

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 July 10, 2014.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE
KEITH CURRY

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

Mayor Oberst called the meeting to order at 6:00 P.M., with all the Council, the City Manager, City Clerk and City Attorney present.

Pastor John Woodrow of the Gulfview United Methodist 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 move Consent Item 2 "*Order #14-DO-06 and Finding of Facts for the Notice of Intent to issue a Local Development Order for amusement rides at 101 Bluefish Drive*" to the Regular Agenda due to recent revisions to the document. The Mayor said Mr. Harry Brax of the Bay County Veterans Council had asked to address the Council during floor items at the end of the meeting. With no objections, **the Agenda was accepted as amended.**

The Minutes of the May 8 and June 26, 2014 Regular Meetings 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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

CONSENT AGENDA

1 RESOLUTION 14-82, 2014 RUN FOR THE REDFISH HALF MARATHON AND 5K RACE ROAD CLOSURES. *The Beaches Chambers is hosting the 2014 Run For The Redfish Half-Marathon and 5K Race on Saturday, December 6, 2014. The traffic will be controlled by PCBPD and BCSO for the race. "A Resolution of the City of Panama City Beach authorizing temporary road closures on portions of Front Beach Road on Saturday, December 6, 2014, to permit the 2014 Run For The Redfish Half Marathon and 5K Race."*

2 ORDER #14-DO-06 AND FINDING OF FACTS FOR THE NOTICE OF INTENT TO ISSUE A LOCAL DEVELOPMENT ORDER FOR AMUSEMENT RIDES AT 101 BLUEFISH DRIVE. Moved to Regular Agenda.

Ms. White presented the revised Consent Agenda by title. **Councilman Curry made the motion to approve the revised 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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

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REGULAR AGENDA

1. ITEM NO. 1 BOYS AND GIRLS CIVIC ACHIEVEMENT AWARD. Mayor Oberst introduced Mr. Joseph “Jay” Trucks, Jr. and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated him. Mr. Ryan Roberts presented Jay with a gift card donated by a local business.

2. ITEM NO. 2* RESOLUTION 14-83, ATKINS TASK ORDER 16, SA 11, FRONT BEACH ROAD SEGMENT 2, FINAL DESIGN. Mayor Oberst said this item was noted with an asterisk which meant the PCB City Council was also acting as the Panama City Beach Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 14-83 and Mr. Gisbert explained that this related to moving the stormwater pond from the Burger King site to the Barnacle Bay site and re-permitting the pond with FDEP. He said Mr. Alaghemand had worked with the firm and was comfortable with the fee structure. Mr. Alaghemand said this new design would incorporate the City parking area and improve the landscape and hardscape around the parking area. Councilwoman Strange asked if this would increase the public parking and Mr. Alaghemand said this would maximize the space as much as possible and create a good sidewalk to use around the pond or park as well as the beach access. Councilman Russell said it worked to the City’s advantage to get this property compared to the Burger King site since it was adjacent to the City parking lot. Mr. Alaghemand added that the cost of the property was more feasible at this time versus the Burger King property. With nothing further, **Councilwoman Strange made the motion to approve Resolution 14-83. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

3. ITEM NO. 3 RESOLUTION 14-84, RELOCATION UTILITY EASEMENT. Ms. Myers read Resolution 14-84 by title and explained that the owner of two lots wanted to build a home over a platted easement and offered to relocate the easement to the westernmost side of his property. She said there was a waterline that would also need to be relocated and he had agreed to pay for its move. The owner to the south of this property also agreed to the relocation if the City abandoned the easement. Ms. Myers said there was no cost to the City. The Mayor asked if there were any questions from the Council or the audience; there were none. **Councilman Reichard made the motion to approve Resolution 14-84. Second was by Councilman Russell.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

4. ITEM NO. 4 ORDINANCE 1301, CHAPTER 7 BEACHES, BOATS, AND WATER SAFETY REVISIONS AND UPDATES, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:12 P.M. Mr. Sale read Ordinance 1301 by title and said this Ordinance was identical to the draft presented at the last meeting with only typographical errors corrected. The Mayor asked if there were any questions.

