

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 September 11, 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:
AMY E. MYERS

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 Ramon Duvall of the Beachside Fellowship Church gave the invocation and Mayor Oberst led the pledge of allegiance.

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

The Minutes of the Special Meeting of June 26, 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 recorded as follows:**

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

CONSENT AGENDA

1 RESOLUTION 14-100, "PIRATES OF THE HIGH SEAS" ROAD CLOSURES. "A Resolution of the City of Panama City Beach related to the "Pirates of the High Seas" Event; authorizing road closures within Pier Park on October 10, 11, and 12, 2014, for the Event's Block Party; authorizing closure of a portion of Front Beach Road on October 11, 2014 for the Event's Parade; and providing an immediately effective date."

2 RESOLUTION 14-101, "IRONMAN FLORIDA TRIATHLON" TRAFFIC CONTROL. "A Resolution of the City of Panama City Beach related to the "Ironman Florida Triathlon" Event; authorizing extraordinary traffic control on portions of South Thomas Drive, Thomas Drive, Surf Drive, Front Beach Road, and SR 79 on November 1, 2014, for the Event; and providing an immediately effective date."

Ms. White presented the Consent Agenda by title. **Councilman Russell 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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

REGULAR AGENDA

1 ITEM NO. 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD. Mayor Oberst introduced Mr. William Blount and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. She added that he was the grandson of Mr. Walt Kelley, Mayor of Lynn Haven, and she then congratulated him. Mr. Ryan Roberts presented William with gift cards donated by local businesses.

2 ITEM NO. 2 RESOLUTION 14-91, 2014-2015 ANNUAL STORMWATER ASSESSMENT RESOLUTION, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:10 P.M. Ms. Myers read Resolution 14-91 by title and explained that this Resolution was substantially the same form as last year with the addition of one phrase on page 7 noting that Veterans who received Homestead Property Exemption under certain codes would be exempt. She said a copy of the amended Resolution was at each Council member's chair. The Mayor asked if there were any questions and there were none. **Councilman Russell made the motion to approve Resolution 14-91. Second was by Councilman Curry.** 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

The Public Hearing was closed at 6:12 P.M.

3 ITEM NO. 3 RESOLUTION 14-92, AQUATIC CENTER USE AND LICENSE AGREEMENT WITH PCST. Ms. Myers read Resolution 14-92 by title and explained that this License Agreement allowed for two (2) two year renewals and set forth a fee schedule for each Fiscal Year. Mr. Gisbert said that Mr. Jim Ponek, Parks & Recreation Director, had coordinated this Agreement with the Panama City Swim Team (PCST) and worked the rate increase to span over two years. The goal was to reach the Five Dollar (\$5.00) per lane gradually. He said Staff felt this was fair since they were the largest contributors to the Aquatic Center. The Mayor asked if there were any questions or comments and there were none. **Councilman Curry made the motion to approve Resolution 14-92. 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

4 ITEM NO. 4* RESOLUTION 14-96, ADOPTION OF THE AMENDMENT TO THE 2013-2014 CRA AGENCY BUDGET AND ADOPTION OF THE PROPOSED 2014-2015 CRA AGENCY BUDGET, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:14 P.M. and explained that this item noted with an asterisk was one in which the Panama City Beach City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 14-96 by title. The Mayor asked if there were any questions or comment by the Council or audience members and there were none. **Councilman Russell made the motion to approve Resolution 14-96. 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

The Public Hearing was closed at 6:15 P.M.

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5 ITEM NO. 5 RESOLUTION 14-97, AMENDING FISCAL YEAR 2013-2014 CITY BUDGET, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:15 P.M. Ms. Myers read Resolution 14-97 by title. The Mayor asked if there were any questions or comments. Councilman Curry questioned Mr. Gisbert as to the Loop Road costs and Mr. Gisbert said that would be in the Proposed Budget, the next item. With nothing further, **Councilman Reichard made the motion to approve Resolution 14-97. 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

The Public Hearing was closed at 6:17 P.M.

6 ITEM NO. 6 RESOLUTION 14-98, ESTABLISHING FISCAL YEAR 2014-2015 CITY BUDGET, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:17 P.M. and Ms. Myers read Resolution 14-98 by title. Councilman Reichard asked if Items 7 and 8 on the Agenda should be addressed prior to this Agenda Item as the rates for the Water and Sewer and Council Compensation could change the Budget. Ms. White explained that if adopted a Budget Amendment would be prepared for Council approval and the Proposed Budget was a fluid document. Mr. Gisbert said if Items 7 and 8 were adopted, Ms. White could not make those changes to the Budget at this meeting. With no further questions or comments, **Councilman Russell made the motion to approve Resolution 14-98. 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

The Public Hearing was closed at 6:19 P.M.

