

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 April 24, 2014.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
DEPUTY CITY CLERK:
JO SMITH
CITY ATTORNEY:
DOUG SALE

Mayor Oberst called the meeting to order at 2:00 P.M., with all the Council, the City Manager, Deputy City Clerk and City Attorney present.

Pastor Rick Young of the Woodstock Church gave the invocation. Mayor Oberst led the pledge of allegiance.

The Mayor asked if there were any additions or deletions to the Agenda. Mr. Gisbert asked to add "*Resolution 14-57, Thunder Beach Bike Show Road Closures*" to the Agenda. The Mayor also asked to add a "*Three Minute Speaking Rule*" for discussion. With no objections, **the Agenda was accepted as amended.**

The Regular Minutes April 10, 2014 were **read and approved as written per motion by Councilman Russell. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

Mayor Oberst explained that Ms. White, City Clerk, was out with surgery and that Ms. Smith, Deputy City Clerk, would be filling in for her.

CONSENT AGENDA

1 RESOLUTION 14-53, TASTE OF THE BEACH ROAD CLOSURE. *The Taste of the Beach has been scheduled for Saturday, May 17, 2014, and the Resolution is entitled "A Resolution authorizing temporary closure of portions of Pier Park Drive on Saturday, May 17, 2014, to permit the Taste of the Beach."*

2 RESOLUTION 14-55, SUMMER 5K SERIES RUNS AND JULY 4TH COLOR RUN ROAD USAGE. *"A Resolution authorizing temporary closure of streets within Pier Park on Wednesday, June 11, 2014, June 18, 2014, June 25, 2014, July 9, 2014, July 16, 2014, July 23, 2014, July 30, 2014, and August 6, 2014 to permit the Summer 5K Series Runs and on Friday, July 4, 2014 to permit the July 4th Color Run."*

3 NATIONAL ARSON AWARENESS WEEK 2014. *"A Proclamation designating the week of May 4-10, 2014, as "National Arson Awareness Week 2014- Vehicle Arson- A Combustible Crime" in Panama City Beach."*

Ms. Smith presented the Consent Agenda by title. **Councilman Curry made the motion to approve the Consent Agenda. Second was by Councilwoman Strange.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

1. ITEM NO. 5 THREE MINUTE SPEAKING RULE-DISCUSSION. Mayor Oberst said as the Council began the Regular Agenda Items, she asked if there were any Council comments about the Three Minute Speaking Rule. Hearing none, **Councilman Reichard made the motion to approve the Three Minute Speaking Rule. Second was by Councilman Russell.** The Mayor explained that the idea behind the Three Minute Speaking Rule was to give everyone the opportunity to speak when there was a large crowd. **The motion passed by unanimous roll call vote recorded as follows:**

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

2. ITEM NO. 1* RESOLUTION 14-54, R. JACKSON BOULEVARD LEFT TURN LANE EXTENSION CONSTRUCTION PROJECT AND BUDGET AMENDMENT #22, PUBLIC HEARING. The Mayor opened the Public Hearing at 2:07 P.M. and explained that this item was one in which the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Mr. Sale read Resolution 14-54 by title. Mr. Alaghemand said to improve the level of service and traffic flow of the Parkway, and based on recommendations from two FDOT Traffic Impact Analyses, Staff planned to extend the northbound R. Jackson Blvd. left turn lane at the Parkway. He displayed photos showing the plan to eliminate the existing left turn into Sonny's BarBQ, and by doing so, allow both northbound left turn lanes to be extended to the opening into the St. Joe complex. He explained in detail how this change would improve traffic flow and the intersection's level of service. The construction project was advertised with GAC submitting the low bid and Staff recommended approval. Mr. Alaghemand said since this project had not been included in the 2014 Budget, Staff also recommended approval of the Budget Amendment #22. He explained that because this was an operation improvement on the Parkway, the Transportation Proportionate Share could be used for the project. The Mayor asked if there were any questions or comments from Council.

Councilman Reichard said this was fantastic and he complimented Mr. Alaghemand and Mr. Gisbert. **Councilman Reichard made the motion to approve Resolution 14-54. Second was by Councilman Russell.** The Mayor called for audience comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 2:14 P.M.

3. ITEM NO. 2 ORDINANCE 1310, VEHICLE RENTALS, 1ST READING. Mr. Sale explained that he would prefer to read the revised Ordinance which had been placed today before each Council member. He said the only difference between the latest revision and the proposed Ordinance in the packet was the helmet requirement. The Ordinance as revised made three significant changes to the City's current regulations: 1) It proposed a civil infraction penalty system answerable to the County Court. Notices to Appear would be given with arraignment time just like a criminal offense, and if the cited violator decided to go to trial, it would be tried as a civil case, and if found guilty, a money judgment would be entered. That law would have application in other areas, and after discussion with the Police Chief and City Manager, revisions would be made to use the same penalty system in Chapter 7, Water Sports and Recreation. 2) This

Ordinance would impose regulations upon the operators themselves, not merely the businesses. It would require the operators to wear a vest that indicated they operated a rented low power scooter and to carry a signed brochure that explained the State's safety and traffic laws and the City's Ordinances. 3) This Ordinance would require every Motorcycle Rental business to have a training area and to conduct training.

Mr. Sale continued that there were minor changes but they all centered on the City exercising its home rule police power over the operation of these businesses. The businesses would require the operators to wear their helmets and vests when leaving the lot and each vehicle would be required to display the flag keyed to the business. Mr. Sale stated the purpose of these changes was to make it easier for everyone to recognize these operators.

