

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 24, 2014.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
HOLLY J. WHITE
ASST. CITY ATTORNEY:
AMY MYERS

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

Mayor Oberst gave the invocation and led the pledge of allegiance.

The Mayor asked if there were any additions or deletions to the Agenda. Hearing none, **the Agenda was accepted as prepared.**

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

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

CONSENT AGENDA

1 *“NATIONAL KOREAN WAR VETERANS ARMISTICE DAY”. A Proclamation honoring July 27th as “National Korean War Veterans Armistice Day” in Panama City Beach.*

2 *RESOLUTION 14-88, PURCHASE OF BRUSH CHIPPER. Staff budgeted for the purchase of a brush chipper to aid in maintenance at the Conservation Park. The chipper would primarily be used to allow staff to recycle small trees being removed in areas in which large mechanized harvesting operations would be disruptive. The chipped product will then be reused to maintain mulched trails. In addition, the chipper would be available for the street/stormwater departments to use when any trees up to 12” in diameter must be removed along City right of way or easements.*

Attached is a proposal from Vermeer Southeast to supply a Vermeer BC1200XL trailer mounted chipper with a winch option for the amount of \$47,758. A copy of the applicable state contract information, valid through September 30, 2014, is also attached for reference. This equipment cost was budgeted and funds are available in the wastewater utility budget. STAFF RECOMMENDS approval of the purchase. Should the City Council approve, a purchase order to Vermeer Southeast in the above amount would be developed for the City Manager’s signature. “BE IT RESOLVED that the appropriate officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Agreement between the City and Vermeer Southeast Sales and Service, Inc., relating to the purchase of a trailer mounted chipper with a winch option for use at the Conservation Park and by the Street and Stormwater Departments, in the basic amount of Forty-Seven Thousand Seven Hundred Fifty-Eight Dollars (\$47,758), on substantially the terms and conditions set forth in the quote attached and presented to the Council today, draft dated July 17, 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.”

Regular Meeting
July 24, 2014

Ms. White presented the Consent Agenda by title. **Councilman Reichard 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 of those present recorded as follows:**

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

REGULAR AGENDA

1. ITEM NO. 1 “AMERICANS WITH DISABILITIES ACT” PROCLAMATION AND PRESENTATION. Mayor Oberst read portions of the Proclamation which declared July 26th as the 24th anniversary of the “Americans with Disabilities Act” and she presented the Proclamation to Ms. Pam Dorworth, the State and Federal ADA Liaison for Accessibility Compliance. Ms. Dorworth thanked the Mayor and Council for the Proclamation and the City’s acknowledgment of the legislation which had benefitted so many people. She gave a brief update of recent Thomas Drive sidewalk and parking improvements and the audience responded with applause.

2. ITEM NO. 2 CIVIL SERVICE BOARD AND PLANNING BOARD TERMS. Mr. Gisbert explained that the terms of some members of the Civil Service Board and Planning Board were expiring September 30th and the existing Board members had agreed to serve again if chosen by the Council. The members are Ms. Sherry Swartout for the Civil Service Board, Mr. Ed Benjamin, Mr. Ron Dowgul, Mr. Craig Duran, and Ms. Felicia Cook for the Planning Board. He added that a member of the Examining Board, Mr. Danny Cohen, had resigned after the Agenda was published and Mr. Gisbert asked to include this position to be filled. Mr. Gisbert said the applications for the seats would be posted on the City website. Discussion ensued concerning publication in the paper and Councilman Curry suggested advertising in the periodical with the most readership. Qualified applications will be presented for consideration at the August 28th Council meeting and the Council may also elect to choose the Planning Board Chairman for 2014-2015 at that time.