Councilwoman Strange asked about dogs being prohibited in City Parks. Mr. Sale explained that this Ordinance moved the prohibition of animals on the beach to Chapter 7 and deleted it from the City Park Ordinance. Mr. Gisbert said the designated dog areas in Frank Brown Park and Aaron Bessant Park were not affected by this Ordinance. Mr. Sale recommended from a structural point to leave the language in the Ordinance as written and open or close the Parks for dogs by Resolution. Mayor Oberst said that was what the City had already done.

Councilman Reichard asked about adding “condominium owners” to the Water Safety Board. This had been discussed at the last meeting to include those owners which would open up the membership to everyone on the beach. Mr. Sale said it would not be a substantial change. Councilman Reichard asked how much money had been budgeted or discussed for legal expenses for the Water Safety Board. He said he could foresee much participation by legal staff and he was concerned that these changes were prompted by only a few nuisance companies. He said he was also very concerned about the Water Safety Board with no appeal process. Mr. Sale responded that this process was completely separate from the civil citations issued to a young person; the functioning of this Board was to hear a formal complaint, investigated upon charges made by the Police Department for a Beach Service having repetitively violated this Ordinance. He said by the time it reached this stage, the Beach Service was vulnerable for losing that location. He continued that if legal expenses were incurred, the City would pay those fees. Mr. Sale discussed the process in detail.

Mr. Gisbert said the alternative would be to place the burden upon him to shut down a business if necessary. Councilman Reichard suggested it be placed at the Code Enforcement level. Mr. Sale said if the City Manager closed a business, then that business would have the right to contest that action, bring it here and have a Quasi-Judicial Hearing with the attendant attorney’s fees. Councilman Reichard asked if it could be written that the business would have the right to the appeal but if found after the review to still be at fault that the business would have to pay the City’s legal expenses. Mr. Sale said he would have to research that question but he believed the question as presented would be no, that the City could not create a penalty for them to exercise their right to a Hearing. However, if they lost the Hearing and a fine was involved, they would pay the fine. Mr. Gisbert added that as part of the reason a fine was not working was that the business would make substantially more money over the same time period. He said to get the businesses’ attention it would take “a big stick”. Councilman Reichard asked how the City could avoid additional legal expenses and Mr. Sale responded that he did not know. He continued that the process could be streamlined for the appeal to come to the Council as opposed to the Water Safety Board.

Councilman Curry said he felt the Water Safety Board was important in improving safety and having the people invested in the beach policing their own. He liked the idea of the Board becoming an active partner. Discussion ensued concerning the powers and duties of the Board. The Mayor asked how many large beach vendors were operating and Mr. Gisbert replied six. She said the Board would help the six vendors monitor themselves. Mr. Gisbert added that the Board would provide additional input to the Council and within the six large vendors were numerous sub-vendors.

Mr. Gisbert said the ability for him to shut a business down for three to five days would be a heavy-handed tool and if he used that action, the business must have a manner of recourse. If the Council wanted to take the appellate responsibility, then the Water Safety Board would not be necessary. Councilman Reichard questioned why this action would have to come to the City Manager and why not at the Department level.

Councilman Reichard asked if the vendors had seen this proposed Ordinance and approved the changes. Mr. Gisbert said he and Chief Whitman had met with the vendors numerous times, taking their comments and amending the original draft. He said at this time, he had not heard of any direct issues with this final version.