Mr. Sale said the change between the proposed Ordinance in the Agenda packet and the one placed in front of each Council member was merely the elimination of the helmet requirement. Many years ago, the City had adopted an Ordinance requiring the scooter operators to wear a helmet; there was an Attorney General's Opinion and a good argument that the State had preempted the City's home rule power to require that helmets be worn. In his opinion, there was a difference between operating a motorcycle as a vehicle as opposed to a scooter as an amusement ride, exclusively a short-term rental. Someone renting a motorcycle for the afternoon to play would be a recreational rental and in that context, the City could require helmets. However, he recommended, and Chief Whitman concurred, that the City eliminate the helmet requirement now and see how this new Ordinance would work before adding it back. His concern was that the Chief had said reckless behavior was not only the 16 and 17 year olds, but also the 18-19-20-21 year olds. Our helmet requirement now applied only to 16 and 17 years olds and he could not justify discriminating against that class of drivers by making them wear a helmet when others were not required to wear one. He said if the City was going to require helmets for short term recreational rentals, it must be the entire class of people who put themselves at risk.

For a long time, Mr. Sale said the City had required that the scooters be registered at the Police Department. The recently adopted County Ordinance required an annual independent inspection. Staff was not recommending that change because he understood from the Chief that the current inspections at his Department were working.

Regarding insurance, the City now had a \$500,000 per scooter liability insurance requirement. It was not being enforced as he recalled some time back that the industry advised that the insurance was not available. The County also had the \$500,000 requirement. In preparing this proposed Ordinance, he said they simply copied the County requirements and added a small amount of uninsured motorists and personal injury protection because he had been advised by one of the local businesses that coverage was available. Mr. Sale said the insurance requirement was legally justified by the Council's desire to require these businesses to be financially responsible for damages that their scooters might cause to third parties. How much financial responsibility was required would be a policy question for the Council. Once the Council determined a financial responsibility, then Staff could investigate the types of insurance which could or could not meet that financial responsibility standard.

Councilman Curry said his concern was this proposed Ordinance being presented for a First Reading with numerous changes. He preferred receiving feedback and having discussion prior to a First Reading. Mr. Sale said, as a matter of scheduling, the City Manager had requested it placed on the Agenda today in light of the Spring Break considerations and the upcoming Memorial Day.

Councilman Reichard asked Mr. Gisbert about the grandfathered businesses without training areas. Some of these businesses did not have the room available for a training area. His second concern involved the vests and if they could be removed as soon as the operators left the lot. Mr. Sale replied that the operator must wear the vest or would be subject to being ticketed.

Mr. Gisbert said Chief Whitman believed the beach would be at 100% Memorial Day weekend so the intent was to push these changes along as quickly as possible. He said discussion could continue and changes made even at the next meeting. Mr. Sale said this would also allow the businesses time to conform to the new regulations. Councilman Reichard said he could see the vests and flags being more practical than the insurance. Mr. Sale said when preparing the City's Ordinance, he used the County's research regarding insurance and as of yesterday, they had confirmed that this type of coverage was available.

Councilman Curry asked why this needed to be fast tracked for Memorial Day and not allow the Council time to do due diligence. Mr. Gisbert said Mr. Sale has been able to do the research on the vests. The process of the fining system and the inspections had been done. The item which remained uncertain was the insurance and if the Council agreed with the principle of insurance, that was all Staff needed today. The detail of the quantity of insurance would then be brought back at the next meeting. Mr. Sale said Staff was not trying to bring Council a half-baked product; the idea for the First Reading was to acknowledge the political will to require the

vests, the flags, the brochures, and then allow the industry time to gear up for those items before Memorial Day.

Chief Whitman said he requested these changes for Memorial Day for safety reasons. He said the kids did not use the scooters as a vehicle but more as an amusement, weaving in and out of traffic and not following the laws. He said he was trying to protect cars and lives because it was difficult to see the operators when they rode on the shoulders of the road and did not obey the traffic laws. He was trying to control the operators a little more. He was trying to have everything in place when the City kicked off the summer season on Memorial Day.

Councilman Russell said he had met with Chief Whitman earlier today and they discussed the 186 traffic crashes and 427 traffic stops strictly with scooters during Spring Break. He said the City had five Police vehicles hit by scooters and the cars must be repaired by the City. He personally would like a moratorium on scooters on the roadways and as they wore out or wrecked, that scooter could not be replaced unless it was with a 4-wheel vehicle which would be safer for everyone. Councilman Russell said he received more complaints about scooter damages and who would pay for the repairs. He said over a three year period, scooters could be phased out and replaced by 4-wheel vehicles which would be safer on the roadways.

Councilman Curry said the vests and flags would not make the operators any more responsible. Chief Whitman said he hoped these changes would make the operators more visible to other drivers and prevent damage to other vehicles or loss of life. The Police Department also received numerous calls about who would pay for repair costs and all the Department could say was that the operator was not required to have insurance. Councilman Curry said he agreed that there should be a financial responsibility mechanism but he was trying to understand the correlation between safety and vests/flags.

Mr. Sale said this Ordinance would repeal the insurance requirement which was not being enforced and leave a hole which would have to be filled in later. The only issue raised this afternoon was the immediate effectiveness of requiring the training area. Councilman Reichard said that issue concerned him. Mr. Sale responded that an effective date could be set in the future for that training area for existing businesses. Councilman Curry said the insurance component of this proposed Ordinance was very important. He explained his company's financial responsibility and that he felt the business owners should be accountable. Councilwoman Strange asked about the City's responsibility and Mr. Sale said the City would have none relating to damage to property involving these scooters.

