

The Regular 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, conducted on February 27, 2014.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
HOLLY J. WHITE
CITY ATTORNEY:
DOUG SALE

Mayor Oberst called the meeting to order at 2:00 P.M., with Councilman Reichard, Councilman Russell, and Councilwoman Strange, the City Manager, City Clerk and City Attorney present.

Doctor Gregory George, Pastor of the Gulf Beach Baptist Church, gave the invocation and Mayor Oberst led the pledge of allegiance.

The Mayor asked if there were any additions or deletions to the Agenda. Mr. Leonard asked to schedule an Appeal Hearing for the Conditional Use request for Mopeds/Scooters at 12616 Front Beach Road. There were no objections. With nothing further, **the Agenda was accepted as amended.**

The Special Minutes of January 22 and Regular Minutes of February 13, 2014 were **read and approved as written per motion by Councilwoman Strange. Second was by Councilman Russell and the motion passed by unanimous roll call vote of those present recorded as follows:**

Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Absent
Mayor Oberst	Aye

CONSENT AGENDA

1 *“CLEAN-UP, PAINT-UP AND FIX-UP MONTH”. “A Proclamation encouraging aesthetic efforts by proclaiming March, 2014, as “Clean-Up, Paint-Up and Fix-Up Month” in PCB.”*

2 *RESOLUTION 14-41, PURCHASE 20 TON TAG-A-LONG TRAILER. Staff solicited bids for a 20-Ton Tag-A-Long Trailer for the Stormwater Department. Three bidders responded; however, only one bidder met the required trailer specifications. The other two bidders did not meet specifications. STAFF RECOMMENDS awarding the bid to Beard Equipment in the amount of \$19,800. This equipment is budgeted in the 2013/2014 Stormwater Department Budget. ‘BE IT RESOLVED that the appropriate Officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and Beard Equipment Company relating to the purchase of one 20 Ton Tag-A-Long Trailer in the amount of \$19,800, a total Stormwater Department purchase in the amount of \$19,800, in substantially the form attached and presented to the Council today, draft dated February 5, 2014, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such Agreement shall be conclusive evidence of such approval.”*

3 *ORDER #02-CU-14 AND FINDING OF FACTS FOR THE CONDITIONAL USE REQUEST FOR THE MOPED/SCOOTER RENTAL AT 10908 AND 10909 FRONT BEACH ROAD AND 10924 PARK HILL CIRCLE. After receiving testimony and reviewing the exhibits produced during the Hearing on February 13, 2014, the City Council orders that the subject Conditional Use request is DENIED and the Order of the Planning Board is AFFIRMED.*

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Ms. White presented the Consent Agenda by title. **Councilman Russell made the motion to approve the Consent Agenda. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Absent
Mayor Oberst	Aye

REGULAR AGENDA

1. **ITEM NO. 1 PLANNING BOARD MEMBER RESIGNATION.** Mr. Leonard said Mr. Skip Alford, Planning Board member, had recently resigned due to his running for a City Council seat and he asked for the Council's approval to advertise and bring names back for the appointment. These applicants would be City residents. There were no objections.

2. **ITEM NO. 2 POLICE OFFICERS' PENSION BOARD MEMBER RETIREMENT.** Mr. Gisbert said Deputy Chief Moring was retiring at the end of March which would leave a vacancy on the Police Officers' Pension Board. He said the Police Department had two officers, Sgt. Jeff Heath and Major Chad Lindsey, who were interested in serving and ballots were available for the Council vote. The Council members voted using the paper ballots and passed the signed ballots to the City Clerk for tabulating. Ms. White announced that Major Chad Lindsey was appointed to the Pension Board by unanimous vote of those present. **Copies of the signed ballots are attached to and become an official part of these Minutes.**

3. **ITEM NO. 3 ORDINANCE 1300, PERMANENT FOUNDATIONS, 2ND READING AND PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 2:13 P.M. Mr. Sale said if the Council chose to proceed after he made some explanations, the Ordinance could be adopted during this meeting. He read Ordinance 1300 by title and explained the prohibition which had changed since the last reading of the Ordinance. The only distinction between today's Ordinance as read and that which had been approved at the First Reading was the new exception which permitted the maintenance of a permanent business not on a permanent foundation but permanently affixed to the earth if within a themed amusement park and part of that amusement park. He said criteria had been added in which to meet that exception and read that criteria for the record. Mr. Sale gave an example of the airstreams used in other locales. He directed attention to a number of new recitals and asked the Council to confirm that they accepted and agreed with those recitals whose purpose was to establish the basis to discriminate between the permanently-affixed structures without a foundation and those structures with a permanent foundation. He continued that this involved the Council's desire for many years to gradually increase the appearance of "permanency" and less of a "carnival/fair" type atmosphere in the Tourist Corridor. Mr. Sale said that if the Council desired to proceed with the Ordinance it could be adopted, because in his opinion the general purpose of the Ordinance remained unchanged.