Mr. Tom Klomps asked about the speeds of the vehicles on the sandy beach and suggested this should be added to the Ordinance. Chief Whitman responded that it would be difficult to regulate the speed on the sandy beach since to have a speed limit there, it would require an officer onsite with a radar gun. In the past, if someone was driving carelessly, the driver was arrested. Mayor Oberst said the City had a requirement that the drivers could only drive in certain directions and/or at certain times. Councilwoman Strange said the vendors were not always cognizant of the beachgoers who were not expecting a vehicle on the sandy beach but were concentrating on getting from one point to another. Chief Whitman said with this new Ordinance, the vendors would be regulated more tightly and the main six vendors were aware that the driving was north-south unless an emergency. He added that the phone numbers and names would also be listed on the vehicles. Four-wheelers were also required to go north-south. Mr. Gisbert said the enforcement would be a fine rather than arrest of the driver. The Mayor asked if there were any questions or comments. **Councilwoman Strange made the motion to approve Ordinance 1301. Second was by Councilman Curry.** The Mayor called for comments and there were none. **The motion passed by majority roll call vote recorded as follows:**

Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye

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Councilman Reichard
Mayor Oberst

Nay
Aye

The Public Hearing was closed at 6:43 P.M.

5. ITEM NO. 5 ORDINANCE 1311, PEDDLING AND SOLICITATION, DISCUSSION. Mr. Sale read Ordinance 1311 by title and explained that Chief Whitman was the principle driving force behind this new Ordinance which would directly affect the First Amendment rights of those people who wished to peddle or solicit. He said it would be appropriate to hear from Chief Whitman why these changes were necessary and how they would work.

Mr. Sale asked Chief Whitman why the registration and permit now required for all solicitation and peddling was changed to only requiring the registration and permit for solicitation and peddling in transient accommodations and residential areas. Chief Whitman explained that this would still allow people to exercise their First Amendment rights but would give the City information about people going into the neighborhoods and the transient lodgings. Regarding commercial areas, a permit was not required if someone wanted to solicit or peddle as he would let the commercial business determine whether they wanted someone on their property. Chief Whitman said aggressive peddling was becoming more and more of a problem. He gave the example of an individual approaching a young lady with small children or an elderly lady and basically extorting money from those people by harassing them, making them uncomfortable and taking money to go away. These solicitors basically would block the way, preventing individuals from getting into their vehicles or standing too close to the children. He said the peddlers would not usually prey on a male by himself but would target females with or without kids. Mr. Sale read the definition of aggressive peddling and said this included two or more individuals; Chief Whitman explained that two would outnumber the one person and would encroach on the personal space of one person by herself or one person with a small child.

Mr. Sale said no permit was required to solicit or peddle on the sidewalks. Chief Whitman explained that was a public place and if the Police saw them acting aggressively, it could be stopped and move them along. Mr. Sale explained to the Council that this would allow a venue on the sidewalks. In response to another question from Mr. Sale, the Chief said the permits did not require fingerprints because the cost was too high and felt it would be considered a dragnet. He added that they wanted to know where the goods were stored if sales were being made so that if it was a con or a fly-by-night company, there was information to start their investigations.

Councilwoman Strange asked about the magazine sales people or the religious people that came through the neighborhoods. Mr. Sale said they would need a permit and explained what information would be needed for the permit. He added that any approach through the backyard was prohibited. Chief Whitman said in his experience, there would be no reason for someone selling something to go into a backyard unless looking for a way to break into the home. This Ordinance prohibited selling or solicitation at night on any private property for safety reasons. Chief Whitman said it was dangerous for the community, people were not aware of their surroundings when it was dark, and the solicitors had ample time in daylight hours.

Mayor Oberst asked about political campaigns. Mr. Sale said this would not apply as this Ordinance did not address pure political or religious speech. He clarified that a person could campaign and ask for a vote but not money.

Mr. Sale said peddling and solicitation were prohibited in the public streets and parking lots for safety concerns. Chief Whitman said drivers did not want someone approaching them from the curb as it was dangerous. Regarding private roads and private parking garages, this Ordinance allowed solicitation if the solicitor had on their person the written consent from the owner of the garage or street. This left the choice to the property owner; if they wanted someone to solicit on their private property, it would be their choice. This Ordinance prohibited approaching a motor vehicle and Chief Whitman said this was for vehicular safety plus in the State Statutes, a peddler/solicitor could not approach a vehicle in the roadway. It also prohibited solicitation in an intersection for safety reasons. A new prohibition involved not allowing peddling or solicitation of someone standing in line and the Chief explained the person in line was not free to move away from the solicitor and was basically trapped. It was also prohibited around liquor stores, grocery stores and ATMs.