Councilman Reichard said at this point, he would prefer to amend the Ordinance and have the First Reading on only certain parts relating to vests and flags because he thought visibility was a big safety measure that Chief Whitman wanted. Mr. Sale said the simplest thing would be to remove the insurance and provide a subsequent effective date for the training area. The Mayor asked Councilman Curry for his opinion. Councilman Curry said he would go with the will of the Council.

Councilman Reichard suggested modifying the Ordinance. He suggested taking out the insurance requirement and receiving input concerning the grandfathered training areas. Mr. Gisbert recommended eliminating that portion of the Ordinance at this time. Mr. Sale identified the portions of the draft Ordinance which would be eliminated and read amended Ordinance 1310 by title. The Mayor asked for the other Council members' thoughts. Chief Whitman said he was good with the current revisions. Mr. Gisbert concurred as Mr. Sale and the Chief had been working on this matter for the last two to three months. Councilman Reichard said he was glad the insurance component had been eliminated until further research was conducted. The Mayor asked for public comments and reminded that insurance and training areas had been eliminated.

Mr. Robert Sale, attorney representing California Cycles, said this was an aggressive Ordinance and asked that the Council get a survey of other tourist towns in the state on their moped regulations. He recommended the City have a more substantial law enforcement presence able to stop groups of mopeds riding on the right-of-way, issuing tickets and requiring the businesses to pick up the bikes. He suggested putting the operators names into a database which would prohibit their renting any future mopeds. He said if this occurred, this would remove the offenders which caused the problems. Mr. Sale said the City was smothering the economic freedom of these small businesses and State law preempted most of what the Council was attempting to do. He suggested delaying this Ordinance and holding a Workshop with the businesses.

Mr. Robert Kaufmann, representative for King of Scooters, said the business owners also emphasized the safety aspects in order to avoid liability. He addressed the helmet provision in the new Ordinance; he said there was a significant legal question whether the City could require the helmets through the business's private rental contract. Regarding the insurance requirement, he said significant input and research was necessary from third parties to ensure the financial ability to meet the claims was available but in a way which would not destroy the businesses.

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Mr. Rick Roof, owner of California Cycles, said the nylon vests would be uncomfortable and hot. He suggested using a safety video instead of a brochure because many kids would not read but would watch a video. A brochure would probably not be read because the kids were too excited to get the moped and leave. For the vests, if it was noted as a rental, the operators would be targeted because they were on vacation and possibly had money. For the flags, Mr. Roof said he had already contacted manufacturers who said any after-market product on their bikes would be detrimental and gusts on the flags might affect the balance of the bike. He said the manufacturers did not recommend their placement. He said they would not give him anything in writing to that effect but they would discuss on the phone. He said someone unfamiliar with riding a bike might be placed in harm's way by a gust of wind affecting the flag.

Ms. Olesea Siriteanu, owner of Hangout by the Sea, said she disagreed with the new Ordinance because it would destroy her business by requiring the vests and flags. In her opinion, she said this made it easier to profile her customers. She said the yellow crosses on the back of the scooters should be sufficient to identify rentals as well as the name and phone number of the business on the bike. Regarding the vests, they would be hot and she doubted her customers would rent her bikes if they were required to wear the vests.

Mr. Rims Roof, California Cycle, said if the Council adopted this Ordinance on May 8th, it would only allow 18 days until Memorial Day to buy over 400 vests, helmets and flags. They would also need time to teach their employees how to train the operators properly. He said it was difficult to hear Councilman Russell's comments about the moratorium on scooters as that was his livelihood. He recommended that the Council delay action because of the numerous changes to this Ordinance.

Ms. Colleen Swab, California Cycles, said the flags and vests were not for safety but for profiling their customers. She said she did not understand why the flags were necessary. She had questioned her customers about wearing vests who told her they would not rent the moped. Regarding the vests, the ones that were required cost \$50, not including the "rental" embroidery. She said this would be \$75 per vest for 393 vehicles, with numerous sizes. They would also require washing and her shops did not have washers and dryers to keep the vests clean.

Mr. Adam Pritchett, owner of Classic Scooter Rentals, said the brochure information was already in big letters on his rental contracts. Even then, the operators left his property and broke the laws. They did everything possible to get the operators to do the right thing and it was not the businesses fault if the operators broke the law. Regarding the flags, he said everyone that passed a parked bike would hit the flag and possibly knock the scooter over, and then the operator would be responsible for paying for the damages. Regarding the vests, Mr. Pritchett said he would need about 3,000 vests total with so many of each size, and when returned the vests would need to be washed.

Councilman Russell asked if there were cotton mesh vests. Mr. Roof said the vests must be FDOT-approved and the ones Councilman Russell were thinking about were only for someone standing on the shoulder of the roads. Ms. Swab displayed a FDOT-approved vest. Councilman Russell asked Mr. Sale if the City would have to require the vests to be FDOT-approved and Mr. Sale said he would have to research that matter.

Councilman Reichard said he thought the goal of the vests was for other drivers to easily see the riders. He said he did not anticipate it would change their behavior but it would allow other drivers to drive defensively.