7 ITEM NO. 7 ORDINANCE 1318, WATER, SEWER, RECLAIMED WATER RATES FOR 2014-2015, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:19 P.M. Ms. Myers read Ordinance 1318 by title. The Mayor asked if there were any questions or comments; there were none. **Councilman Reichard made the motion to approve Ordinance 1318. 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	Nay
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

The Public Hearing was closed at 6:20 P.M.

8 ITEM NO. 8 ORDINANCE 1319, COUNCIL COMPENSATION, 1ST READING. Ms. Myers read Ordinance 1319 by title. The Mayor asked if there were questions or comments. **Councilman Russell made the motion to approve Ordinance 1319. Second was by Councilwoman Strange.** The Mayor called for comments or discussion.

Councilman Curry asked how this salary increase would benefit the residents of Panama City Beach. Councilwoman Strange said this would benefit the residents in the future in order for someone who worked to be able to serve as opposed to retirees up here that would not have fresh ideas. Councilman Reichard questioned Councilwoman Strange as to "retirees up here". She

rephrased her comment to “that would be up here”. He then questioned Councilwoman Strange by asking “by paying people more money, you would be encouraging ideas?” Councilwoman Strange said this would encourage people to run for office.

Councilman Curry questioned not having any data or empirical evidence and said just during this meeting phased increases for water rates and phased increases for the largest user of the Aquatic Center were approved. He continued that the Council increase was not being phased in but automatically giving a 150% raise, a Seventy-Three Thousand Dollar (\$73,000) raise. He said that he had heard Council members state that the City did not support social programs, libraries, seniors, etc. Councilwoman Strange said she supported those programs. Councilman Curry responded that he felt the City did not support those programs this year as the City had said there was not additional money in the Budget to give them. Councilwoman Strange said the City provided those programs with a building, maintenance, and their salaries. Councilman Curry suggested giving those programs a 3% COLA. Councilwoman Strange said the City could probably still do that increase. Councilman Curry said he felt it was self-serving and selfish for the Council to vote themselves a raise: he recommended placing this matter on a referendum to allow the voters to decide.

Councilman Reichard said if one looked back ten years to the last time the City Council received a raise and taking into account the COLAs that were given to the City Employees, compounded, he said this would be a 29% increase, from Eleven Thousand Dollars (\$11,000) per year to Fourteen Thousand One Hundred Sixty-Seven Dollars (\$14,167) per year. Comparing this figure to the 127% increase from the proposed raise, it would be a 98% difference. He said he agreed with Councilman Curry that a referendum might be a good way to decide this matter.

Mayor Oberst commented that the City Employees not only received a COLA each year but the majority received much greater raises. Councilman Reichard said that was when there was an ongoing adjustment process to level out the Employees’ salaries. The Mayor said that adjustment was to change the salaries to what they should be paid, which was what she thought was occurring now with the Council compensation. Councilman Reichard said he was on record in that he absolutely thought the Mayor’s position and certainly the current Mayor should have an increase because of spending twice the time of anyone else, and three or four times of some. He said he did not feel that way about the Council people who ran because they wanted to serve the community and not because it paid well. The Mayor asked if there were any further comments. With nothing further, **the motion passed by majority roll call vote recorded as follows:**

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

9 ITEM NO. 9 WATER SAFETY BOARD APPOINTMENTS, DISCUSSION.

Mr. Gisbert said several months ago, the Council approved this new Water Safety Board and now that the season was starting to slow down, he suggested it might be a good time to advertise for the positions. He said if Council wished, the notice could be placed in the News Herald and on the City website. A large component would also be contacting people who were thought to be good candidates for that Board. Councilwoman Strange asked who were serving on the Board now. Mr. Gisbert replied that no one served now and Ms. Myers confirmed that the authority for the Board had been established for some time.

Mr. Gisbert outlined the qualifications for the five Board members and confirmed that the City Council would appoint four of the five members. He said the applications would be brought to the Council for a vote in the same manner as the other City Boards. In response to the Mayor’s question why this Board was created, Mr. Gisbert replied that at this time, there was no mediator and in all Chapter 7 decisions, he was judge and jury. He continued that it was a big responsibility but he did not have the expertise or knowledge of being an owner on the beach with a hotel/motel/condo. He said it would be good to have that knowledge to better serve the Beach Services, and to have the Owners’ side of it as well as the Business’ side of it. He elaborated.