The Mayor asked if there were any questions or comments from the Council; there were none. She opened the floor to the audience.

Mr. Mike Burke, speaking on behalf of Miracle Strip at Pier Park and the Meeks, thanked the Council, City Manager, and City Attorney for their efforts in amending the Ordinance so as not to prohibit the features long-planned for the Miracle Strip property. He added that another client who owns Coconut Creek and the Grand Maze has had a trailer at their facility for the last few years and they were concerned how this new Ordinance would affect them. Mr. Burke said after speaking with Mr. Sale and Mr. Gisbert, it was determined that the use at their location was grandfathered under the new Code.

Ms. Susan Fuller, resident of 2012 Clay Avenue and owner of a mobile food trailer, asked if this would prohibit the Special Events on the beach. Mr. Sale replied no. Mr. Gisbert said the food trailers during Special Events were a one-time use for a specific amount of time, not a permanent business.

Mr. Sale, in an abundance of caution since the Ordinance discriminated between those businesses within a park and those in the Corridor, read the recitals in their entirety. The Mayor asked if the Council concurred with these recitals. There were no objections. The Mayor asked if there were any further comments or questions. There were none. **Councilman Reichard made the motion to approve Ordinance 1300. Second was by Councilman Russell.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Absent
Mayor Oberst	Aye

The Public Hearing was closed at 2:20 P.M.

4. ITEM NO. 4 PLAT APPROVAL, OUTPARCELS AT PIER PARK EAST LOT 1 WALMART, ORDER #02-PL-14, PUBLIC HEARING. The Mayor opened the Public Hearing at 2:20 P.M. Mr. Gisbert said for this plat, drawings were produced, brought to the City and approved by Engineering and Planning, then Development Orders and Building Permits were issued. The contractor then built all infrastructures for this plat. Next, the installed utilities, streets, roadways, etc. were surveyed. Once completed, the developer submitted the drawings as a plat for Council approval. The plat at the last meeting was processed in another way by the developer submitting the drawings to Planning and Engineering, getting approved, and then having a Development Order issued. Concurrent with construction, if the developer chose to do so, he could submit an Irrevocable Bond that the work would be finished. At that point, the developer could then sell those parcels even though nothing existed on the ground.

Mr. Sale said in the second process where the developer intended on the plat to dedicate the streets and utilities, if they existed, the Council could approve the plat. If the streets and utilities did not exist, current policy and Ordinances required the developer to enter into an agreement with the City that the infrastructure would be built as outlined and secured by collateral. The LDC now had the platinum standard by requiring the developer to submit cash or an irrevocable Letter of Credit which was expensive. Mr. Shortt asked him to check what other cities were doing and he discovered that many cities allowed developers to merely post a bond. He said this would almost be as good as cash. Mr. Sale continued that Mr. Shortt and Mr. Gisbert recommended that the City accept bonds and if the Council agreed, he would bring a draft Ordinance to the next meeting to amend the LDC to accept bonds. He said at the March 13th meeting, the Council would be considering another plat in which the developer was requesting, and Staff had agreed, to submit a bond as opposed to cash or Letter of Credit. Mr. Sale continued that Staff planned to have the Ordinance ready for the First Reading and then under the pending Ordinance doctrine, the plat could proceed and the City accept a bond.

Councilman Reichard questioned Mr. Sale if the Letter of Credit would be good if the contractor was in bankruptcy. He said he supported the bond method. Mr. Sale said if the developer declared bankruptcy, it would depend upon what type of bankruptcy was filed and the other assets in the estate, but there was nothing the City could do about that type situation. Councilman Reichard questioned if the bond would have the same problems and Mr. Sale said the bonding company would have the same ability to go to the bankruptcy court. He elaborated.

Mayor Oberst clarified that what Staff was requesting was to add a third alternate, a bond. Mr. Sale said yes, although the bond was not quite as good as cash but was what most other cities were accepting.

Mr. Sale said the request from St. Joe was to replat Lot 1 Walmart at Pier Park East and asked if anyone in the audience opposed the plat. There were no objections. Regarding the Jennings Disclosures, Councilman Reichard said he was familiar with the property and had spoken to no one. Councilman Russell said he knew of the property's location and had spoken to no one. Mayor Oberst said she knew of the property's location and had only spoken with Staff. Councilwoman Strange said she knew of the property's location and had spoken with no one.