3. ITEM NO. 3 ORDINANCE 1315, REPEAL OF FLAG REQUIREMENTS FOR MOPEDS, 1ST READING. Ms. Myers read Ordinance 1315 by title and explained that this Ordinance would repeal the flag requirement, require the vests to be worn only on City streets, and provide for reciprocal enforcement with Bay County. Mr. Gisbert said Staff had been in communication with the County and they planned to adopt a similar Ordinance as soon as the City’s was adopted. The Mayor asked if there were any questions from the Council or audience; there were none. **Councilman Curry made the motion to approve Ordinance 1315. 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:**

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

4. ITEM NO. 4 ORDINANCE 1316, TRASH CANS ON FRONT BEACH ROAD, DISCUSSION. Ms. Myers read Ordinance 1316 by title and explained that this Ordinance would require screening for the trash containers on Front Beach Road. She said presently, all trash containers were required to be screened on the Scenic Corridors with the exception of residential lots on Front Beach Road. Those lots were allowed now to keep the cans at the side of the road up to twelve hours in any three day period. This Ordinance would narrow that excepted group, meaning that a residential property on Front Beach Road would now be captured under the general prohibition and be required to screen the trash containers to prevent their being visible from Front Beach Road.

Councilwoman Strange asked about the homeowner contracting with the hauler to bring the trash container out for pickup and back to the residence. Mr. Gisbert said that was the idea behind this Ordinance. Ms. Myers said this Ordinance did not address how the trash cans would be screened, merely prohibit them from standing at the side of the roadway.

Mayor Oberst explained that the problem was that the City allowed the trash cans to be at the roadway for twelve hours but it was impossible to determine which hauler was used and when the pickup was scheduled. Mr. Gisbert said some owners had trash service six days per week, some four days per week, and some only once per week so it was impossible for Code Enforcement to go out and enforce the twelve hour rule. He said this proposed Ordinance would ensure that any trash can on Front Beach Road would be picked up from a screened area, dumped, and then brought back to the screened area.

Councilman Reichard asked how the homeowners would be notified of this requirement. Mr. Gisbert said it was a small list and would not take too much effort to notify the homeowners. In response to the question from Councilwoman Strange about cans being placed, Mr. Gisbert said the owners would be prohibited from placing the cans at the roadway to be picked up. This new Ordinance would eliminate the twelve hour exception for residential properties on Front Beach Road. Councilwoman Strange said the City should go forward this with Ordinance.

Councilman Reichard asked about the screen. Mr. Gisbert responded that a barrier hiding the trash can had always been a requirement for commercial properties. Councilman Reichard mentioned the picket fences around the trash cans on 30-A whose placement was very close to the street. He asked Ms. Myers if this proposed Ordinance would prohibit the screening close to the road. Ms. Myers said this Ordinance did not have that requirement. Mr. Gisbert explained that some homes had the screening near the roadway, some next to the home, and some behind the side-yard fence. Once the owners contracted with their hauler, they would have to make some arrangement where the cans would be accessible. The Mayor said after earlier discussions with Mr. Sale and Ms. Myers that the City only required the properties to screen the trash cans, not requiring whether a white picket fence or a brown fence, etc. Mr. Gisbert said the protection would be the LDC as there were restrictions on setbacks. Mr. Leonard said along Front Beach Road, placement would be determined by the parking lot location as no required parking could be used nor alter their vehicle use area. He said the homeowners would have limited spaces where a screen could be placed at the roadway as most homes had their parking out to the road. Councilman Reichard asked if the Ordinance should specify that the screening should not infringe upon the right-of-way. Mr. Leonard said nothing could be in the right-of-way anyway. Councilman Reichard said many things were in the right-of-way and the Mayor responded that the City could enforce the regulations. Councilman Reichard asked if the language should be specific in this Ordinance so that everyone could understand. Mr. Gisbert explained the setbacks in the LDC and Mr. Leonard discussed the property lines, setbacks and right-of-way widths along Front Beach Road. Mr. Leonard said the LDC allowed for certain structures within the front setback but did not specifically state trash cans/screening.

Councilman Reichard asked what would make this Ordinance more enforceable. Ms. Myers said this would be more enforceable because the requirement would now apply to all properties along Front Beach Road. Councilman Reichard said he had concerns about the commercial properties not following the current requirements and having vehicles, flags, etc. in the right-of-ways. Mr. Leonard identified the items that could be placed in the front setback, such as walls or fountains.

