

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 December 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

ASSISTANT CITY ATTORNEY:

AMY MYERS

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

Pastor John Woodrow of the Gulfview United Methodist 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 presented.**

No Minutes were available for approval.

#### **CONSENT AGENDA**

**1 RESOLUTION 15-30, BIDS- 2015 FORD EXPLORER XLT PCB FIRE/RESCUE.** *One Bid was received for the Fire Inspector 2015 Ford Explorer from Hub City Ford \$30,699.00. STAFF RECOMMENDS that the Council approve this Bid as they were the only bidder and local in Crestview. The State Contract on this identical vehicle is \$30,455 but previous experience with purchasing Ford vehicles on the State Contract has been problematic. HUB City Ford being local will provide better service and support. The Department budgeted \$32,000 for this vehicle in the 2014-2015 approved Budget. “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 Hub City Ford, relating to the purchase of a 2015 Ford Explorer XLT, in the basic amount of \$30,699, in substantially the terms of the quote attached and presented to the Council today dated November 11, 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.”*

**2 RESOLUTION 15-31, BIDS- FIREFIGHTING UTV, PCB FIRE/RESCUE.** *Three Bids were received for the Fire Department UTV with fire pump, water tank and foam tank. The quote from Polaris Government Sales for \$18,924.44 was the lowest bid by over \$10,526. STAFF RECOMMENDS the Polaris Sales Inc. quote. The Department has \$20,000 in the 2014-2015 approved Budget for this UTV. “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 Polaris Sales Inc., relating to the purchase of a UTV with fire pump, water tank and foam tank, in the basic amount of \$18,924, on substantially the terms of the quote attached and presented to the Council today dated July 1, 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.”*

**3 RESOLUTION 15-32, 2015 SPRING BREAK TOWING AGREEMENT.** *“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 renewal of the Agreement between the City, Bay County Board of Commissioners and White’s Wrecker Service, LLC, dba Gulf County, Sheriff, Police Wrecker Service, relating to 2015 Spring Break Towing Services, 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.”*

**4 RESOLUTION 15-35, BIDS- POLICE RADIOS.** *The Police Department would like approval to purchase four portable police radios and four mobile police radios. The Department advertised for bids for the radios and received four bids, see attached documentation. STAFF RECOMMENDS approval of the bid from Motorola (First Communications) out of Tallahassee, FL. There was one lower bid but their system is non-compliant with our current system. The total amount for all eight police radios will be \$22,873.67. Six of these radios will be paid out of Police Impact Fees. “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 Motorola Solutions, relating to the purchase of 8 police radios, in the basic amount of \$22,873.67, to be paid from Impact Fees, 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.”*

**5 RESOLUTION 15-36, CONSERVATION PARK BIOLOGICAL MONITORING TETRA TECH MSA TASK ORDER #4.** *The City Wastewater Treatment Plant on Gulf Boulevard ceased all discharges of treated effluent to West Bay on May 28, 2011 when the new 2,900 acre receiving wetland project (Conservation Park) became operational. The City’s wastewater treatment facility permit with the Florida Department of Environmental Protection (FDEP) now requires extensive quarterly hydrologic and environmental monitoring of the wetland site in addition to the routine water quality sampling performed by City staff. This monitoring effort provides the City, and FDEP, information needed to evaluate any long term changes that may occur to the wetland ecosystem. Staff requested and has received a proposed Task Order number 4 for work under the existing Master Services Agreement (MSA) with the City’s Wetland Engineering Consultant, Tetra Tech, Inc., to perform certain monitoring and reporting tasks required for next year that are outside of staff’s capabilities. A copy is attached for review as Attachment A to the MSA, along with a proposed Notice To Proceed form, Exhibit B. Fees in the Task Order are \$92,389 to complete activities required during calendar year 2015. Monitoring quarter number two requires the most man-hours as it includes preparation of the required “Annual Wetlands Monitoring Summary Report” for submission to FDEP.*

*STAFF RECOMMENDS APPROVAL of this Task Order and sufficient funds have been included in this fiscal year Wastewater System budget for the work effort. “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 Task Order #4 to the Master Services Agreement between the City and Tetra Tech, Inc., for major wastewater engineering services dated December 29, 2013, relating to hydrologic and environmental monitoring of the Conservation Park wetlands, in the basic amount of \$92,389, in substantially the terms set forth in the Scope of Services attached and presented to the Council today, draft dated December 1, 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.”*

Ms. White presented the Consent Agenda by title. The Mayor said there had been a request to move Consent Agenda Item #1, *Resolution 15-30, Bids- 2015 Ford Explorer XLT PCB Fire/Rescue* to the Regular Agenda as Item 1A. With no objections, **Councilwoman Strange made the motion to approve the amended Consent Agenda. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**REGULAR AGENDA**