Mr. Rick Roof said this weekend there would be 50,000-60,000 motorcycles from Thunder Beach and most of those operators did not wear vests. Those operators took the motorcycle training. He said it would be an option for those operators who wanted to wear a vest but he disagreed with forcing the operators to wear the vests. In response to questions from Councilman Reichard about ages, Mr. Roof said the majority of the Harley riders were over 21 years old and only about half of the scooter riders were over 21.

Councilwoman Strange said she had an issue with our Police Department being accused of profiling. She said 619 traffic accidents within a six-week span was a lot for the Department. Councilman Reichard said he would not be opposed for eliminating the flag requirement because he agreed with the industry that the operators could not be controlled once they left the lot.

Mr. Rims Roof said comments had been made about these changes making it easier for the Police to see the operators doing something wrong, not necessarily the safety of other drivers. He said during Spring Break, the Department was already stretched to their limit handling other Spring Break issues. He said he would supply figures of how many scooters were rented during Spring Break for their company. Then the Council could compare that rental figure to the number of violations during Spring Break. He urged the Council to gather all of the facts before damaging the livelihood of the beach. Mr. Rick Roof added that some of the Spring Breakers did use the scooters for transportation since they came to the City on buses and had no other vehicles.

Mr. Sale invited the other attorneys to help with the issue about the attempt to legislate through private contract where it could not because, in their opinion, the State preempted the vehicle laws and asked the attorneys to share this information. Addressing comments made from the audience, the business owners could not ensure the operators would do the right thing and could not control the operators once they left the lot. Regarding vests not worn by the Harley riders and hours of training, if the scooter operators had hours of training then accidents might not occur but the State did not have that requirement. Addressing comments that they could not make the kids behave correctly. Mr. Sale said one thing the City could do legally was prohibit this type of business. If the Council found that there was a problem, they had the authority to address it and work with the industry, and would be delighted to do so. Councilman Reichard said the City had enforcement on our side that the business owners did not. Mr. Sale said that returned to the legal point and that the other attorneys were saying the Council did not have that authority.

Councilman Curry said just because a business was creating a problem, the City could not put them out of business. Councilman Reichard concurred. Councilman Curry said what he had heard was the business owners wanted time to look at the issues. He questioned again why this was being fast-tracked. Mr. Sale said he understood and wanted to address the legal question whether the City could legally do these aggressive changes. He said the focus of this Ordinance was the rental activity itself, and it did cross the line in dealing with the operators of those vehicles and if the industry challenged that, he thought it could be defended. Councilman Russell said he was not trying to put anyone out of business but merely to rent a safer different product.

Mr. Virgil McRaney, California Cycles, said he had been in the business nine years and every operator they put out was trained. He said they ensured the operators were comfortable on the scooters and admitted they had problems with the operators switching off on the scooters. He said it seemed biased against the industry, sounding like the Council was saying the industry was incompetent in handling the operators.

Mr. Baldwin suggested that the City Manager sit down with all of the scooter businesses to discuss the issues. The Mayor said the City Manager had met with 50-75 different groups during the last two weeks and one of the issues during those meetings had been scooter rentals.

Councilman Reichard made the motion to approve the modified Ordinance 1310, eliminating helmets, onsite training and insurance. Second was by Councilwoman Strange. The Mayor called for comments. Councilman Curry said he could not understand why this Ordinance was being fast-tracked. He and Councilman Reichard discussed the number of accidents during Spring Break. **With no further comments, the motion passed by the majority vote recorded as follows:**

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

The Mayor said the City Manager and Chief Whitman would meet and bring the Ordinance back to the next meeting.

4. ITEM NO. 3 SPRING BREAK. The Mayor said at the last meeting, the Council heard two hours of public comment concerning Spring Break issues. Since then, the Police Chief and City Manager had met with various groups, from restaurants, bars, Homeowners' Associations, to churches, renters, hotels, etc. She said the City had met with Sheriff McKeithen, the County Manager, and Commissioner Thomas. Mr. Gisbert displayed a list of twenty Spring Break Consideration Items and Ms. Myers read the list into the record.

- 1) Provide additional law enforcement and emergency medical services support during Spring Break; coordinate with the TDC, Businesses and Guest Properties.**
- 2) Provide additional K-9 units.**
- 3) Allow no alcoholic beverages on the beaches (sand) or parking lots during College Spring Break.**
- 4) Restrict any type of cooler, regardless of shape or size, on the white sandy portion of our beach during College Spring Break. This would still allow our residents and guests to consume a single alcoholic beverage on the beach but would eliminate the large parties with coolers which usually contributed to the underage drinkers.**
- 5) Any person who is in possession of an alcoholic beverage must have a valid state issued picture identification card/ license on their person.**

