

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 October 23, 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 2:00 P.M., with all the Council, the City Manager, City Clerk and City Attorney present.

Reverend Joe Lay of the Woodlawn United Methodist Church gave the invocation and Mayor Oberst led the pledge of allegiance.

At this juncture, the Regular Meeting was adjourned at 2:04 P.M. to continue and complete the Rehearing earlier conducted on October 23, 2014.. The Mayor reconvened this meeting at 2:25 P.M.

The Mayor asked if there were any additions or deletions to the Agenda. **Council Russell made the motion to remove Regular Item #5, Ordinance 1322, White Sandy Beach Special Events. Second was by Councilman Curry.** He asked if Councilman Russell would amend his motion to have a discussion on the Ordinance but not a vote. Councilman Russell said he was concerned about some language in the proposed Ordinance and he wanted to discuss further with legal staff and the City Manager. Councilman Curry agreed and said he would also like some discussion prior to voting. Relating to when the Ordinance would be available for adoption. Mr. Sale said one option would be that the Ordinance could be left on the Agenda, the Public Hearing opened, discussion held but no vote today and the Ordinance tabled until a time certain. Another option would be to remove from the Agenda which meant the process would begin again. **Councilman Russell amended his motion to discuss Regular Item #5 but not vote. Second was by Councilman Curry.** Councilwoman Strange said she thought discussion was good. With nothing further, **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

Councilwoman Strange made the motion to remove Regular Item #7, Ordinance 1325, Prohibit E-Cigarettes, Discussion. Second was by Councilman Russell. The Mayor called for 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

Ms. Myers asked to move **Consent Item #4, Resolution 15-10, Bids- Police Department Vehicles Purchase** from the Consent Agenda to the Regular Agenda. There were no objections. With nothing further, the Mayor stated **that the Agenda was accepted as amended.**

The Minutes of the Regular Meeting of September 25, 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 Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Mayor Oberst	Aye

CONSENT AGENDA

1 VETERANS DAY PROCLAMATION. *“A Proclamation honoring November 11, 2014 as Veterans Day in Panama City Beach, Florida”.*

2 REVISION OF THE CITY MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. *All Departments have been asked to update their audit lists for surplus/obsolete equipment/vehicles/etc. These items are to be removed from the Master Audit List. STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List. Auction to be held November 8, 2014.*

3 RESOLUTION 15-02, ANNUAL CHRISTMAS PARADE ROAD CLOSURE. *“A Resolution requesting temporary closing of portions of Front Beach Road (U.S. 98A) on December 13, 2014 to permit the annual Christmas Parade”.*

4 RESOLUTION 15-10, BIDS- POLICE DEPARTMENT VEHICLES PURCHASE. Moved to the Regular Agenda.

5 RESOLUTION 15-11, BIGGEST LOSER RUNWALK 2014 ROAD CLOSURES. *“A Resolution of the City of Panama City Beach related to the “Biggest Loser RunWalk 2014” Event; authorizing temporary road closures on portions of Front Beach Road on December 28, 2014, for the Event”.*

Ms. White presented the revised Consent Agenda by title. The Mayor asked for comments from the Council. Hearing none, Councilman Russell made the motion to approve the revised Consent Agenda. Second was by Councilwoman Strange. 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. 1 PRESENTATION OF NEW K-9S AND OFFICERS. Chief Whitman presented the three new K-9s and their handlers: Corporal Jason Gleason and Biest, Corporal Craig Kelly and Zeus, and Officer Justin Meeks and Ghost. Officer Noel Howard and Blitz were on vacation and unable to attend. The Chief said these new K-9s could not have been purchased without the support of the business leaders whose donations paid not only for the dogs but also the training of the four officers. He thanked the business leaders.

The Mayor also announced that she and the City Manager had just returned from the First Responder luncheon, hosted by the Bay County Chamber, and Police Lt. Jamey Wright was honored for his community service. The audience responded with applause.

2. ITEM NO. 2 PRESENTATION BY THE BEACH OPTIMIST CLUB. Mr. Mike Calidonna, current President of the Optimist Club of the Beaches, reported that this year the organization had given out approximately Forty-Seven Thousand Dollars to the community and could not have done so without the support of the City and City Council. He then invited Mayor Oberst to the podium to accept an Honorary Club Membership. The Mayor thanked him and explained that the organization sponsored the Christmas parade every year.

3. ITEM NO. 3 ORDINANCE 1320, HOURS OF ALCOHOL SALES DURING SPRING BREAK, 2ND READING, PUBLIC HEARING AND ADOPTION. The Mayor opened the Public Hearing at 2:40 P.M. Mr. Sale read the Ordinance by title and the recitals into the record. He asked the Mayor to call on the City Manager and Chief Whitman to explain their experience on the beach and their observations which led to these recitals.