Mr. Sale identified three small changes made since the Agenda packet was published and he explained the changes. He said this Ordinance was as narrow as it could be made and still achieve the purpose and allow people to enjoy their vacations without feeling they were being extorted.

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Mr. Tom Klomps asked about people coming into the neighborhoods handing out flyers and phone books. He suggested that they be required after two days to come back and pick up all materials not claimed by the property owners. Mr. Sale said that was not considered soliciting. Mr. Klomps said there was still debris left from the News Herald coming in March. Mr. Sale said the courts had held that litter was not a sufficient reason to prohibit someone from distributing flyers. Mr. Klomps said he understood that Panama City had an Ordinance. Mr. Sale said Staff could certainly look at that aspect at the direction of the Council. With nothing further, **Councilman Russell made the motion to approve Ordinance 1311. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

6. ITEM NO. 6 ORDINANCE 1312, SCOOTER LIABILITY INSURANCE, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 7:06 P.M. Mr. Sale read Ordinance 1312 by title and said this merely added the 10/20/10 coverages to the Ordinance already adopted. The Mayor called for questions or comments.

Ms. Colleen Swab, California Cycles, asked if the Council could give the businesses ninety (90) days to comply with the insurance requirement. She said the initial down payment was very expensive and her shops had not had a good year so far and had already paid almost Four Thousand Dollars (\$4,000) for the vests.

Councilwoman Strange said this was the same insurance as used for street-legal golf carts. Mr. Sale responded that this was the state minimum. Councilman Reichard asked about the effective date and the Mayor responded that it was effective immediately. He asked if this meant the insurance should be in place tomorrow and Mr. Sale said that would be a matter of enforcement. Councilman Reichard said the Council had delayed the flags until September because of expense and he said he thought it was a reasonable request by Ms. Swab. Mr. Sale said the City Manager and Chief Whitman wanted to bring Council the recommendation to eliminate the flag requirement and to limit the vest requirement to City roads. He continued that the Council may want to have all changes take effect at the same time and anticipated the County might follow the City's lead.

Chief Whitman said the vests were working better than he originally thought. He said he was receiving compliments daily on the feature and thought wrecks were less because of the vests. In response to Councilman Reichard's question as to the one company not enforcing the requirement, Chief Whitman replied it was California Cycles and he reported that the riders were told that they did not have to wear the vests. The Chief continued that the smaller businesses were requiring their riders to wear them. He said he had spoken with riders who did not mind wearing the vests. Councilwoman Strange said the vests were wonderful and really made the scooters visible. Chief Whitman said many riders could be seen in Pier Park wearing the vests and no one had complained to him that they would not ride a scooter because of the vest requirement. He said some of the other companies had their names on the vests which allowed for free advertisement. He continued that the vests were working so well that he did not believe the flags should be required. He recommended removing the flag requirement and if the companies continued with the vests on City streets, he was satisfied. Councilman Reichard asked what actions were being taken concerning California Cycles and Chief Whitman said he had not started the enforcement on the requirement as he had hoped they would comply when they saw the other companies giving out the pamphlets and vests. Mr. Sale said his advice to the Department had been not to enforce the law because he thought California Cycles wanted to be issued a ticket so the matter could be tried in the criminal court as opposed to the civil court. He explained in length. Relating to the suit filed against the County and the City, Mr. Sale said it was his recommendation and the Chief's belief that it was sufficient to have the vest requirement apply just to City roads which would make the City's position in the litigation stronger.