- 6) **Require all bars, nightclubs, restaurants or any other establishment that serves or sells alcoholic beverages to stop the sale of said item at 2:00 A.M. - 365 days a year.**
- 7) **During College Spring Break, require all bars, clubs and other establishments located on Panama City Beach and the unincorporated area west of Hathaway Bridge to stop serving alcoholic beverages at least by 2:00 A.M. and possibly even earlier.**
- 8) **Aggressively enforce capacity limits and Fire Safety Ordinances during Spring Break at condos, hotels, and clubs.**
- 9) **Use TDC advertising money currently spent on College Spring Break to advertise what you can't do here and all new laws and ordinances.**
- 10) **Close all City-owned parking lots at 5:00 P.M. every day but install an exit gate to allow the guests to leave at any time.**
- 11) **Beach-side night curfew.**
- 12) **Allow only one Special Event on the sandy portion of the beach per day.**
- 13) **Require additional support staff- 3 officers per 1,000 guests- to the Special Events Permit.**
- 14) **To require the Event organizer to fence off the event area and to take responsibility of their property including check point. This has worked on the beach in the past.**
- 15) **Prohibit the digging of any holes on the sandy portion of the beach. This is not only a safety issue for emergency personnel, but for people just walking on the beach. Some of these holes are large enough to hold eight to ten people and illegal activities along with sexual misconduct do occur within them.**
- 16) **Require street side and beach side restrooms in areas with large concentrations of visitors.**
- 17) **Strengthen Scooter regulations, insurance monitoring and enforcement.**
- 18) **Work with property owners in order to better manage beach areas and activities.**
- 19) **Work with property owners in order to better manage guests on property and in rooms.**
- 20) **We must continue to meet with members of the community once a week during Spring Break and regularly throughout the year, searching for new ideas.**

Mr. Gisbert said this list was not all inclusive but merely a listing of ideas brought forth during the numerous meetings in the last two weeks and a start for Council conversation.

Councilwoman Strange said she liked Item No. 9, "Using the TDC Advertising Money". She said she was concerned about Item No. 1 "Provide Additional Law Enforcement and Emergency Medical Services" and Item No. 2 "Additional K-9 Units" and who would pay for those personnel. She said she thought closing the bars at 2:00 A.M. and no alcohol on the sandy beach during Spring Break were good ideas. She asked about the curfew and who requested that change. Chief Whitman said that had been requested by some of the business owners.

Councilman Russell said he had concerns about Item No. 3 "No alcoholic beverages on the sandy beaches or parking lots during College Spring Break". He said he felt someone should be able to go the sandy beach and have a beer. He questioned whether the size of the coolers would make a difference. He said he had a problem with a curfew. He was concerned about the 2:00 A.M. bar closings and the inability for the patron trickle-out by 4 A.M. as some owners had told him that this was a peak time and the people would then be out on the streets.

Mayor Oberst said it would be easier to eliminate those Items which the Council thought could not be accomplished, such as Item No. 3 and Item No. 6. Regarding closing the bars at 2:00 A.M., she would only consider this for Spring Break, not the entire year. She said the comments she had received were that the kids did not go out until 9:00 P.M. or 10:00 P.M., and if they had to leave the bars at 2:00 A.M., they would be out in the parking lots and on the streets. She said she would not do a curfew. She continued that she thought Item No. 12, limiting the number of Special Events on the beach, had some merit and she could live with the other Items.

Councilwoman Strange addressed Chief Whitman about the law enforcement and medical personnel stretched so thin during that time due to the number of visitors. The Mayor said the number of visitors for June and July were greater than in March and agreed that our personnel were maxed out but that was the nature of being a tourist town.

Councilman Reichard said what had not been noted was eliminating free beer hours in the clubs. Mr. Gisbert replied that Staff had already met with the businesses who volunteered to eliminate the free beer, the free hunchpunch, etc., He said the City could not mandate that elimination, that would have to come from the business owners themselves. Councilman Reichard said regarding additional law enforcement that the City could find the funding for that effort as businesses seemed willing to help with private security. The main Item he liked best was additional K-9 units which would show the people that preyed on the good Spring Breakers that

drugs would not be tolerated. Councilman Russell added about the possibility of roadblocks in the high density areas and if the dogs signaled on a car, it would be the probable cause to search the vehicle for drugs. Chief Whitman replied that he used to be a K-9 handler as well as Lt. McClanahan but the Department now only had one dog. He said he would have to purchase two more K-9 units so that there would be one dog per shift.

Councilman Curry added about keeping the unwanted elements not only out of the City but also out of the County. He said that he had received emails saying visitors were afraid to come here and would not mind seeing vehicles stopped outside of our County before reaching here.

Mayor Oberst said at the last meeting, comments had been made about condos not allowing anyone under 25 to rent rooms. She said that was something that would be the resort's responsibility, not the City's. She said there were some resorts who seemed to do a really job in monitoring who came onto the resort property. This was something the City could help facilitate but not legislate.

Chief Whitman said he and the City Manager had met with anyone who asked. He said the meetings ran from those who did not want Spring Break to those who wanted unlimited Spring Break. Some of the business owners on their own elected to do away with the free alcohol, the foam parties, and downsize their street advertisement. The owners were already working together as a community which was the most important thing. The hot issue about the bars closing early involved the unregistered guests; the good kids that were registered would be back in their rooms and thus allow law enforcement to address the unwanted guests in the parking lots or the streets. Regarding coolers, he said Staff had looked at sizes at first, but after talking with people, they basically told him they would take multiple coolers down to the beach instead. It would be up to Council as the coolers were merely a tool to give a reason to go to a group of kids, talk with them and spread the kids out. Regarding enforcement, Chief Whitman reminded that he only had fifty-four sworn officers who worked between twelve and sixteen hours per day during Spring Break. The Department had over 1,300 arrests and over 2,000 tickets just during Spring Break. He said the Sheriff's Office did similar numbers, as well as ABT arresting over 1,000 kids and FHP handling traffic. The Chief said there was enforcement during Spring Break and more was needed.