Councilwoman Strange said this would only be for the sandy beach and Mr. Gisbert confirmed that this would strictly be for the Beach Services. Councilman Reichard said this would also include questions which arose from upland property owner. Mr. Gisbert said that would be the other component in that once this Board was created, the members would be able to look at some of today’s issues and make some adaptations to Chapter 7 based on that input.

Councilman Reichard said now three groups were involved; the City Manager, Code Enforcement, and the Police Department. This new Board would add a fourth tier and all would be involved with the rental management of jet skis and umbrellas. He said he thought this was the single-most nuisance category in which the City dealt with frequently. He continued that the fifth Board member, elected by the four Council appointees, might allow for undue influence by the other Board members. Thus he would prefer all five Board members to be appointed by the City Council. Mr. Gisbert said if the Council wanted this change, it would require a New Ordinance with two Readings. Councilman Reichard questioned the other Council members if they were bothered about who would select the fifth Board member. Councilwoman Strange said she understood his concerns but the bias could still occur even if the Council appointed all five members. Ms. Myers added that the fifth member must be appointed by a majority of the four members.

Councilman Reichard suggested telling the City Manager, Code Enforcement and the Police Department that it was time to enforce the regulations against those vendors who daily violated the rules and laughed at the City. Mr. Gisbert responded that this was the reason why Chapter 7 was amended with no longer a mere Fifty Dollar (\$50) fine. After the third violation, the Beach Service would be closed for a number of days, and after the fourth violation, it would be closed for a year at that location. He said this would be a tool which was harsh enough to gain their attention but also lenient enough to be willingly used by the City. He explained that currently a young person working on the beach without a license was not being issued a summons to appear before a judge, because that was a little too harsh so the tool was not being utilized. Councilman Reichard said he understood that the Water Safety Board would act after the City Manager, Code Enforcement and Police Department had acted, and Mr. Gisbert confirmed that process and explained that the Board would not have the ability to close the business. Councilman Reichard said in the past, the regulations had not been enforced and Mr. Gisbert said the City had not had the tools to enforce them. Councilman Reichard asked if enforcement could still occur without the Board and Mr. Gisbert responded yes because he could personally close the business and explained the various steps for the citations.

Mayor Oberst asked about an appeal of the Board's decision. Mr. Gisbert said there was no appeal. Chief Whitman added that Staff amended Chapter 7 because the Department thought it was too harsh to arrest the kids. He explained about the "godfathers of the Beach" who subcontract the beach who then in turn hire the young kids to work. At this time, the only tool available to the Department was to arrest the kids which would stay on their record forever and possibly ruin military careers or college scholarships. These changes would place all the blame now on the "godfathers" and not the kids or the subcontractors. The Chief said now the "godfathers" would be more careful prior to renting out the location to subcontractors by verifying that they had their licenses and were not violating the law. He said last year, they arrested seventeen kids and he went to Court to drop the charges because of the effect to their future careers. Councilman Reichard asked if a majority of those seventeen kids were employed by one company and Chief Whitman responded affirmatively. Councilman Reichard said he had no problem with that change.

Councilman Reichard said his concern was the different answers as to the mean high tide water mark and where the upland property line and jurisdiction started. He said this issue had been debated for many years and questioned if it would be passed to a Board for a decision. Chief Whitman said the Beach Services were licensed through the City and their Business License could be revoked at the discretion of the City. He elaborated as to who might own the beach at any given location. Mr. Gisbert said this revision of Chapter 7 had nothing to do with the locations of beach chairs or tents. He said that issue had not been addressed and in future, he would like this Board to give some input as to how guidelines might be developed. He said this was new ground. The tent issue just during the last five years was something new compared to when Chapter 7 was last revised. He said if the Council gave the City this tool and had the Board provide input for the Chief and himself, there would probably be more modifications to the Chapter that would help implement some changes. He added that during this summer, some pilot projects were tried at one location with the cooperation of the upland property owner and the Beach vendor.

Councilman Reichard said he had no problem with the Water Safety Board but was concerned about the legal problems and hiring of more attorneys. He asked how the legal question of who had jurisdiction on the beach would be handled and Mr. Gisbert replied that he met with the vendors and talked through the situations. He explained that there were conflicting parties involved such as the white sandy beach owner, the Homeowner Association, the rental agency, smaller rental agencies, and the State itself. He said with this complex situation, he felt having the expertise of the landowner and the beach vendor would be invaluable.