Mayor Oberst said the area around Dusty's was one of the worst with trash cans out by the street and laying in the right-of-way. She said some houses in that area had enclosures in front of the home but not in the right-of-way. If the homeowners wanted to build an enclosure, it was allowed as long as it met the setbacks and on private property.

Councilman Reichard questioned why not include the LDC regulations in this proposed Ordinance so that it would be complete. Discussion ensued. Ms. Myers said she would prefer to bring this draft back for further consideration because making that amendment would change the purpose of the Ordinance. The purpose of this Ordinance was only to require the screening, not regulate the placement of the trash cans on the property. That would be a Land Development Code issue, whereas this was more a regulatory issue. Councilwoman Strange said it was already in the LDC and Ms. Myers said the design structures spoke specifically to seating, decorative waste receptacles, fountains, water features and landscaping, none of which was permitted in the right-of-way.

Mr. Gisbert said any homeowner building something would refer to the LDC, not the Code of Ordinances, so they should be in the correct area. This proposed Ordinance merely removed the time frame allowed for the cans. Ms. Myers said the effect of this Ordinance was that any person on Front Beach Road would have to screen their trash can so that it was not visible from the right-of-way but did not suggest the screening could be in the right-of-way. Mr. Gisbert

said this Ordinance did not require a specific structure but would allow the trash cans to be behind fencing or in the garage. Ms. Myers recommended if the Council wanted to regulate how or where the cans were screened, that be in a different Ordinance. **Councilwoman Strange made the motion to approve Ordinance 1316. Second was by Councilman Reichard.** The Mayor called for further comments.

Councilman Curry asked Mr. Lee J. Kenner what would be the approximate additional cost to the resident for this personalized pickup. Mr. Kenner said it would vary and could add anywhere from Seven Dollars to Fourteen Dollars (\$7.00-\$14.00) to the monthly bill. Mr. Joe Kennedy said he thought between Four Dollars to Eight Dollars (\$4.00-\$8.00) and it would not be that many homes plus since he lived on the beach, he wanted to make it as low and painless as possible in order to make the beach look better.

Mr. Kennedy asked about the "trench", the twenty-five to thirty homes on Oleander Drive, and if they should be included in the Ordinance. Mr. Gisbert said it should be included and a good catch. Mr. Kennedy said he had already signed up additional customers who wanted this extra service. He added that he had been contacted by a few disabled customers who needed this service. Mayor Oberst said she knew Waste Pro also offered this service for the disabled.

Mr. Kennedy also suggested that this would be a perfect time to register all the haulers working on the beach. He reminded that the City Charter had stated that the haulers should have a City Business Registration. He said there were a few haulers who he knew would not follow the new regulations according to phone calls he had received from customers. Mayor Oberst said the Council was in agreement to discuss franchises once this new Ordinance was in place. Councilman Curry said he did not support franchises.

Ms. Myers said she would amend the title and body of the Ordinance to provide that the exception would no longer apply to lots fronting Front Beach Road or Oleander Drive.

Councilman Reichard asked if Beach Drive, east of Pineapple Willy's, be included in this amendment as they were Gulf-front. Mr. Gisbert said he would suggest using South Thomas Drive since Beach Drive was not in the Tourist Corridor. Councilman Reichard said some new large potentially rental homes were being built there. Councilwoman Strange said the main concern was Front Beach Road, the Scenic Corridor. Councilman Reichard said that area on Beach Drive had litter problems. Mr. Gisbert said there were also fifteen duplexes that fronted Beach Drive that would be affected if included in this Ordinance. Councilman Reichard suggested go forward with the Ordinance as amended and then revisit the Beach Drive issue later. There were no objections. With nothing further, **the motion passed by unanimous roll call vote of those present recorded as follows:**

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

5. ITEM NO. 5 RESOLUTION 14-87, CONSERVATION PARK 2014 TIMBER SALE. Ms. Myers read Resolution 14-87 by title. Mr. Gisbert explained this matter had some dates which he thought would be of interest to the general public because the Conservation Park would be closed while the logging trucks and heavy harvesting equipment was there. Mayor Oberst asked Mr. Shortt to explain why timber was being removed from the Park.