Councilman Russell agreed with the Chief in that the vests made the scooters more visible and that numerous people had contacted him saying how happy they were with the vest requirement. Chief Whitman said the vests and the other companies giving out the brochures which explained the traffic laws were also helping. Mayor Oberst asked Mr. Sale if he meant to go forward with the insurance requirement as written and then have Staff come back with an

Ordinance to remove the flag requirement. Mr. Sale said if he could get a consensus from Council that this was acceptable, Staff would proceed for adoption at the August meeting and these changes would accommodate Ms. Swab's request.

Councilman Reichard asked about scooters traveling on the Parkway. Mr. Gisbert said scooters were not supposed to travel on the Parkway nor Hutchison Boulevard because they could not travel fast enough. Councilman Reichard questioned what roads would be lost by specifying City streets and Mr. Sale said Front Beach Road. Mr. Sale amended the Ordinance to make the effective date August 28, 2014. He said this would also allow time for the County to follow suit if they wished to do so. **Councilwoman Strange made the motion to approve Ordinance 1312 effective August 28th. Second was by Councilman Russell.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

Mr. Sale asked the Council to vote on the direction concerning the new Ordinance so that he could confer with the County attorneys. The Mayor said the motion would be to direct Staff to prepare an Ordinance to eliminate the flags and require the operators to wear the vests limited to City streets.

Councilman Reichard asked why the City was being sued. Mr. Sale responded that in layman's terms contends that the City does not have the authority to require an operator to wear a vest any more than the City could require the operator to wear a helmet. **Councilwoman Strange made the motion to prepare the Ordinance as outlined. Second was by Councilman Curry.** The Mayor called for discussion. Councilman Reichard said personally that he felt the lawsuit was frivolous and asked if the City could pursue our legal fees if the Court agreed. Mr. Sale said he would look into that matter and added that California Cycles had asked for their attorney's fees which may have opened that door. Councilman Reichard said he was confused why the City was being sued since the vests were working and had already been purchased. Mr. Sale explained about the Uniform Traffic Regulations throughout the State and the exceptions for purely local circumstances. He said this scooter situation had no direct precedent but the City had a strong policy argument that these rented scooters were not vehicles intended to be addressed by State Chapter 316 because they are amusement rides. He said the City has the legal argument that on the City streets, the City could adopt experimental or special regulations to address special situations. Mr. Sale said if the City limited these regulations to City streets, we would have two arguments: that the legislative intent for uniformity does not apply because these are not traffic vehicles, and the vest requirement only applies to City streets. He said hopefully these two arguments would end the lawsuit.

Councilman Reichard asked if the proposed changes are adopted, the operators would not be required to wear the vests on Front Beach Road. Mr. Sale said yes. Councilman Reichard said Front Beach Road was by appearances the most traveled road by scooters. Councilwoman Strange asked if there was home rule in this matter. Mr. Sale explained that the home rule powers in the City stopped when the legislature said stay out, and in this case, there was a State Statute that said stay out except in certain areas. He said the legislature did not intend to say stay out for something as unique as the City's mass of scooters which is a special circumstance. He said he could make a very good case that the City regulation addresses special circumstances on City streets.

Councilman Curry asked if this would be a legal loophole by not requiring vests on Front Beach Road. Mr. Sale said yes and if the Ordinance worked as well as it appeared the City would have the perfect case to go to the legislature if the local court said no. He said if the City was precluded from this action on a state road, the City's concern was something that could be brought to the legislature to make it clear that the rental scooters were not really vehicles used for transportation from jurisdiction to jurisdiction but rather as an amusement within a single jurisdiction.

Councilman Reichard asked Mr. Sale if he could ask Mr. Roof about the lawsuit. Mr. Sale said that he could not counsel addressing a party represented by a lawyer without his lawyer being there. Mr. Roof said he wanted to talk. Councilman Reichard addressed Mr. Roof and said since his company had already bought the vests and universally everyone said the vests were working, what was the basis for his suit against the City. Mr. Roof responded that his sales were down approximately 45%-50% for the year and a lot of people did not agree with the vests. He said people had said it was too hot to wear the vests. He said nowhere else in Florida were vests

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required and an older adult should have the right not to wear one. Maybe a solution was to specify a certain age and younger be required to wear the vest. Mr. Roof continued that they had the safety brochures and every scooter included a vest, and were taking their lawyer's recommendations. He said he thought the brochures were fantastic because the operators actually read them.