Chief Whitman said everything read by Mr. Sale was true. Since the conclusion of Spring Break, he and the City Manager had been meeting with community leaders and individuals. The community leaders wanted to make Spring Break a safer environment for the kids and although not everyone liked closing the bars at 2 A.M., they understood the City was trying to do an exercise to make the City more secure for the kids while they were here. Closing the bars at 2 A.M. would get the kids to go to their lodgings and give his officers a chance to enforce the laws because there were a lot of people who followed the party but had no place to stay for the night so they slept in the parking lots and residential areas. The Chief said this extra time would give his officers the opportunity to address the unregistered guests who were preying on the good kids, coming here without money with intentions to sell illegal drugs. The Chief said his goal was to get the good kids back to the properties where they were safe and secure.

Councilman Russell asked if the County would follow with the early closing. Chief Whitman responded that he believed they would follow the City and they had already asked for copies of the proposed Ordinance. Councilman Russell asked if this would also include stores like Wal-Mart or the Junior Stores and Chief Whitman said anywhere that alcohol was sold. Mr. Sale added that alcohol typically bought at 2 A.M. was consumed between the store and their destination, not back at the lodgings, which carried the parties into the streets and Chief Whitman concurred. Councilman Russell asked if other cities in the County were going with this rule. Chief Whitman said Bay County would follow the City and Callaway and Parker already closed at 2 A.M. Mr. Sale confirmed that the County Ordinance would mirror the City's and he had discussed the matter with the County Attorney.

Councilman Reichard said most of the people he knew secured their own properties. He said he knew of several instances where some businesses had problems in their parking lots, such as Burger King and Wal-Mart. He said he thought the City should have a very strong proactive plan to contact those owners with an initial warning to secure their property and if not done, the business would be closed. Chief Whitman explained the issue with Wal-Mart. Councilman Reichard said he felt those businesses should have security to help our Police Department. He asked the Council's thoughts about businesses allowing people to congregate in parking lots, endangering the public. Chief Whitman said in order to close the business, a City Ordinance would be required because right now, he had no mechanism to close the business under State law. Mr. Sale said he was unsure if the City could lock the business doors but the premises could be cleared and then no one could get to the doors. Councilman Reichard said he wanted those business owners to take responsibility as did most of the community leaders here in the audience. Mr. Sale said it might be possible to require, as a condition in order to do retail sales, that the business provide onsite security during this period. Councilman Reichard disagreed as that might penalize those business owners in the audience who were doing their job. He suggested the City explore this suggestion and bring the matter back at another time.

Councilwoman Strange said she agreed with Councilman Reichard as she had been at the Wal-Mart, seeing the situation firsthand and being afraid. Councilman Reichard said the concept could be security addressing people starting to loiter before the crowd grew out of control. He said he thought it was reasonable to ask the businesses to be responsible for their own property.

Councilman Curry said there were a lot of predators only ten miles away, not a hundred miles, especially during that time. He mentioned the people dying across the bridge due to drugs. Chief Whitman agreed and said two hours would benefit law enforcement.

Mr. Gisbert explained items like this had been discussed at a recent Special Events Conference in Myrtle Beach. In the list of Spring Break items was communication and the City would continue to communicate with the public each year. He said the City had been proactive by meeting with the businesses. This was another tool to make Spring Break safe.

Councilman Reichard said a citizen had suggested that the City decide in advance how to determine how well these changes worked or not. He questioned how this would be measured and that information made available to the public. Mayor Oberst said in the past, the Sheriff, the Chief, County Manager, and City Manager, Commissioner Mike Thomas, and she had met to discuss Spring Break. Discussion ensued and Council Reichard asked if the evaluation of how these changes worked could be performed by the PCBPD and City staff. Chief Whitman said it depended upon how the dogs worked and how hard the enforcement was done but he reminded that he was on the streets every night and very proactive. He also required command staff go out every night because the most important thing were the men and women on the street. Councilman Russell said he felt the City was moving forward because each year, some situation was addressed and the changes were a work in progress with baby steps. The Mayor asked for audience comments and reminded about the Three Minute Speaking Rule.

Mr. Richard Qwinset, resident of 2454 Pretty Bayou Blvd, Panama City, said stopping the alcohol sales at 2 A.M. would merely change the time when the drinking occurred.

Mr. Sparky Sparkman said he felt this Ordinance was discriminatory because of the single-month nature of its timing. He recommended 2 A.M. all year if the Council wanted to make a statement, sending a stronger message to help the law enforcement.