Mr. Leonard testified that he reviewed the plat and that it met all requirements for the CH District. Mr. Sale said the plat contained the title certificate of Fidelity National Title Insurance Company in the name of the St. Joe Company and McDonald's USA, LLC. and no mortgages of record.

Mr. Shortt said the surveyor under contract with the City signed the plat confirming that it was prepared in accordance with Chapter 177 and all of the infrastructure requirements were in place on the plat. Mr. Leonard added that all of the notice requirements had been met.

Mayor Oberst asked why this plat was different from the plat approved at the last Council meeting. Mr. Sale replied that with this plat, all infrastructures were in place because this was platted in the same manner as the Commerce Park. The owner of the land designed the infrastructure, submitted the design and received permits from the City, and built the infrastructure. Once in place, the land was surveyed and the lots were laid out and a drawing prepared which was submitted for plat approval by the Council. He continued that the plat at the next meeting would have everything marked on paper and the dedication of the streets to the City, but no pavement would be in place which necessitated the bond, cash or Letter of Credit to secure the developer's promise that the streets would be built.

Councilman Reichard asked why a developer would build infrastructure without prior approval in the event Staff did not approve and the infrastructure having to be changed. Mr. Shortt said the City could not deny a developer the ability to subdivide their land if they met the Code. He said Staff would approve the infrastructure design. The Mayor added that Mr. Gisbert had explained that a developer could submit plans and drawings which were approved with the plat being merely official. Mr. Gisbert continued that building the infrastructure before the property was platted would take out some risk because if not, the contractor would have to build exactly as laid out in the drawings and plat, even by inches. If not built exactly, the plat would have to be revised. Mr. Sale said State law specified how the plat would look, the type of things which had to be in the ground to mark the corners of the lots, etc. He said the lot sizes and street widths must meet the new LDC, and if public rights-of-way were being dedicated to the City, the City would have the assurance that the developer would build the improvements or the City could build the improvements. With nothing further, **Councilman Russell made the motion to accept the plat. Second was by Councilwoman Strange.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Absent
Mayor Oberst	Aye

The Public Hearing was closed at 2:41 P.M.

5. ITEM NO. 5 RESOLUTION 14-19, UPDATED PARKS & RECREATION FEES. Mr. Jim Ponek, Parks & Recreation Director, said it was important for Staff to set up a baseline for the fees for the Pool, Pier, Amphitheater, and Recreation. He said a lot of time had been spent in compiling these fees and he had met with the Senior Center Staff, the CVB, Mr. Dan Rowe and Mr. Richard Standards. The intention was not to raise fees but merely set the baseline and then look at the fees every budget cycle. He said this packet contained all of the fees, ranging from the Senior Center to the Pool, to tennis courts, basketball courts, softball fields, soccer fields, etc.

Councilwoman Strange asked about the Pier fees and if disabled veterans would remain at half-price. Mr. Ponek replied affirmatively.

Mayor Oberst said there was a tax-exempt group fee which was much lower with the object not to prohibit anyone from using the City's great recreation facilities but to ensure that the City was charging everyone the same amount of money for the same facility. These fees would help with the maintenance. Mr. Ponek said Staff was trying to set consistent fees.

Councilman Reichard asked about the local softball teams and if their fees would be affected. Mr. Ponek replied league programs were evaluated every year to ensure the City was at least recouping costs. He said at this time, those fees would probably remain the same as last year, and those fees were not addressed in this Resolution.

Mr. Sale read Resolution 14-19 by title. **Councilman Russell made the motion to approve Resolution 14-19. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Absent
Mayor Oberst	Aye

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Mayor Oberst thanked Mr. Ponek and his Staff for the work involved in updating these fees.

6. ITEM NO. 6 ADVOCACY BY PUBLIC OFFICIALS - BUDGET DISCUSSION. Mr. Gisbert said at the last meeting the Council had directed him to prepare some explanations in order to simplify the ballot questions and the first question would be how this should be put out to the general public. This information could be posted on the City website at no cost, but if the Council wished it published in the newspaper, a full-page ad during the week would cost approximately Two Thousand Dollars (\$2,000). Also, utilizing the mail-out capabilities of the Water Department would be approximately One Thousand Dollars (\$1,000) to One Thousand Five Hundred Dollars (\$1,500) for City residents. Since there were no funds for this task in the budget, Mr. Gisbert asked for Council's suggestions as to a budget for this project.