Mr. Shortt said most of the pine trees on site now were crop trees for pulpwood planted by St. Joe 18 to 25 years ago depending upon the location. The City's long-term goal was to restore the Conservation Park back to the way it was before it became a tree farm by removing most of these trees and replanting longleaf pines. There were three tracts to be harvested with one being close to the building and the most-used trails. He said Staff would like to close the Park for approximately six weeks, from August through mid-September, to allow the contractor time to work that section. Once completed, the Park would be reopened while the contractor moved to the central section as it would be too dangerous for the public to be near the heavy equipment while operating. Mayor Oberst added that the City had a management plan and part of the requirement with the State was to change the area back to old Florida, natural and as it was a hundred years ago.

Councilwoman Strange asked if there were other tasks that could be done while the Park was closed, such as renovations or updates. Mr. Shortt replied that once the contractor moved to another site, there would be a lot of cleanup to be done and parts of the trails would need to be re-graded. He said hopefully this would be the last harvest and it may be twenty years before more cutting was necessary. He said maybe ninety to a hundred trees per acre were being left so that the land was not barren, unlike what Water Management next door did by clear-cutting everything.

Regular Meeting
July 24, 2014

Councilman Reichard asked if the drains would be protected during this harvesting. Mr. Shortt said the equipment would get close to the structures but Staff would closely monitor the work.

Mayor Oberst said the City would receive Three Hundred Seventeen Thousand Dollars for that timber that could be reinvested in the Conservation Park. Mr. Gisbert said the City received three bids, ranging from \$89,135.50 to \$317,871. Councilman Reichard asked if these funds would be restricted and Ms. White replied no as they would go into the Utility Fund.

The Mayor asked Mr. Shortt the cost of the last two boardwalks. Mr. Shortt said the last two boardwalks were approximately One Hundred Twenty-Five Thousand Dollars and were paid by the Parks and Recreation Department. The first eight boardwalks were paid out of the Utility Fund. He said Staff's desire for the Three Hundred Thousand Dollars was to reinvest in the Park for operations and restoration, planting another sixty to seventy thousand longleaf pines and wiregrass and more burning.

Councilman Reichard asked approximately how many longleaf pines had already been purchased. Mr. Shortt replied that one large planting of eighty-three thousand trees had already occurred with a few thousand trees planted over time by Girls Incorporated. He said the longleaf pines were small now and another large planting was scheduled for this winter.

Councilwoman Strange asked how many more boardwalks were planned. Mr. Shortt replied there were two spots remaining, and one Staff would like to do this year or next year depending upon funding. The last boardwalk he was unsure whether he could recommend because the cost had risen so significantly. That last one would cost approximately Three to Four Hundred Thousand Dollars to build and was so far back into the Park that few people would use it. The other boardwalk would help in order to change a loop to have almost thirteen miles of boardwalks to allow for a half-marathon. Ms. White asked Mr. Shortt for an approximate cost of that boardwalk and he said about One Hundred Forty Thousand Dollars (\$140,000). Ms. White said if the Council wanted to go that route, Recreation Impact Fees could be used. Mr. Gisbert said there were also other roads within Gayle's Trails and asked the Council to allow Staff to present a series of options. Ms. White said at this time, the City had more than adequate funds in Recreation Impact Fees for more trails if the Council decided to do so. She added that it would be good to let her know early in order to build it into the Budget. Mr. Shortt said about One Hundred Thousand Dollars (\$100,000) had been budgeted this year but he was holding it in the Utility Fund for trail stabilization due to the damage by the heavy equipment. He said the contractor would re-grade the trails but the contractor was not in the finesse business- that was something the City would clean up afterwards.