Mr. Russell Kinslow, 2210 Hammock Square, Lynn Haven, said he worked for a number of hotels on the beach which would not be greatly affected by this Ordinance. He questioned why this experience was to go aggressively for two hours when an option might be to scale closing to 3 A.M. for the first time. He said he did not believe the kids would go back to their rooms early and the clubs closing at 2 A.M. would only push the kids out to the streets. With the ultimate goal to remove the prey from the Hundred Milers, in reality this closing gave them another two hours to identify, stalk and attack their prey.

Mr. Sale questioned Mr. Kinslow if in his experience, when the bars closed and alcohol was not available, would his guests who wished to continue partying be more likely to go back to their property and have alcohol in their rooms. Mr. Kinslow said in his experience, when the bars closed at 4 A.M., the kids went to Waffle House and the pizza places for food.

Councilman Curry said following his logic would mean allowing the kids to drink 24/7. He said this was an experiment and a step to control Spring Break a little better. Mr. Kinslow suggested a softer smaller step to take, only close the bars an hour earlier instead of two hours or try the earlier closing for a week to see if it made a difference. He suggested not being so abrupt and Councilwoman Strange said abrupt would have been prohibiting the alcohol consumption completely which she would have wanted. She continued that Chief Whitman made the decision to stop at 2 A.M. and the Council should support his decision. Mayor Oberst said this change was only for four weeks so we would have to see what would happen and reminded that the Council would vote on the issues every year prior to Spring Break.

Mr. Sparkman said the kids did not come here to drink in their hotel rooms. He said 2 A.M. was the bewitching hour and most of the "bad stuff" happened after 2 A.M. and he did not know if it would push the "bad stuff" out to the streets or back to the hotels. Relating back to the Hannity report, he reminded that for all practical purposes, Spring Break was over when the report was filmed; they were high school kids, not college kids, drinking on the beach. He said the drinking was a problem all year long and suggested the new time all year.

Mr. Lee Pizza, representative of the Watershed Bar at 118 Bay View Street, Panama City, said his business would be affected by this change and potentially lose Thirty Thousand Dollars because they were a late night bar, serving late night employees. He said the County would mirror the City's Ordinance exactly and hurt them by this change. He said this should be studied more and called this a knee jerk reaction. Mr. Gisbert clarified that this Ordinance set the date for March 1st and was repealed on April 1st. He said for the time change to occur again, it would have to be read by Council again because it would not exist in 2016. Mr. Gisbert said Staff would meet again after Spring Break to review what worked and what did not work. Chief Whitman clarified that this proposed Ordinance was not a knee jerk reaction as this was an issue that had been under review for the last six months. In his experience, most of the bars during Spring Break were busy from 9 P.M. to 1 A.M. and then patronage dropped. In some of the bigger clubs, 30%-40% left the clubs between 2 A.M. and 3 A.M. Chief Whitman said he thought the kids would return to their rooms to party where the alcohol was already stored. He said this was an exercise and if it did not work, next year it would not be brought back to Council.

Mr. Sparkman said he did not agree with the 2 A.M. change but he did believe in equity. Regarding the Hannity report, neither Mr. Gisbert nor Chief Whitman had a knee jerk reaction.

Ms. Jessica Keyla, Watershed Bar in St. Andrews, said her business catered to locals and had never served a Spring Breaker. She had worked on the beach during Spring Break in the past and she believed when the last call was given at 1:30 A.M., the kids would go out to the street to congregate. The uninvited guests would not be inside the bars because they did not have the money.

Mr. Neel Bennett said the Council had put the time into listening to the business owners and the community, and the City Manager and Police Chief had done a great job in reacting to Spring Break. He continued that this change was painful to different people at different levels. This change would not be as painful to his business as compared to Mr. Sparkman and he understood the big picture in order to gain control. He said if the City eliminated drinking on the beach, Spring Break would be over and the kids would move to another destination. He said he liked what the Council was doing.

Councilwoman Strange made the motion to approve Ordinance 1320. Second was by Councilman Curry. 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 3:35 P.M.

4. ITEM NO. 4 ORDINANCE 1321, REQUIRING IDS ON THE SANDY GULF BEACH, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:35 P.M. Mr. Sale read Ordinance 1321 by title. The Mayor asked if there were any comments from the Council. **Councilman Reichard made the motion to approve Ordinance 1321. Second was by Councilwoman Strange.** The Mayor called for audience comments.