Councilman Curry asked if there were any data concerning the bars closing at 2 A.M. as opposed to 4:00 A.M. Chief Whitman had no data available. His goal was to get the good kids safely back to their rooms, having the properties take responsibility, and then allow his enforcement to go after the unwanted guests sleeping in the cars, hanging out, etc. This would not be corrected overnight and would take two to three years to fix the problems by focusing on the unregistered guests here following the party. He said those unwanted guests would find somewhere else to go which would not only solve our Spring Break problem but also the Memorial Day and 4th of July problems. Chief Whitman said having those extra hours while the registered kids were safely in their rooms would allow law enforcement to focus on the parking lots. He added that he posted a letter each year on his social media about the rules for Spring Break and the TDC had agreed to do so on a grander scale. Councilman Curry said there was data on the problem areas of the beach which was used for a three-pronged approach of individual responsibility, business owner accountability, and the City accountability. Councilman Reichard agreed that if a business owner was not taking interest in the security of their own business and people congregated in their parking lot, the City should be able to shut that business down. Chief Whitman said he was fine with that option but would need some sort of nuisance law as now he did not have the tools to do so.

The Mayor asked Chief Whitman to share his thoughts from the last meeting with the County. She said in the last few years, the County had mirrored our Ordinances and hoped this could continue. Sheriff McKeithen had told Chief Whitman that no matter what happened at the City level or County level that his department and ours would continue to work side by side to protect the community and visitors to PCB.

Regarding holes on the sandy beach, Chief Whitman explained the sizes and dangers of such large holes. Some holes had a full size table and benches carved out which allowed illegal activities and sexual misconduct.

Councilwoman Strange asked Chief Whitman what the business owners thought about no alcohol on the beach during Spring Break. Chief Whitman replied that there was a mixed reaction and a lot of owners would prefer no coolers on the beach. Some said they wanted the alcohol to remain as some residents had commented about wanting to do down, watch the sunset, and enjoy a cold beverage. A lot of the resorts had large tiki huts where their guests could come back up for another drink which would eliminate the big coolers on the beach where a large crowd could develop. Mr. Gisbert said the intent was not to allow massive quantities of any product on the beach and reduce the easy flow of alcohol to the underage drinker. Councilman Reichard said this

would not eliminate alcohol on the beach but making the consumer more responsible and allowing less volume. Chief Whitman said this would be patrolled by Beach and Surf and a large cooler would be the probable cause to approach a large group of kids, talk with them and make the party disperse. The Chief continued that he believed in education first by talking with them but if they brought the cooler back later, then the enforcement part would be exercised.

Mr. Sale said the law enforcement tools addressed conduct and this would move up the quantities of alcohol. Staff would devise ways to limit the mass quantities and address the over-intoxication and the ready availability of large quantities to underage drinkers.

Councilwoman Strange asked Chief Whitman the County's final decision. Chief Whitman said the County was meeting again next week but he did not know what they would do. He said he believed the County was waiting to see what actions the City would take first as the majority of the bars and superclubs were within City limits.

Councilman Curry asked the Chief if he thought the elimination of alcohol on the beach would stop the drinking. Chief Whitman said it would not stop the drinking completely as the kids would go inside or back to the nightclubs. With nothing further, the Mayor opened the floor after reminding everyone about the Three Minute Speaking Rule.

Mr. Bob Smith, resident of 224 Bellaire Drive, said many areas had the 2:00 A.M. rule and if the City moved in that direction, the kids would adjust. In his view, it was common sense that any action which the City could take to curb the excessive drinking was a positive thing. He suggested that the City try some actions for a year and if they did not work, readdress the matter next year and try different things.

Mr. Wes Pittman, 432 McKenzie Avenue and representative of a property owner on the beach, distributed photos taken from Twitter so that the Council could see the offensive pictures. He said he thought Mr. Sale would have problems defining a "cooler" and said the simplest solution would be to totally ban alcohol on the sandy beach during Spring Break. He offered to donate his time to create an Ordinance banning coolers on the beach. He said 2:00 A.M. was a real positive action to take alcohol off the beach and 1:00 A.M. would be better. Mr. Pittman said another idea was to talk with the club owners to discuss the kinds of acts brought to the beach which encouraged the bad element. Mayor Oberst said last year, both the City and County met with the club owners and talked about that aspect. This year, some of those acts were not invited back and different kinds of music were played. This was strictly by the club owners themselves to help with the undesirables.

Mr. Tony DeLauder, resident of 6310 N. Lagoon, said he was on the Spring Break front lines as a bartender. The bars recognized the demographics attracted by certain acts which should not take away from the good kids being responsible. Regarding closing at 2:00 A.M., for bartenders, that last two hours was a good 25% of their nightly income. For the owners, they would lose a day of revenue every eight days. Regarding who would pay for these extras, he suggested keep the City-owned parking lots open and charge for parking.

Ms. Linda Subert, Lavela, said the clubs were controlled environments; the problems were outside on the beachside as they had no means to patrol those areas. They patrolled their parking lot and their beach. She suggested a Workshop with the businesses to solicit some ideas without restricting the businesses. She discussed fencing off their portion of the sandy beach for better control. She said the high school kids were the bigger problem on the beach and thought there should be more enforcement during their weeks.

Mr. Neel Bennett, 15238 Front Beach Road, said they met with Chief Whitman and Mr. Gisbert and addressed a lot of these issues and agreed on many at the first meeting. He said the problems did not merely start and stop in March but continued into June and July. Mr. Bennett said the City wanted the college kids to come but the problems resulted from the traffic following the kids which must be dealt with from the law enforcement point of view and we could make positive changes that would eliminate the element which had attached itself to Spring Break. Councilman Reichard asked what items they had agreed upon during that first meeting; Mr. Bennett responded the mandatory id's on the beach and enforcement on the Fire Codes. However, no alcohol on the beach would fundamentally change this destination. He said PCB was already challenged in competing for Spring Break with destinations further south because March was sometimes cold.