Councilwoman Strange said she had a concern about Front Beach Road. Mr. Gisbert said this restriction would help the City win the argument and the Mayor added that the Ordinance could only address the City streets or the City could lose in court. Councilman Curry said he also had an issue about the loophole but the overall battle must be won. Councilman Reichard said the legislature was a good option because this would be applicable to many communities who wished to determine it for themselves. Mr. Sale added that it should not be difficult to explain to the legislature that this would not impair the uniformity of traffic laws in the State of Florida because these were not traffic vehicles.

Ms. White repeated the motion. **The motion passed by unanimous roll call vote recorded as follows:**

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

Councilman Reichard made a motion to direct legal staff to move with vigor to recover any legal costs spent on this frivolous lawsuit. Second was by Councilwoman Strange and she said it was a good idea. She said they were asking for their attorney fees. Mr. Sale said it was his obligation as legal counsel to inform the Council of their rights and do everything possible to enforce them. Councilman Reichard said with the civil case and discovery, there could be years of work. Mr. Sale estimated that the cost could be Twenty to Twenty-Five Thousand Dollars. Councilman Reichard said that was too much and Councilman Curry agreed. The Mayor called for comments; there were none. The motion passed by unanimous roll call vote recorded as follows:

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

The Public Hearing was closed at 7:35 P.M.

7. ITEM NO. 7 CITY CLERK UPDATE. Ms. White presented the graphs of numerous key General Fund Revenue accounts. For the Local Option Fuel Tax, this account had been down all year but the percentage of its decrease had been steadily decreasing over the months so she anticipated that the account would close the year basically flat. She added that this was the smallest of the eight accounts being reviewed. For the Franchise Fees-Electricity, this account was up 14% YTD, with Utility Taxes-Electricity up 13%. Combined these two accounts totaled almost Five Million Dollars. For Communications Services Tax, this account was down all year just because people were eliminating home phone lines. She said this account was driven from a database and she would check to make sure the City was receiving credit for everything. For the Building Permits, it was up 15% for the year. For Business Tax Receipts, the largest line item in the General Fund's budget, this account was up YTD 12% for the collections through June, reflecting the activity on the beach through May. She said she expected the revenue to remain steady throughout the summer and finish the year at a double digit increase. The State Revenue Sharing was up YTD 9% and the Half-Cent Sales Tax was up 8%, another account approaching One Million Dollars per year. Last year, the total of the eight revenue accounts was Fifteen Million Dollars plus and the entire General Fund Revenue budget was about Eighteen to Nineteen Million Dollars. Ms. White said so far this year, the accounts were up 10% which translated to \$1.5 Million Dollars.

Ms. White said the annual Financial Statements had been issued and were on the website. The auditors said they were available for any exit conferences with the Council if desired.

Relating to the Budget, she asked the Council preference on how they wanted to schedule the Workshops, whether numerous short Workshops or one long Workshop. She anticipated it would be late August before the entire Budget was ready for review. The Mayor said usually there had been at least two Workshops, sometimes three. Ms. White said right now, the Pier and the CRA were complete and could be distributed for Council review. She said she was working on

the Aquatic Center now and hoped it would be completed shortly. The Mayor asked the Council members their preferences.

Councilman Curry suggested one long Workshop and Councilwoman Strange agreed. The Mayor asked if half a day would be sufficient and Ms. White responded that it would be late August before Utility and General Funds were completed and still allow time in September for changes. The Mayor said the Council would have one long Workshop later and there were no objections.

The Mayor reminded that the Florida League of Cities Annual Conference would be held the same time as the regular City Council meeting on August 13th so there would not be a quorum.