Ms. Barbara Krumble, 11800 Front Beach Road, asked how the college students would be made aware of this new Ordinance. Chief Whitman responded that every year prior to Spring Break, he posted a letter on his social media for the kids and some properties last year distributed his letter as the kids checked into the lodgings. He said most of it would be handled by education and the word-of-mouth from friend to friend. He added that most people were concerned how the kids would carry their ID cards and he displayed his phone case which had a slot specifically to carry ID cards.

Councilman Reichard asked Chief Whitman what a typical situation would be where one of his officers asked for IDs. Chief Whitman responded where his officer suspected underage drinking in a large group; Mom and Dad with small kids playing would not be asked for their ID cards. He said this would be a tool that law enforcement would use in order to address a large group of kids. With nothing further, **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 3:40 P.M.

5. ITEM NO. 5 ORDINANCE 1322, WHITE SANDY BEACH SPECIAL EVENTS, DISCUSSION. The Mayor opened the Public Hearing at 3:40 P.M. Mr. Sale read Ordinance 1322 by title and said he would like to read the recitals into the record at the next meeting. A revision to this Ordinance had been placed before each Councilor with a change to the definition of a "safe harbor". He said these changes were made to clarify that the intent was to exempt live entertainment which was not playing to the beach. He gave an example of a disc jockey with a radio mike walking around a pool deck entertaining the hotel guests, visible from the beach but not performing to the beach.

Councilman Reichard said part of his and others confusion was that people on the pool deck would be counted in the Five Hundred total. Mr. Sale responded that as currently drafted, if the entertainment was directed to the sand and to the pool deck simultaneously, they would be

counted together. If not directed to the beach, the pool deck patrons would not be included in the total. Councilman Reichard asked if directed meant the performer and speakers faced the beach. Mr. Gisbert said yes and if the performer used the pool deck as a stage facing the beach, it would then be a White Sandy Beach Special Event. However, if the performer faced away from the beach or further away from the beach and facing the pool itself and his audience being the pool deck patrons, this would not be a White Sandy Beach Special Event.

Councilman Curry asked about a misdirection of sound through wind and humidity that traveled to the beach and a congregation occurred, if this would be a White Sandy Beach Special Event. Mr. Sale responded no and explained that the definition of a Special Event before the proviso was very broad, Five Hundred people anywhere on the property if part of it was on the sandy beach. The key to this Ordinance for the businesses was the safe harbor and if the location met the definition of the safe harbor, it would not be classed as a Special Event. He said the first element of a safe harbor was that the amplified sound was directed away from the sandy beach.

Councilman Reichard said that he would prefer the speakers directed toward the sand as opposed to directed toward the people across the street from the hotel. He said this would involve the Noise Ordinance with the problem. Mr. Gisbert said if there was not a Special Event, then the activity would have to follow the Noise Ordinance.

Councilman Russell asked what if the entertainment on the property was far enough away from the sand so that it was not visible from the beach goers but yet the speakers were pointed towards the beach. Mr. Sale said he had been asked to script objective criteria that would constitute a safe harbor for smaller restaurants such as Harpoon Harrys that had music and a small band. He said this was crafted for the businesses to know what they could do in a safe harbor even if people started gathering behind their location. He elaborated how the crowds attracted other crowds. He said if this criteria did not work, he would amend the wording.

Councilman Curry said he was big on property rights and what business owners did within the confines of their own property. He wanted to hear from the business owners before deciding about the direction of speakers and sound.

Mayor Oberst said if a band was playing on a deck to entertain the people on the deck, then that was not a problem. If the band and speakers were set up with their back to the people, then that would create a Special Event on the sand. Chief Whitman said that was Staff's main intention as the thought was to entertain their guests on the pool deck. However, he did not want a stage built above the pool deck and focusing everything toward the beach.

The Mayor said with a Special Event permit, by the numbers, there would be a specified number of security personnel in order to control the people. She said the object was to quantify the number of people and if a property had an event occurring behind a business, the property would be responsible for the people. Chief Whitman and Mr. Gisbert said that was correct. Mr. Gisbert added that having that number would allow the Chief to be able to plan ahead for that event and be able to meet the needs of the community.

Relating to the size of the event, Mr. Gisbert said the regulation was one person per seven square feet, a figure out of the national standard in building codes. He elaborated.

Mayor Oberst asked Chief Whitman how this would help with Spring Break control. Chief Whitman responded that this would help him deploy his resources where needed. If he did not have a mechanism to know where the big groups would be congregating, he might not have the officers on shift to be able to control a huge event. He said one bad incident would make the City look bad. The Chief added that the local business owners worked with his Department, letting him know when they anticipated large crowds. He said he was not concerned about these owners but rather the "fly-by-night" company coming to make money off the kids by renting a dilapidated property to use the beach and not do anything for control.