Mr. Steve Taylor, resident of 3424 Hillcrest Drive, said he did not know what business leaders needed to do in order to correct the problems. He questioned the morality of the kids and endorsed measures to force entertainment venues to prohibit underage kids. He did not endorse prohibiting coolers on the beach but would support that measure if it would stop the alcohol faucet on the beach.

Mr. Jacob Lassiter, resident of 612 Wisteria Street, said restricting the times the kids could drink would only result in binge drinking in the other times.

Mr. Jerry Girvin said the Council had serious considerations in doing what they knew was right as opposed to what some of the people said was needed. He said he doubted ideas the Sheriff, Chief, and City Manager proposed would place these businesses into bankruptcy. His concern was the reputation the City was earning as the result of these unwanted crowds. He wondered how long it would take before families, the golden geese for the other eleven months, to go elsewhere.

Mayor Oberst said the City's Gross Sales taxes had increased double digits each year for the last two or three years. The TDC's Bed Tax had increased tremendously. She said the reputation has not bothered the rest of the year up to this point. The question would be what happens this year because of the national exposure on Fox News. She said it would be interesting to see what business levels were in June and July, whether up or down or the same.

Ms. Julie Hilton, resident of 234 LaValencia Circle, said over her years in the business, they had learned it was to serve others. They learned that they could not mandate preferences for their guests but rather to serve and manage them. She said her resorts provided additional security, used security cameras, walked the halls and balconies all hours and ultimately looked out for their guests. She suggested consideration of what possible outcomes would result from changes and nothing had to be decided this moment.

Mr. Mike Bennett, resident of 5202 Finisterre Drive, said he did not want what had been shown on Fox to be the overall vision of Spring Break. He said it hurt to be criminalized for the acts of only a few people, acting like idiots with too much alcohol. He said the business of the beach was tourism with Ten Million visitors per year, but only Four Hundred Thousand were during Spring Break.

Ms. Linda Preston, resident of 102 Carolyn and manager for the Newby businesses on the beach, said they do everything in their power to prepare for such big events with adequate security and no one allowed under 21. She said during Spring Break, they did not have one problem with anyone because they watched the bars and parking lots. She said she feared the City would institute these changes and the businesses not have any input.

Ms. Michelle Church, 8752 Thomas Drive, asked what would stop the kids from crossing Hathaway Bridge at 2:00 A.M. to continue drinking. As an employee of one of the clubs, about 3:00 A.M., the kids were done and they were leaving for their rooms anyway. Ms. Church said this year, she had the opportunity to go to several properties and they were very secure. She said she thought the problem was on the sand. She suggested volunteers policing the beach during March and that the K-9 units were the best idea.

Mr. Sale, responding to the comment about customers crossing the bridge after 2:00 A.M., the other jurisdictions (Bay County and Panama City) had set their closing hours to mirror Panama City Beach. So if the City changed our hours, the other two jurisdictions would change their hours unless those governments elected to adopt Ordinances reestablishing the 4:00 A.M.

Mr. Darrell Sellers, 10713 Front Beach Road and representative of a group of absentee owners, said the infrastructure of the City was not sufficient to support that many people at once. He complimented the Police and City Manager for the handling but social media beginning with the Burger King Brawl had a negative ripple which scared away families and investors. He said to regain control, it could not be merely a bandaid and if it took no alcohol on the beach to do so, so be it. He said it would seem the bars and nightclubs would make more money if no alcohol was on the beach. He said the 300-Milers were the problems and explained billboards advertisements in Atlanta.

Mr. Rob Cameron, resident of 726 Grand Ice Avenue and senior managing partner of Hammerhead Freds, urged the Council not to ruin this community as a destination. He said with word of mouth, if the Council started micromanaging, changing, and doing these things which would not be fun for the Spring Breakers, the kids would talk and then it would be a slow fading death which would eventually lose that economic impact of Spring Break. He asked the Council to be concerned about his employees and their families and the overall impact to the community.

Ms. Valerie Kender, resident of 8009 Beach Drive, said changes would impact her work life and private life because her employer had over 600 employees during Spring Break. She said these impacts would also affect the community, the restaurants, the banks, the doctors, etc. She said she had not seen any hard evidence that there was a problem. She said the City needed to identify the exact problem before making changes. She talked about regulations from government, from Federal down, being burdensome to the businesses.

Mr. Russell Kinslow, resident of 2210 Hammock Square in Lynn Haven, said he worked for three hotels on Front Beach Road. He said if the Council rushed to judgment and changed Spring Break, people would lose their jobs and a lot of talented, educated people would leave the community.

Mr. Anthony Locanno, resident of 208 Terra Verde Lane, said the problem with Spring Break was not unique to Panama City Beach as New Orleans had the same problems during Mardi Gras. He said someone had told him the economic impact of Spring Break was equivalent to a Super Bowl and other cities would love that problem. He said we needed to manage it better. He said no drinking on the beach would be a destination-killer.

Mayor Oberst said according to the TDC models, \$1.9 Billion Dollars was the tourist impact to Bay County, and of that amount 20% was for March and April. She said whatever the City did, the Council would be mindful of that impact but it did not mean that dollars would be placed before morality. She said the Council did not want to put anyone out of business.