The Mayor said if the Council accepted this bid, the Conservation Park would be closed for approximately six weeks. She added that the trail which went into Walton County would be open. Mr. Shortt said St. Joe tried to have a soft opening on their trail at Memorial Day but harvesters were there at the time and St. Joe was continuing to clean up after the heavy equipment finished. He said St. Joe originally tried to use clay but realized that it was better copying the City's use of lime rock, then grade and compact the material. He said the trail was almost finished and technically open. Mr. Shortt said by the time the Conservation Park reopened in mid-September, there should be a continuous trail from Colony Club through the Conservation Park to WaterSound in Walton County. **Councilwoman Strange made the motion to approve Resolution 14-87. Second was by Councilman Curry.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

6. ITEM NO. 6 CITY MANAGER UPDATE. Mr. Gisbert said there was a water line break of the pipe which fed the City's western-most perimeter. Last night, the County did an investigative exploration of the pipe break and determined that it was stable enough to delay repairs until Monday night to avoid water interruptions during the weekend. He said the City had asked the County if they would delay the repair and the County chose Monday night to avoid a boil-water notice for the weekend. Mr. Gisbert said the County was monitoring the current leak and did not feel it was a threat to worsen. He said the water would be shut off for about four hours but the City should not see any water service interruption because the City had reserve tanks.

Councilwoman Strange asked about the colored water and reminded about a previous water break resulting in red water. Mr. Shortt said there was that possibility as the County had that issue earlier this week in the line coming to the Hathaway Bridge. The City isolated the system, the County repaired the line, and the City opened the valves before it reached our tanks

and the water was dark brown. This water was dumped and the County will issue a credit for that water. Once the water was clear, the City system was reopened. Mr. Shortt said the City staff would monitor the situation. He said the stopping and restarting of the water and the sudden change of velocity would stir any matter in the water. He continued that the plan was to have the City's tanks as full as possible by 11:00 P.M. Monday evening and the County make the repairs as quickly as possible. Councilman Reichard asked if the citizens would see any interruption of service. Mr. Shortt said no provided that the repair was completed before the tanks were emptied. Concerning the water color, it would be unknown until the water was restarted. Mr. Shortt said the water was not muddy as there was always a tiny bit of sediment which was in the water and which would accumulate over time in the pipes. He said the water was not unsafe although it might not look good.

At the Mayor's request for the history of the City's water service, Mr. Shortt explained how the City moved from well water to receiving water service from the County. He explained that the City had enough stored water to last one day at this time of the year and this was one of the last big weekends of the season, except for Labor Day.

The second update was from Mr. Alaghemand and included a presentation of the new website. He displayed the different web pages and at the conclusion said he hoped the site would be live by the end of August. Mr. Gisbert added that each Department controlled their portion of the website. Councilman Reichard asked if the new website had a segment for public information and Mr. Gisbert identified the section where such information would be posted. Discussion ensued what type of information would be posted for the public, such as boil water notices. Councilman Curry said the website looked very nice.

FLOOR ITEMS

ITEM 1 SCOOTER LIABILITY INSURANCE. Ms. Olesea Siriteanu, owner of Hangout by the Sea, said the liability insurance was required for all the scooters as of August 28th. She said she had contacted MBA Insurance who advised that the companies must have the insurance for three months minimum but she planned to close at the end of September or mid-October. She questioned if the August 28th date had been the final decision and if other companies were located who could offer the liability insurance as she had not been able to find anyone other than MBA. She questioned what would happen if MBA dropped their coverage.

Mr. Gisbert said the only insurance company that legal Staff and he could locate had been MBA. Ms. Siriteanu had spoken with him yesterday concerning this issue and the insurance requirement was effective immediately on August 28th. Ms. Myers said the proposed Ordinance discussed today did not involve the insurance requirement, only vests, so the insurance would be effective August 28th unless Council adopted a new Ordinance which would repeal that requirement.