Mayor Oberst asked about the girl featured on the Hannity report who performed on the stage. Chief Whitman said that type of action occurred everywhere and he could not control that type action. He said in this instance, that was a local girl. He reminded that he had a small force and at any time during Spring Break, his Department dealt with One Hundred to Two Hundred Thousand kids and at the most he had fifty-eight sworn officers and reserves. He said this had been a non-Spring Break issue, young kids playing music and the girl got on top of a box to perform. The Mayor added that with her college background, she knew it happened every weekend with frat parties and such. The Chief explained it also did not happen on the business owners' properties as they secured their areas.

Relating to fences, Chief Whitman said this would enable someone to calculate the maximum number of people for a specific area. This again was for control and the security

officers could go on the outside of the fence to keep other people from crashing the event. Councilman Reichard said the property owner would be able to determine whether coolers would be allowed in this specific area and Chief Whitman agreed. If the property owners were allowing coolers, they could be inspected at the gate and glass removed. Mayor Oberst said she had heard the concerns that a fence around an event would be detrimental to the look of the beach when being filmed. Mr. Gisbert said the proposed Ordinance specified a six foot fence to create the perimeter and something that had been discussed with the club owners. A minor modification had been made to maintain the six foot fence on the east/west sides but reduce the Gulf side to four feet. He reminded that a six foot fence would basically disappear with a large crowd. The intent of the four foot fence would be to create a corridor for the Police to go east/west, about twenty-five feet away from the water's edge. The Mayor asked if a property owner could talk to their neighbors to use their beach in order to have enough room to accommodate what space was needed and Mr. Gisbert said yes.

Councilman Curry said he was concerned about some of the beach's larger venues which were completely contained during peak times and if this would affect these businesses. Mr. Sale said this regulation was written for them and said if a large venue emptied large crowds onto the street at one time, this was what the City needed to know in advance in order to control the crowds. Mr. Gisbert said this would not pertain to Club La Vela or Spinnaker because they had that many patrons every day. That would not be a Special Event because that was their normal operations. Councilman Curry questioned some specific language. Mr. Sale said that language was already in the Ordinances but may not have been enforced in the past. Mayor Oberst said it was not something new. Chief Whitman said that regulation had never been enforced. Councilman Curry said if language was in the Ordinances which was not being enforced, then discuss while the business leaders were here and remove the language.

Chief Whitman said he had been questioned about an event partially on the beach and he explained that if a stage was on the pool deck and the owners decided to build an addition to the stage on the dunes, that would be partially on the beach and then be entertaining people on the sand so a Special Events permit would be required. He reminded that if the entertainment was not directed toward the beach even if a crowd gathered on the sand, it would not be a Special Event. He said his officers would not disperse the crowd as that happened all day every day unless they became unruly.

Mr. Jack Bishop, 12627 Front Beach Road, said many things had changed since the Ordinance was first written. He said he took issue with the number Five Hundred (500) because he felt the new Ordinance needed to address the levels required for fencing and security. Many of the corporate daily events especially during March sometimes exceeded 500 people but they were not concerts and they staffed their facility to handle and control that type of event. He said the larger concerts did need the extra security and fencing. Mr. Bishop suggested that the property owners needed more leeway to do events that would not require all the government oversight. He said a 300-600 person afternoon event was pretty common and controlled by his security. He added that he felt music was not the only parameter which would determine a Special Event but rather the number of people who were intended to be attracted to that particular event. He said his small Harpoon Harrys handled 800-1000 people per day with Club La Vela four times that amount and Spinnaker three times that amount. He asked the Council to consider tiers as it would make it more workable for the other properties. He elaborated.

Mr. Mike Bennett, 15606 Front Beach Road, said he loved Ordinances 1320 and 1321 which were important steps in the right direction. However, he felt this Ordinance would limit the fun on the sandy beach. He said with the large number of rooms in his resort, he would easily have 2000 people on the sand behind his property any given day. He agreed with Mr. Bishop about the number. He suggested changing the number as a great number of the kids would be on the beach. He said big hotel properties with music and decks and bars would be a different story.

Mr. Neel Bennett, 15238 Front Beach Road, said the intent for this Ordinance related to a big stage on the beach. He said he did large events and understood the reasoning. He said speakers pointing toward the beach and the entertainment placing a property in violation might be a problem. Discussion ensued concerning the six foot and four foot fences. Mayor Oberst said the four foot fence was added per the request of local businesses who wanted to have an event and wanted to see the Gulf. Mr. Gisbert said that was an option and the business owner could do a six foot fence at the Gulf Side if they wanted to do so.