Councilman Russell mentioned Daytona who had eliminated their Spring Break and he gave the figures from the Department of Revenue where Bay County's tourism over ten years rose 81.1% compared to Volusia County (Daytona) rose only 1.7%. He said Bay County placed in the top 6 for growth markets for tourists.

Councilman Curry asked Mr. Gisbert what economic benefit came to the City from Spring Break. Mr. Gisbert replied that the 1% Gross Sales Tax brought in One Million Dollars during Spring Break. However, the City also spent Four Hundred Thousand Dollars to ensure that it was a safe Spring Break.

Mr. Troy Varnum, 2335 Industrial Drive in Panama City, suggested adding enforcement and regulations. He was encouraged about hearing the business leaders wanting to be involved. He was willing to be a part of the solution and supported no alcohol on the beach and no coolers.

Mayor Oberst asked the other Council members if there were any Items out of the twenty that the City Manager should research and bring back Ordinances. Mr. Gisbert said there were more people who wished to speak.

Mr. Sparky Sparkman, resident of 5817 North Lagoon Drive, said over the years, he had seen parenting erode and it was not the City's job to parent the kids. He said comments had been made that the City should do something significant, not small and those actions by Chief Whitman and Mr. Gisbert were anything but small. He agreed with the Mayor in having the Council members discuss with the Chief and City Manager to reach a consensus.

Mr. Jayce Sandborn, resident of 125 Seagrass, questioned what would replace Spring Break if it was eliminated as some of the items proposed would destroy Spring Break and many people on the beach would not be able to survive without Spring Break. He said Facebook and Twitter now were saying what a great place Panama City Beach was and this Spring Break did nothing to deter them. He said families would not come in March anyway due to school timing.

Councilwoman Strange recommended one-on-ones with the City Manager. Councilman Russell said he thought that was the best way to go. Mayor Oberst said the Council would take the twenty suggestions and any others heard today and discuss with Mr. Gisbert. Next, he and Mr. Sale and Chief Whitman would discuss what could be done to put those changes into place. Mr. Sale said, for the audience's information, that Mr. Gisbert would not be able to share what other Council members might have said during those conversations. The Mayor said the Sunshine Laws would prevent Mr. Gisbert from relaying that information.

Mayor Oberst said one of her concerns was in response to an elected official's comment that the City would do nothing. She assured everyone that the Council would do something even if it was only some of the 20 suggestions. She added that although one person may think a change was insignificant, another person may think the same change affected them a great deal.

Ms. Wanda Manning, resident of 502 Argonaut, asked when the community could expect some results. Another gentleman asked if the 20 suggestions could be posted on the website. Mr. Gisbert said they would be posted tomorrow. He said he would meet with the Council members individually over the next week and would plan to have something at the next Council meeting. The Mayor reminded that it would take longer to prepare Ordinances. Mr. Sale said the most that could be done without circumventing the Sunshine Law would be for Mr. Gisbert to develop, based upon their experiences and perspectives, the pros and cons on each item, rather than to distill those items into a single Staff recommendation.

Councilman Reichard asked if the Florida League of Cities could be utilized to see if other cities having been through this situation already had Ordinances which we could review. Mr. Sale said the most conventional approach, due to the simplicity, would be to prohibit alcohol on the beach. The idea of trying to enforce a personal consumption rule was somewhat novel. Mr. Sale said his Staff had already looked at what other communities had done, and it had been reported back to him that it was usually a zero-sum game and this City was trying to do something in the middle. He asked the Council members to think whether they thought limiting the alcohol on the beach to only personal consumption would make a difference.

5. **ITEM NO. 4 RESOLUTION 14-57, THUNDER BEACH BIKE SHOW ROAD CLOSURES.** Mr. Sale read Resolution 14-57 by title. The Mayor asked if there were any comments or questions. Hearing none, **Councilman Russell made the motion to approve Resolution 14-57. Second was by Councilwoman Strange.** The Mayor called for comments or questions; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

ANNOUNCEMENTS

ITEM 1 ELECTIONS. The Mayor said the Election results for Councilman Reichard and Councilwoman Strange were being certified at this moment in town, and that the Swearing-In Ceremony would be held at the next City Council meeting, May 8th at 6:00 P.M. She said refreshments would be served and everyone was invited.

ITEM 2 THINGS TO DO THIS WEEKEND ON THE BEACH. Mayor Oberst said this weekend the SeaBreeze Jazz Festival, the Kid's Fishing Rodeo, the Parrothead Rendezvous, and the Cajun Fest were being held.

FLOOR ITEMS

ITEM 1 LONNIE ANDREWS, SMOKIN' BUTTS BBQ. Mr. Andrews said he felt he was being discriminated against as it seemed every two weeks someone was at his business being a nuisance to his wife and harassing them. He said he had rights and was only trying to make a living. He said he felt he was being singled out as he had made every change requested by the City. In response to Councilman Reichard for examples, Mr. Andrews said he had been cited for a no handicapped parking spot and no parking bumpers. Mr. Gisbert said he understood the issues and had asked Mr. Leonard to discuss the items of concern. Mr. Andrews said he wanted to be a part of the community and felt he was being mistreated. Mayor Oberst said the Council would direct Mr. Gisbert and Mr. Leonard to meet with him and discuss what was to be done.

With nothing further, the meeting was adjourned at 5:40 P.M.

READ AND APPROVED this 22nd of May, 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