Mayor Oberst said this item concerned merely filling the Board seats while Councilman Reichard's concerns were another issue. She said our area plus other locations on the coast would be in court for many days trying to determine the jurisdiction issue. Mr. Gisbert added that if this Board could create some guidelines for all to follow, it would be a great benefit.

Ms. Felicia Cook, resident of 104 Sunset Circle, asked if the Board would be City of Panama City Beach residents. Mr. Gisbert said the members would not be required to be residents, merely property owners who might live elsewhere. There were strict guidelines as to membership qualifications. Ms. Myers confirmed that the fifth Board member would be a City resident with the other members as owners of property or a business. Ms. Cook suggested enlarging the Board to allow more flexibility of interests. Ms. Myers said, regarding increasing the number of Board members, it would require another Ordinance. Mayor Oberst said if the City found that there was a problem with only five Board members, the Council could revisit the issue and add more members.

10 ITEM NO. 10 CITY MANAGER UPDATES. Mr. Gisbert said one of the Councilors had asked to investigate E-cigarettes that were currently popular. He had asked the legal staff to look into existing laws and at this point, no current law existed. Ms. Myers said basically, the State had preempted local governments from making any regulations of tobacco products or smoking. She understood that this E-cigarette had no burning of tobacco so it would not be preempted. The "vaping" could be regulated if the City chose to do so. Councilman Russell asked if the E-cigarettes could be smoked in restaurants or bars and Ms. Myers responded that they were not considered smoking so they were allowed unless the owner set their own policy. Councilwoman Strange asked if this had been visited by other cities in the State. Councilman Reichard suggested contacting the Florida League of Cities for their input. Ms. Myers said at the Council's direction, she could research more and see what other states might be enacting. Councilwoman Strange said she had received some complaints about the E-cigarettes and been told that buildings where smoking was banned, the E-cigarettes should not be allowed. Mr. Gisbert said he would check with the FLC.

One of the items discussed at the Budget Workshop last week was limiting health insurance at a future date certain. He said the City did not have an Ordinance or Resolution which controlled that benefit; it was controlled through the policies in the City's Employee Manual. He had the authority to make modifications to this document and would do so to implement that directive. Ms. Myers said this would memorialize in writing when that benefit would sunset.

Mayor Oberst asked when the proposed Ordinances would be presented to the Council concerning the Spring Break recommendations. She said three or four changes had already been implemented but others would require new Ordinances or amendments to the existing Ordinances. Ms. Myers said legal staff had started drafting the new Ordinances but they were not yet completed. Mr. Gisbert said he had met with groups who held the events on the white sandy beach, such as the club owners, the hoteliers, the condo owners, etc., and received their input. He said the Council would be presented with a new white sandy beach Special Event permit process which would have similar rules to the existing Special Event permit but with additional rules that would control events on the sand. Legal staff was still working on those Ordinances relating to the bar closure at 2 A.M. and requiring IDs on the white sandy beach.

Councilman Reichard said on the twenty-one Spring Break points discussed earlier this year, the Council took positive action on seventeen. He said the City was moving forward with the changes and the County could address the unincorporated areas of the island. Ms. Myers said not every action required an Ordinance, and some had already been accomplished. The Mayor said the County had stated that they would follow whatever the City enacted and once our Ordinances were adopted, they would be furnished to the County for their consideration.

ANNOUNCEMENTS

ITEM 1 CONSERVATION PARK. Mayor Oberst said the Conservation Park should reopen on September 20th.

ITEM 2 "CHASIN' THE SUN" CONCERTS. There was a "Chasin' the Sun" concert being held at Aaron Bessant Park this weekend and tickets were available.

ITEM 3 PUPPYPALOOZA. Puppypalooza, hosted by the Beach Police, was being held at Aaron Bessant Park on September 20th from 1-9 P.M. Councilwoman Strange added that the dogs trained through the prison system would have their graduation ceremony at this event.

ITEM 4 DEESE ADDITION. Mayor Oberst added that Ms. Melissa Deese, from Parks & Recreation, had recently had a son and both were doing well. The Mayor added that Micah Deese, Melissa's husband, also worked for the City.

With nothing further, the meeting was adjourned at 7:01 P.M.

READ AND APPROVED this 9th of October, 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