Ms. Julie Hilton, resident of 234 La Valencia Circle, said she thought most of the audience was on the same page as to the intent of this proposed Ordinance. She said her concern was on some of the wording and she did not want that to become a problem in the future. She said they were going to do all they could in order to have the DJs on their pool decks; however, at the Days Inn, there was not enough space on the pool deck for a DJ to have his back to the Gulf. He said

when they had a DJ there, the performer would be facing the Gulf and the speakers to some extent would be facing the Gulf. She said she wanted to ensure this configuration would not require a Special Event permit for merely having the DJ play for the pool guests. Regarding the number of people on the pool deck being counted toward the 500 total, Mr. Sale explained that the 500 would include the people on the beach if the resort did not fall in the safe harbor. He said everything Ms. Hilton described would be in the safe harbor except for the speakers being directed away from the sandy beach. He elaborated and suggested taking that language out entirely.

Mr. Sale explained that the safe harbor had nothing to do with the number of kids on the pool deck or on the beach. He said if the resort met the elements of the safe harbor, it would not matter how many people were on the deck or the beach, period.

Mr. Sparkman asked if a workshop was appropriate because he thought the Council needed input from the people involved with Spring Break. He said he had a problem specific to Spinnaker which caused the misunderstanding with Mr. Bennett and the 4' fence. He said he understood the intent of the safe harbor. Discussion ensued concerning scheduling a workshop prior to the regular meeting. Councilman Curry said he thought Spring Break had been workshopped to death this year but there was some unclear terminology and if a workshop was needed, that was fine. However, it should be specific to Special Events. Councilman Russell agreed. Mayor Oberst suggested a workshop during the week of November 16th to only discuss Ordinance 1322 and continue the Public Hearing until the December meeting. Mr. Sale said he would like to summarize the issues discussed so that the workshop could be focused. Councilman Curry said he would like the next Reading on this Ordinance on November 13th at a 6 P.M. meeting for the business owners and public input.

Mr. Sale listed the item to be discussed; whether the spillover onto the street should be for all Special events, not merely beach events. The question of whether 500 was an appropriate number for all Special Events. Mr. Sale asked Mr. Gisbert if anyone had complained about the 500 figure and he responded no because typically the events were about a thousand people. He said Staff was looking to an exorbitant amount of people and 500 had been a good rule of thumb to trigger a Special Event. He said more discussion should occur on the safe harbor and how to put words on paper that would be enforceable. The Mayor suggested narrowing the items to discuss at the workshop. Mr. Sale added sound projection and if the Council was comfortable with the safe harbor approach. Fences and incidental gatherings were added. Mr. Bishop commented that 500 was too low. Mr. Sale offered to meet with the interested members after the meeting to discuss.

Mayor Oberst announced that the Workshop would be held November 12th at 2 P.M. and invited everyone to attend. **Councilman Reichard made the motion to continue the Public Hearing until November 13th at 6 P.M. Second was by Councilman Curry 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

6. ITEM NO. 6 ORDINANCE 1323, AMENDING MEMBER CONTRIBUTIONS, FIREFIGHTERS RETIREMENT PLAN, 1ST READING. Ms. Myers read Ordinance 1323 by title and said the proposed Ordinance was prepared by the City's Pension Plan attorney. Ms. White explained that the Firefighters' and Police Officers' Pension Plans received Excess Premium Tax rebates from the State and in the past were required to use the funds for supplemental benefits for the Plan members. The Firefighters had built up an amount of those rebates and the Board of Trustees voted to use those funds for the reduction in Member Contributions. She continued that the Firefighters hoped that the members would take the reduced contributions and place them in the City's 457 plan to basically supplement their future retirement. Ms. White said that could not be mandated but that the Board members would be doing some education at the Department encouraging the Firefighters to do so. She said the Actuary would look at this reduction each year and determine if the Member Contributions could be reduced to a set amount, and once all funds were used, the Member Contributions would revert back to their current amount. She added that there was no actuarial impact to the City. The Mayor asked if there were any questions or comments; there were none. **Councilman Curry made the**

motion to approve Ordinance 1323. Second was by Councilman Russell. 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

ITEM NO. 7 ORDINANCE 1325, PROHIBIT E-CIGARETTES, DISCUSSION. Removed from Agenda.

