that certain Agreement between the City and CWR Contracting, Inc. for the Front Beach Road Segment 3 Project to address unforeseen conditions on the Project in a cumulative amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents ($150,000.00) provided that any Change Order does not result in a fundamental change to the scope of the Project or the standard of materials used for such, the Finance Director confirms the contingency amount set forth herein is not exceeded, and the City Attorney has reviewed and approved the form of the Change Order.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this _____ day of July 2024.

CITY OF PANAMA CITY BEACH

By: _____
Stuart Tettemer, Mayor

ATTEST:

_____
Lynne Fasone, City Clerk

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Erica McKenzie, Legal	***2. MEETING DATE:*** July 25, 2024

3. REQUESTED MOTION/ACTION:

Discuss draft Ordinance 1651 and provide direction to Staff.

4. AGENDA:

REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: N/A

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY: N/A

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

At the City's June 27th meeting, the Council directed staff to prepare an ordinance changing the date of the City's regular elections to coincide with the November federal, state, and local elections.

Section 100.3605, Florida Statues, allows the City to change the date of elections by ordinance and to also provide for the orderly transition of office resulting from such date changes.

Accordingly, the ordinance extends the terms of any member of the City Council whose term is effected by the change in election date.

If approved, this Ordinance will be scheduled for a future first reading.

Ord. 1651.November Election Date.DRAFT.pdf

ORDINANCE NO. 1651

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING SECTION 7-3 OF THE CITY'S CHARTER RELATED TO THE CONDUCT OF MUNICIPAL ELECTIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; CODIFICATION; EFFECT ON EXISTING TERMS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance, Section 7-3 of the City Charter of Panama City Beach City is amended to read as follows (new text **bold and underlined,** deleted text ~~struck through~~):

Sec. 7-3. - Conduct, generally.

(a) Except as otherwise specifically provided by this Charter, all elections held by the City shall be conducted in accordance with all applicable provisions of the Florida Election Code.

(b) Regular elections for the offices of Mayor and City Councilperson shall be held on ~~the third Tuesday of April after the third Monday of April~~ **the Tuesday next after the first Monday in November** of each even-numbered year **to coincide with federal, state, and county elections.** Each candidate for City Councilperson shall run City-wide. Each candidate for Mayor shall run City-wide. Electors shall be entitled to vote for one candidate from each ward and for one candidate for Mayor. The candidate receiving the highest number of the votes cast for that particular office shall be elected. In the event two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.

SECTION 2. EFFECT ON EXISTING TERMS. In accordance with section 2-2 of the City Charter, the terms of all members of the City Council affected by this Ordinance shall be extended until each Councilmember's successor is duly elected.

SECTION 3. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 5. SCRIVENER'S ERRORS. It is the intention of the City, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida, and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect

DRAFT

the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 6. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 7. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City.

SECTION 8. CODIFICATION. 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 of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 9. 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 _____ 2024.

CITY OF PANAMA CITY BEACH

By:_____
Stuart Tettemer, Mayor

ATTEST:

_____
Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this _____ day of _____ 2024.

_____
Stuart Tettemer, Mayor

Posted on pcbfl.gov on the ____ day of ____ 2024.
Posted on publicnoticesbaycountyfl.gov on the __ day of ____ 2024.

DRAFT

CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:	***2. MEETING DATE:***
Ray Morgan, Fire	July 25, 2024

3. REQUESTED MOTION/ACTION:

Consider attached documents, information, and reports from Staff regarding possible Beach Safety enhancements for the FY 2025 season.

4. AGENDA:

REGULAR AGENDA AND DISCUSSION / ACTION ITEMS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: N/A

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY:
Public Safety
Quality of Life
Financial Health

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

At the workshop on Beach Safety held on July 11, 2024, Council directed Staff to investigate some of the ideas that were presented at that workshop and to bring back further information for the Council's consideration. Specifically, Staff was asked to explore the following ideas and concepts:

- the provision of rescue tubes on the beach as proposed by the Rotary Club,
- the possibility of utilizing some of the potential funding increase from the TDC to subsidize a portion of public/private partnerships; perhaps fund the upfront capital costs,
- the potential use of an led lighting system similar to what was proposed by Mr. White at the previous workshop,
- the requirement that entry into the water on single red flags days would only be allowed for those who have a flotation device,
- the formation of a formal "ambassador" program funded with TDC marketing funds, and
- the use of AI software.

Attached is a brief summary of staff actions taken with regard to each of the above bullet points.

Beach Safety Discussion Topics.pdf
Public Rescue Tube Program.png
Cost_Breakdown_for_Partnership_2024_js.pdf
Cost Breakdown for Partnership - FY 2025 Estimate.pdf

Beach Safety Discussion Topics

1) **Public Rescue Tubes:**
   Rotary Clubs in Bay County have expressed interest in funding this program in Bay County and PCB. Funds have already been earmarked for the program. Attached for your review is a picture of one of the PRT's in service on Navarre Beach. Below are some data points from the Rotary Club regarding the PRT program.