Councilman Reichard asked why mail this information to all City residents as opposed to only the registered voters whose addresses could be obtained from the Supervisor of Elections. He said it seemed a wasted effort to send information to Fourteen Thousand residents when only Eight Thousand, Nine Hundred residents voted. Mr. Sale suggested that the information be posted on the City website and a display ad published, not necessarily a full-page ad, stating the information was available at City Hall. Councilman Reichard mentioned the free venues for distribution, such as the Chamber. Mr. Gisbert responded that they would also be utilized and the Council could conduct public meetings to give information. Councilman Reichard said he liked the idea of the mailer because not everyone subscribed to either of the two newspapers.

Regarding expenditures, the Mayor said even though a budget might be set, that would not mean all would be spent dispersing this information. Mr. Sale reminded that Mr. Gisbert had the authority for Ten Thousand Dollars (\$10,000) and a Budget Amendment would be necessary. Ms. White said she could bring one back at the next meeting. Mr. Sale said the Council could merely direct Staff to bring the Budget Amendment to the next Council meeting for approval. Discussion ensued concerning the amount and by general consent, the Council directed that the amount should be no more than Five Thousand Dollars (\$5,000). The Mayor also suggested the other Councilors bring their thoughts of possible language for the public education information to the City Manager.

Councilman Reichard said numerous times the Council had discussed about the language for the ballot questions in order to help the general public better understand the issues. He asked if this process should also be included in the budget discussion. The Mayor reminded that the wording of the ballot questions had already been established and the City should not change what had been already advertised. Mr. Sale said the City could use a "Q & A" format. Councilman Reichard suggested some simple one sentence explanations and gave examples. Mr. Gisbert said he would draft a set of simple explanations. Mayor Oberst asked Mr. Sale if the Council could legally make those explanations and Mr. Sale responded affirmatively as long as they were factually based. He said the reasoning behind the changes could be presented to the public in laymen's terms. Mr. Gisbert added that a workshop for the general public would be a good idea. Councilman Reichard said he would also draft a set of simple explanations.

7. ITEM NO. 7 NUISANCE ABATEMENT CODE- DISCUSSION. The Mayor said the Council had been discussing the nuisance abatement guidelines and during that process, Councilman Reichard had asked why this only affected the CRA area. The Mayor said she had someone ask her what the City would do with a building in disrepair located outside of the Corridor. She said that was a good question and asked for the other Council members' thoughts about using the same Ordinance and change the area to outside of the CRA. Mr. Sale said it was too late this year to move that collection process to outside of the CRA. The Mayor said the City could adopt the Resolution to go City-wide with the understanding that next year, the abatements could be handled in the same manner as those within the CRA. She said these would only be major projects, not merely mowing grass abatements. Mr. Sale said the answer to everything the Mayor mentioned was yes. Now, how the Staff used the collection tool would depend upon the instructions to Mr. Gisbert as a matter of policy. Mr. Sale said the Abatement Ordinance adopted earlier this year was City-wide and he thought no changes would be necessary for this Ordinance. However, the collection mechanism only applied to Front Beach Road. He said the Resolution every year would merely advise the Tax Collector and Property Appraiser that the City was thinking about adding the assessments to the tax rolls.

Councilman Reichard said the collection process could be for major or minor nuisances being attached to the tax bill. The Mayor said the City could abate the nuisances City-wide now but the only thing which could not occur was placing the cost on the tax bill until 2015. Mr. Sale said the nuisance could be abated in 2014 and the cost then placed on the 2015 tax bill. He added that the Herald was advertising that other local communities were noticing that their areas would be city-wide. The Mayor said the City could set the policy that the City Manager would use the same policy as before concerning nuisances that something of value or structural could be on the tax rolls. As a matter of fact, now the City did not need to do anything. Mr. Sale said he recommended that the City adopt the intent Resolution in the fall in the same manner as the Stormwater Resolution. He added that the imposition of the assessments, not the collection, was authorized by a home-rule Ordinance which listed Stormwater and several other items. That Ordinance did not specifically list nuisance abatement and one of the issues Staff would bring back to Council by summer was an amended general home-rule Ordinance to add nuisance abatement assessments. Regarding Stormwater, some issues had evolved since they looked at the home-rule Ordinance and that the Ordinance would need to be updated.