Councilman Reichard asked if MBA would consider a hiatus for the coverage while the businesses were not operating. Mr. Gisbert said he understood Ms. Siriteanu's situation where her business was only open another month but the insurance company required three months coverage. Councilwoman Strange said her concern was that Labor Day was coming shortly and the issue of another holiday weekend and the scooter companies not having insurance. Ms. Siriteanu said MBA required a deposit plus monthly premiums so she was not sure if she would have to pay the three months and not obtain a refund when her business closed for the off-season. Mr. Gisbert said the MBA was requiring three months insurance and it was Ms. Siriteanu's option whether to remain open those three months or not. Ms. Siriteanu suggested making the insurance requirement effective starting next Spring Break.

Councilwoman Strange questioned if no one obtained insurance on August 28th, if the scooters would be prohibited from being on the roads. Mr. Gisbert said they could be on the roads but would be fined for not having insurance. Ms. Siriteanu said she might close at the end of October which would leave a month of insurance unused. Councilwoman Strange said she understood but the price of having a business was having the coverage. Ms. Myers reminded that the Council had postponed the effective date at the request of the industry to allow time to obtain the insurance. She said if the Council desired to postpone the effective date, it would require a new Ordinance. Councilwoman Strange said some of the scooter businesses were open all year. Ms. Siriteanu questioned if this would be discussed further and Mr. Gisbert explained that it was already effective August 28th.

The Mayor asked the Council members for their thoughts of changing the effective date which would involve adopting a new Ordinance or leaving the Ordinance as written which required insurance effective August 28th. Councilman Reichard asked if any other moped company questioned the effective date. Mr. Gisbert said none to his knowledge. The Mayor

reminded that the coverage effective date had already been postponed once. Mr. Gisbert said he had been working with the industry on all these issues.

Councilman Curry said he understood Ms. Siriteanu's situation as the City had dealt with scooters and no insurance coverage for years. He said she could have already purchased the insurance when first adopted which would cover the three months.

Mayor Oberst said she thought that the Council members understood her plight but that the Ordinance would stand as adopted. She told Ms. Siriteanu that her company must have the liability insurance as of August 28th.

ITEM 2 FRANK BROWN PARK. Mr. Joe Kennedy, resident of 318 Bryn Court, said his new family had taken advantage of the various activities at Frank Brown Park, from swimming lessons to soccer to basketball. He complimented the Council on a "top notch program" being run at the Park and praised the facility. He said Staff there did an awesome job. He added that he was glad the Council was requiring insurance for the scooters.

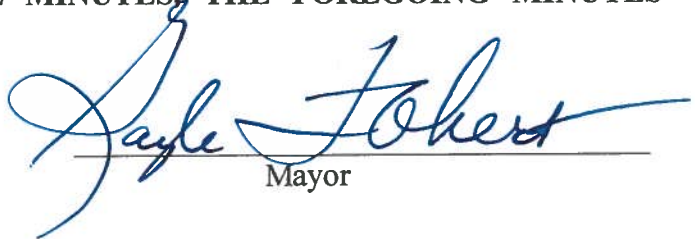
ANNOUNCEMENTS

ITEM 1 UPCOMING EVENTS. The Mayor announced that the Pier Park Summer Concert Series was having another concert tonight starting at 7:00 P.M. She said she understood that the Thursday night concerts had been great successes this year and many residents were enjoying them. She said Early Voting would be held at the Senior Center at Lyndell from August 16th through August 23rd. No City Council meeting would be held August 14th as there would be no quorum due to the FLC Annual Conference and Council members being out of town. The Budget Workshop was scheduled for August 27th starting at 8:00 A.M. with the regular City Council meeting on August 28th at 2:00 P.M. The Mayor continued that the Great American Blues Festival would be held at Aaron Bessant Park on August 16th and August 17th. The Gulf Coast Jam would be at Frank Brown Park on August 29th through August 31st. The 9-11 Memorial Stair Climb was scheduled for September 6th at Laketown Wharf.


With nothing further, the meeting was adjourned at 3:30 P.M.

READ AND APPROVED this 28th of August, 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