7. ITEM NO. 8 RESOLUTION 15-08, SEWER RATES REVISION. Ms. Myers read Resolution 15-08 by title. Mr. Shortt explained that some of the small office buildings were being charged a residential rate for their base sewer charge. He said the cost for servicing a commercial account was higher so Staff had moved the small office buildings to residential rates which were not based on the size of the business itself. Staff had put the small office buildings into the system based upon their meter size which made the cost reflective of the size of the business and the Mayor said that made sense. However, on the ¾” and 1” meters, the costs were too high per contacts from the customers. Mr. Shortt said he addressed the handful of accounts and reworked and rebalanced the proportion of costs for the different size meters. He said this would be a small impact to the \$27 Million Dollar annual Utility revenue and would add fairness for the small office buildings and gas stations. The Mayor asked if there were any questions and there were none. **Councilman Russell made the motion to approve the Resolution 15-08. Second was by Councilwoman Strange.** The Mayor called for 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

8. ITEM NO. 9 RESOLUTION 15-09, AMENDMENT #1, FDOT TRAFFIC SIGNAL MAINTENANCE AGREEMENT. Ms. Myers read Resolution 15-09 by title and explained that last May, the Council had approved the routine Maintenance Agreement with FDOT but several cities did not sign their Agreements and thus FDOT created an amendment to address the concerns from those cities, relating mostly to the mast arms. The Mayor asked if there were any questions.

Councilman Curry asked with the funding reduced, if the same maintenance was required. Ms. Myers responded that she understood that the compensation had also been revisited so next year there would be a new formula for the compensation which would be to the City’s benefit. There were no further questions. **Councilwoman Strange made the motion to approve Resolution 15-09. Second was by Councilman Russell. 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

9. ITEM NO. 10 RESOLUTION 15-12, MEMBERSHIP TO WEST FLORIDA REGIONAL PLANNING COUNCIL (WFRPC) & BUDGET AMENDMENT #1, PUBLIC HEARING. APPOINT MEMBER. Mayor Oberst opened the Public Hearing at 4:50 P.M. Ms. Myers read Resolution 15-12 by title. Ms. White said this would only be about Nine Hundred Dollars, a Budget Amendment was necessary because this particular fund generally had no money. The Mayor explained that the WFRPC was made of appointees by the Governor and members who joined the Council. The Mayor asked the other Council members if they could see the advantage in joining the WFRPC.

Councilwoman Strange asked about the duties of the WFRPC. Councilman Reichard explained that it worked with the TPO. Mr. Alaghemand added that they did regional planning and made decisions about project priorities and our joining the Council would give the City a vote in any decision that they made. Mr. Sale added that WFRPC commented on DRIs, received Grant

monies and executed those grants for mediation of environmental hazards. **Councilman Russell made the motion to approve Resolution 15-12. 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

Mayor Oberst said the member would need to be appointed, and normally the Mayor served on the Council. However, if anyone wanted to go to Crestview to their monthly meetings, she would be glad to pass the gavel. Councilman Reichard asked if this would conflict with her being on the Bay County TPO. The Mayor responded there would be no conflict. **Councilman Reichard made the motion to appoint Mayor Oberst to the WFRPC. 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

The Public Hearing was closed at 4:55 P.M.

10. ITEM NO. 11 RESOLUTION 15-13, PERMIT APPLICATION FOR GOLF CART CROSSING AT INTERSECTION OF NAUTILUS STREET/PCB PARKWAY. Ms. Myers read Resolution 15-13 by title. Councilwoman Strange asked when the crossing would be implemented. Mr. Alaghemand said the first step would be doing a traffic study, similar to the one for Pier Park North. He said he hopes to submit the application in late November.

Councilman Reichard asked where this request originated. Councilwoman Strange said it was her request. Councilman Reichard asked if the traffic light would have to be re-engineered because a cart would not be able to cross the intersection at its current speed. Mr. Alaghemand agreed and explained that the green light would have to be extended. Discussion ensued concerning the current timing of the light. Councilman Reichard asked the cost of the traffic study. Mr. Alaghemand said he could do the study inhouse. He added that all of the red lights would be increased to allow the extra time for the golf carts to cross. Councilman Reichard said the intersection that was heavily congested now would have its red lights extended.