Mr. Sale summarized that in January the City adopted an Ordinance which made it illegal for the maintenance of a public nuisance and authorized the City to order the property owner to fix the nuisance or the City would fix the nuisance. The City had a home-rule Ordinance which authorized the City to make assessments against properties by creating an assessment roll and sending out a bill to the property for remedies that the City did for that property, such as stormwater, sidewalks, paving, landscaping, etc. He said that Ordinance in his opinion needed to be amended to specifically include nuisance abatement assessments. He said if the City followed the Florida Statute and adopted a Notice of Intent, the Tax Collector could collect the City's assessment. Mr. Sale said the existing Ordinance now said the City could prepare bills for assessments and mail them to the owners for payment. If unpaid, the Ordinance allowed these bills to be placed on next year's tax rolls. By general consent, the Council agreed.

8. ITEM NO. 8 SCHEDULE AN APPEAL HEARING FOR THE CONDITIONAL USE REQUEST FOR MOPEDS/SCOOTERS AT 12616 FRONT BEACH ROAD. Mr. Leonard said the Staff received an Appeal to a Planning Board's approval regarding a new moped/scooter operation at 12616 Front Beach Road. After reviewing the calendar, he suggested March 27th at 12:30 P.M for the Hearing. There were no objections.

There were no floor items.

ANNOUNCEMENTS

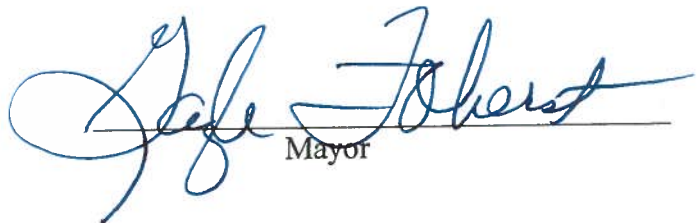
ITEM 1 MARDI GRAS PARADE AT PIER PARK. The Mayor said the annual Mardi Gras Parade at Pier Park would be held Saturday starting at 5:30 P.M.

ITEM 2 K9 VETERANS DAY. The Mayor said Parker was hosting the annual K9 Veterans Day Memorial Service on Sunday, March 9th. Chief Whitman said the City only had one K9 at this time.

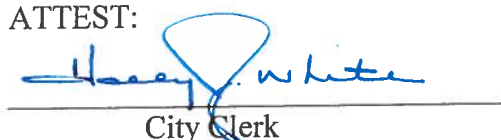
With nothing further, the meeting was adjourned at 3:05 P.M.

READ AND APPROVED this 13th of March, 2014.

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


Mayor

ATTEST:


City Clerk

Regular Meeting
February 27, 2014

BALLOT

Board selection for Police Officers' Pension Board, replacing Captain Crowson who will be retiring 6/4/14. This officer will take his seat as of the June 5, 2014 meeting and his term will last through 9/30/17.

OFFICERS:

Lt. Rich McClanahan

Lt. Jamey Wright

Sgt. Jeff Heath

Choice:

RICH McCLANAHAN



Signature

3/6/14

BALLOT

Board selection for Police Officers' Pension Board, replacing Captain Crowson who will be retiring 6/4/14. This officer will take his seat as of the June 5, 2014 meeting and his term will last through 9/30/17.

OFFICERS:

Lt. Rich McClanahan

Lt. Jamey Wright

Sgt. Jeff Heath

JAMEY WRIGHT

Choice:

Jamey Wright

Signature

3/6/14

BALLOT

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OFFICERS:

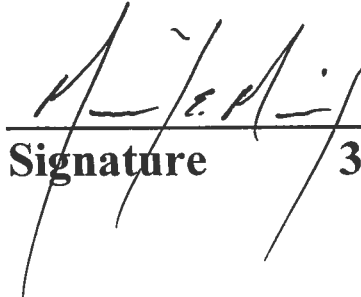
Lt. Rich McClanahan

Lt. Jamey Wright

Sgt. Jeff Heath

Choice:

McClanahan


Signature / 3/6/14

BALLOT

Board selection for Police Officers' Pension Board, replacing Captain Crowson who will be retiring 6/4/14. This officer will take his seat as of the June 5, 2014 meeting and his term will last through 9/30/17.

OFFICERS:

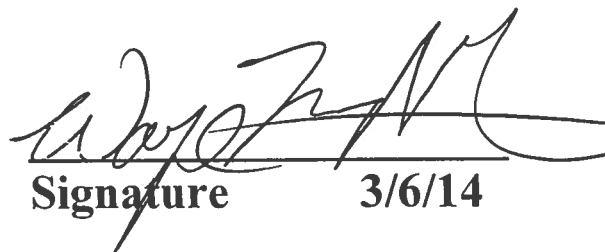
Lt. Rich McClanahan

Lt. Jamey Wright

Sgt. Jeff Heath

Choice:

RICH McCLANAHAN


Signature 3/6/14