8. ITEM NO 8 CITY MANAGER UPDATES. Mr. Gisbert said the Building Department had supplied data for the annual permit totals beginning at 2003. He said for 2013, the total permits were Thirty-Six Million Dollars, and right now permits totaled the same as all of 2013 so he said the City had climbed out of the depression. He said this weekend was a banner weekend for attendance on the beach as well as businesses. He said he had discussed the trash situation with the TDC at their meeting this morning. For the Gulf Coast Jam, he said their ticket-holder demographics had a higher average income and age. He distributed a handout of their statistics which illustrated another level of visitor to the beach. He gave kudos to the Police Department and asked the Chief for an update on the recent shooting.

Chief Whitman explained that a murder had occurred this morning at 1:00 A.M. and his Officers had been out since that time, investigating the crime. He said there would be six people arrested that were involved in the shooting. He complimented his Officers for their hard work in this investigation and thanked the Council and City Manager for the support of his Department. Councilwoman Strange commended Mr. Gisbert for his sending an email to the Councilors at 4 A.M. keeping them apprised of the situation. Councilwoman Strange also thanked Chief Whitman for his service.

9. ITEM NO. 9 ORDER #14-DO-06, AND FINDING OF FACTS FOR THE NOTICE OF INTENT TO ISSUE A LOCAL DEVELOPMENT ORDER FOR AMUSEMENT RIDES AT BLUEFISH DRIVE. Ms. Myers explained the changes that had been made to the Order with Mr. Theriaque rearranging the Council's Findings and bolstering some of the Conclusions of Law. Mr. Sale said the most significant change, paragraph 29, laid out the Finding for the 5 day issue to more carefully articulate the precedent for future references in case there was a ground raised on an appeal, it must be made within that five day period. Ms. Myers said all of the attorneys were given the opportunity to review and comment on Mr. Theriaque's changes and every attorney who wanted to comment had done so. **Councilman Russell made the motion to approve the form of the Order. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by majority roll call vote recorded as follows:**

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

FLOOR ITEM

ITEM 1 HARRY BRAX, BAY COUNTY VETERANS COUNCIL. Mr. Harry Brax, PR Chair for the Veterans Council, thanked the Council for handling the complex situation which occurred July 4th morning. Mr. Gisbert and Mr. Ponak and Staff handled the situation wonderfully with the 2500 people and the accompanying noise occurring at the same time as their morning Veteran's Ceremony. He said the only problem was some of his participants were directed to the wrong parking lot and could not attend the ceremony. He also commented that there had been 2500 people at the Color Run and an annual Veterans Memorial Ceremony, and no mention of either event in the News Herald. Mayor Oberst also thanked Mr. Gisbert and Parks Staff for making the Veterans event happen. Ms. White added that a picture of the Veterans Memorial was used as the cover for the City's Financial Statement.

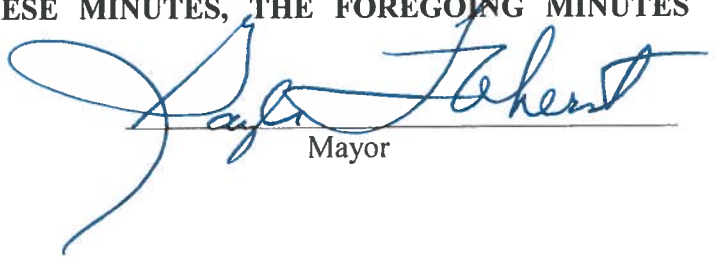
ITEM 2 CHIEF WHITMAN. Mayor Oberst said the Chief had been on television and had represented the City well, making the point that this shooting was an unusual situation.

With nothing further, the meeting was adjourned at 7:55 P.M.

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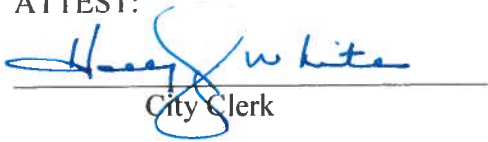
READ AND APPROVED this 24th of July, 2014.

**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