Mayor Oberst asked Mr. Alaghemand when the traffic study was prepared if he would remember that the traffic backed up to Open Sands at times. Mr. Alaghemand said he would look at that aspect also when preparing the study and added that as part of the application, if the State felt the delay would be an issue and impact the capacity, they would not approve the request. The Mayor asked if golf carts were prohibited on Nautilus. Mr. Alaghemand said Nautilus was not listed on the roads which prohibited golf carts. Mr. Leonard said the major roads prohibited the carts and Nautilus was not listed. The Mayor said maybe because of the speed limit and speed humps on Nautilus due to the school. **Councilwoman Strange made the motion to approve Resolution 15-13. Second was by Councilman Russell.** The Mayor called for comments. Councilman Reichard said he felt this intersection was not the place for a golf cart crossing. Councilwoman Strange said she had been contacted by residents in Seaclusion and Bid-A-Wee who desired the golf cart crossing in order to reach the shopping center. **With nothing further, the motion passed by majority roll call vote recorded as follows:**

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

11. ITEM NO. 12 CITY MANAGER UPDATE. Mr. Gisbert said last week, the Salary Study Workshop had been held and since that time, he had met with each Department Head and most of the Council individually to review the more detailed spreadsheet. He said some anomalies had been discovered involving the new hires and he should receive answers from Evergreen shortly. Once the information was consolidated and a final number determined, he would bring something to Council.

Mr. Gisbert said he received a letter requesting sewer service for Boondocks restaurant at West Bay. Mr. Shortt said any time a retailer requested service that the City had twelve months to provide the service or the City would relinquish the ability to provide the sewer service and open the door to allow another municipality to bring service to the area. He was crafting a proposal to extend lines to accommodate the initial minimal need and once sewer was in the area, this would prompt additional growth. He asked for Council's direction to move forward. Mr. Shortt said it was budgeted this year for a lift station at School Road. The Mayor asked if it would be a cooperative effort with Boondocks. Mr. Shortt explained about extending the main infrastructure and Boondocks might need a small lift station to reach the new one. He explained about the low pressure system and the 2" pipes, and the proposed County plans to go across the intercoastal. He said Staff wanted to service the area instead of the County and the plans had been in the works for a while but the money had not been budgeted. He explained that Impact Fees had been accumulating so the money was now available. In response to the question by the Mayor, the sewer lines would not be extended to the restaurant's front door but would be near enough to make it more feasible to reach our line rather than across the intercoastal. This would also establish the City's sewer service in that area. Mr. Shortt said he thought this would help the area develop because the impediment now was no service in the area.

Mr. Gisbert said the City had advertised for a Water Board and had not received enough applicants to fill the Board. He asked the Council if they had anyone in mind to contact them to apply. He said it would be readvertised for more applicants and he explained the qualifications.

12. ITEM NO. 5 RESOLUTION 15-10R, BIDS- POLICE DEPARTMENT VEHICLES PURCHASE. Ms. Myers read Resolution 15-10R by title and explained the purchase had been bid for eight 2015 Dodge Chargers but they would not be available in time for the Department. The Chief asked the low bidder if they could supply seven 2014 cars at the same price and he could do so. Chief Whitman explained that the cars were exactly the same but the 2015 cars would not be built until January, and the new cars had to be on the streets for Spring Break. He added that the 2014s were more expensive than the 2015s, and the dealer lowered the 2014 price to match the quote of the 2015 model. The Chief continued that the remaining car for Administration would come back to Council in January. Councilman Reichard asked if Ford made police cars any longer and the Chief replied that Ford was trying to get back into the market. **Councilman Reichard made the motion to approve Resolution 15-10R. Second was by Councilwoman Strange.** The Mayor called for 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

ADD-ON. FALL FISHING CHALLENGE. Councilman Russell said for Week 3, the City had eleven winners and the County had four winners.

ORDINANCE 1322, WHITE SANDY BEACH SPECIAL EVENTS, DISCUSSION. Mr. Sale said after speaking with members of the audience and distributing the current version of the proposed Ordinance, he recommended that the Council add whether the City would prohibit playing to the beach at all to the list of discussion items. He said it was clear in hearing their concerns that there was resistance to the prohibition of playing to the beach at all. There was no objection.

ANNOUNCEMENTS

ITEM 1 IRONMAN FLORIDA TRIATHLON. The Mayor announced the Ironman Florida Triathlon would be held Saturday, November 1st.

ITEM 2 VETERANS DAY. The Mayor announced that Veterans Day was November 11th and City Hall would be closed. She added that there would be numerous ceremonies and parades held during that day in Panama City, Lynn Haven, and Captain Andersons.

ITEM 3 EARLY VOTING. Early Voting will start Saturday, October 25th at the Lyndell Senior Center and Election Day was November 4th with voting at the Frank Brown Park Community Center and the Lyndell Senior Center.

ITEM 4 HALLOWEEN COSTUME PARTY. Councilwoman Strange announced that the Senior Center would be having a Halloween Costume Party Friday, October 31st at 6:30 P.M.

With nothing further, the meeting was adjourned at 5:15 P.M.

READ AND APPROVED this 8th of January, 2015.

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



Mayor

ATTEST:



Deputy City Clerk