   - PRT's have been installed in Hawaii, South Dakota, the Carolinas, Florida, California, and Canada. The liability issues discussed were mitigated in these areas.
   - An attorney who is also a Rotarian, claims there is very little liability risk in doing this program as Good Samaritan Laws and Sovereign or Municipal Tort Immunity help protect the civilian rescuer.
   - 700+ rescue tube stations are in place in US & Canada
   - 400+ known successful rescues by private citizens
   - No rescuer has been injured by using one of these rescue tubes
   - 16 tubes installed in Navarre, no loss of life in those areas / Perdido Key - 4 tubes / Pensacola Beach - 5 tubes

2) **Public Private Partnership Cost Breakouts:**
   Please see the attached documents that showcase the operating and capital expenses for the partnership.
3) **Led Warning Lights:**
   Staff discussed this option with the vendor and have determined that the proposed system is currently not ready for production.
4) **Flotation Devices:**
   Staff was unable to find any other coastal community that requires a flotation device to be worn for entering the Gulf of Mexico.
5) **Ambassador Program:**
   Staff believes this program will provide our lifeguards with much needed assistance in preventative actions through education and help with compliance during double red flag conditions. The TDC is currently working on this program.
6) **AI Software Technology:**
   Staff are waiting to hear back from the vendor.


Navarre Beach
WALKOVER
37B
37B
Rotary
Club of Navarre
911

Beach Safety Proposal 2024

CAPEX	Cost
JWelds LLC Lifeguard Tower	$22,800.00
ATV/UTV (Equiped with rack & warning pkg)	$9,800.00
Fire Radio (2)	$6,300.00
Rescue Boards (2)	$2,290.00
AED (2)	$3,400.00
Rescue Reel	$625.00
Binoculars (2)	$350.00
Rescue Can (2)	$140.00
25 watt Megaphone	$105.00
90' Throw Rope and Bag (2)	$160.00
Case (Medical Storage) (2)	$450.00
Spinal Immobilization Kit	$340.00

OPEX	Cost
L/S Duty Shirt (4)	220.00
Rash Guard L/S (4)	180.00
Duty Shorts (4)	200.00
Uniform Swimwear (4)	145.00
Rain Coats (2)	200.00
Knife (2)	185.00
Fin Belt (2)	74.00
Mask and Snorkel (2)	70.00
Fins (2 sets)	128.00
Polarized Rescue Goggles (2)	54.00
Whistle/Lanyard (2)	15.00
Sunscreen (1 gallon)	208.00
Lifeguard Tower Umbrella	363.00
Rescue Tube (2)	130.00
VHF Water Proof Radio Case (2)	86.00
Throw Signal	82.50
Float Marker	82.00
Beach Warning Flags Set	400.00
Dry Bag (2)	40.00
Admin Cost	3,500.00
General Insurance	2,100.00
Fuel/Maint/Repairs	1,000.00
First Aid Kit (various items) (2)	500.00
Employee Salary (2)	**$57,164.80**
FICA (7.65%)	**$4,810.42**
Workers Comp (4.5%)	**$2,572.42**
Unemployment Insurance	**$1,000.00**
Physical & Drug Screen (2)	**$320.00**
Overtime (20% of days)	**$5,716.48**
TOTAL CAPEX	**$46,760.00**
TOTAL OPEX	**$81,546.61**
Year 2024 OVERALL TOTAL WITH CAPITAL	**$128,306.61**
Year 2025 Total OPEX (3% increase)	**$83,993.01**
Year 2026 Total OPEX (3% increase)	**$86,512.80**



Beach Safety Proposal 2025

OPEX	Cost
L/S Duty Shirt (4)	220.00
Rash Guard L/S (4)	180.00
Duty Shorts (4)	200.00
Uniform Swimwear (4)	145.00
Rain Coats (2)	200.00
Knife (2)	185.00
Fin Belt (2)	74.00
Mask and Snorkel (2)	70.00
Fins (2 sets)	128.00
Polarized Rescue Goggles (2)	54.00
Whistle/Lanyard (2)	15.00
Sunscreen (1 gallon)	208.00
Lifeguard Tower Umbrella	363.00
Rescue Tube (2)	130.00
VHF Water Proof Radio Case (2)	86.00
Throw Signal	82.50
Float Marker	82.00
Beach Warning Flags Set	400.00
Dry Bag (2)	40.00
Admin Cost	3,500.00
General Insurance	2,100.00
Fuel/Maint/Repairs	1,000.00
First Aid Kit (various items) (2)	500.00
Employee Salary (2)	**$63,355.60**
Overtime (20% of days)	**$6,335.56**
FICA (7.65%)	**$5,331.37**
Pension (14%)	**$9,756.76**
Health, Dental, Disability, and Life Insurance	**$6,587.20**
Workers Comp (4.5%)	**$2,851.00**
Unemployment Insurance	**$1,000.00**
Physical & Drug Screen (2)	**$320.00**
TOTAL OPEX (154 DAYS)	**$105,500.00**
TOTAL OPEX PER DAY (154 DAYS)	**$685.06**

* Operating costs for 154 days, April 6 - September 6