**1 ITEM NO. 1A RESOLUTION 15-30, BIDS- 2015 FORD EXPLORER XLT PCB FIRE/RESCUE.** Councilwoman Strange asked about vehicles bought through the State program. Mr. Gisbert said that was an option but did not require the City to accept those prices. She questioned the State program being less expensive and the City Manager replied that the State vendor pricing was not always the best deal for the City. He explained that the Department stated

that they had not had good experiences with purchasing on the State Contract and received better service from the local dealership. In response to a question from Councilman Curry, Mr. Gisbert replied that the new vehicle would be for the Fire Inspector and his previous vehicle had already been stripped of its options for the City's auction. Councilman Curry asked if the Fire Inspector would need a towing package and a mid-size SUV. Chief Daly replied that he knew some of the Fire officials in Panama City were driving Explorers instead of Lt. Jordan's Tahoe and he thought this type of vehicle would be better on gas mileage and cost Six Thousand Dollars less. He continued that Lt. Jordan carried equipment with him and the Department had used his vehicle for towing in the past. The Chief said sometimes they used all vehicles to tow trailers in an emergency. With nothing further, **Councilman Reichard made the motion to approve the Resolution 15-30. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**2 ITEM NO. 1 ORDINANCE 1317, VEHICLE SIGNS, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Mayor Oberst opened the Public Hearing at 6:10 P.M. Ms. Myers read Ordinance 1317 by title. Councilman Curry asked Ms. Myers to explain conveyance. Ms. Myers said if a vehicle never moved from a location, the argument would be that the vehicle was used primarily for advertising, not conveyance. A vehicle coming and going from a driveway would be used primarily as conveyance and would not be a violation of the Sign Code. Mr. Gisbert added that it would be advertising if a vehicle was parked and not used for routine activities.

Councilman Reichard asked if this would include the magnetic signs endorsing a candidate. Mr. Gisbert replied yes, if the sign was left in one place for a long period of time. Councilman Reichard said the Council was considering adopting a regulation which he felt was almost impossible to enforce. Ms. Myers said the Ordinance permitted a non-commercial message, such as "Save the Whales". Councilman Reichard read the definition of prohibited signs and Ms. Myers explained about the vehicle location and its never being moved, where someone would assume it was being used to advertise or promote that campaign but not being used for conveyance. Councilman Reichard questioned why that type of message would be given better consideration than a political candidate. Mayor Oberst reminded that this Ordinance had been in place for a number of years and the only change was to add the word "political". Ms. Myers agreed and said this Ordinance would make equal the educational, religious, and non-profit messages. Councilman Reichard said this would give the Council the opportunity to review and update the regulations.

The Mayor asked if there were any questions of the audience. Hearing none, **Councilman Russell made the motion to approve Ordinance 1317. Second was by Councilwoman Strange.** The Mayor called for comments. Councilman Reichard questioned with language such as religious, political, and non-profit, how this would be enforced. Ms. Myers said there would be a determination that the vehicle was being used for advertising and not for conveyance. She mentioned the duration of time necessary for Code Enforcement Officers to determine that it was being used for advertising. She said it would be judged on a case-by-case scenario. Councilman Reichard said this would be selective enforcement. He also questioned a vehicle sitting over the weekend, and if this would be considered advertisement instead of conveyance, who would make that determination. He said he thought this was a good time for the Council to review as maybe it was not ready for voting.

Councilman Curry agreed and said the time line was not in the Ordinance. He said he did not want to put the City at risk. He said he was concerned about some business owners with standard signage being used now and how the City would selectively address those signs. He continued that he felt this Ordinance needed more time for consideration.

Councilman Reichard agreed with the Mayor in that the regulations had been in place for a long time but that it was a good time to be reviewing issues such as this. He commented why bother when this was an issue which could not be enforced. He said he was concerned with the non-profits. He elaborated.

Councilman Russell said this was more of a common sense-type situation and common sense would prevail. The Mayor asked for further comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Nay</b> |
| <b>Councilman Reichard</b>  | <b>Nay</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

The Public Hearing was closed at 6:21 P.M.

**3 ITEM NO. 2 ORDINANCE 1326, CAPITAL IMPROVEMENTS UPDATE, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** The Mayor opened the Public Hearing at 6:21 P.M. Ms. Myers read Ordinance 1326 by title. The Mayor called for comments or questions; there were none. **Councilwoman Strange made the motion to approve Ordinance 1326. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

The Public Hearing was closed at 6:22 P.M.

**4 ITEM NO. 3 ORDINANCE 1329, AMENDING LDC REGARDING GROUP C SETBACKS, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1329 by title and explained that this would unify the minimum setbacks in the FBO 1 table as some language was missing in that column. The Mayor asked if there were any questions and there were none. **Councilwoman Strange made the motion to approve Ordinance 1329. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**5 ITEM NO. 4 ORDINANCE 1330, AMENDING DEFINITION OF FLAGS, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1330 by title. Mr. Leonard explained that the Planning Board recommended approval and said this regulation would prevent hard materials such as plastic or fiberglass being used as flag material. He said a business last summer used that type material in their flags and they did not have a good appearance. He said if everyone was allowed to put up hard plastic flags along Front Beach Road instead of what was typically flag material, it would change the look of the Corridor. **Councilman Russell made the motion to approve Ordinance 1330. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**6 ITEM NO. 5 ORDINANCE 1331, AMENDING LDC REGARDING PARKING LOT SURFACES, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1331 by title and explained this would broaden the materials which could be used for the entire surface. Mr. Leonard said the Planning Board recommended approval. He said some businesses and churches desired to use grass or alternative methods which would trip the stormwater requirements and could be very costly. The City Manager would be able to review on a case-by-case basis and potentially keep costs down in the right circumstances. **Councilwoman Strange made the motion to approve Ordinance 1331. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**7 ITEM NO. 6 ORDINANCE 1332, AMENDING LDC REGARDING SITE DESIGN STANDARDS R2 ZONING, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1332 by title and Mr. Leonard said the Planning Board recommended approval. With no questions or comments, **Councilman Reichard made the motion to approve Ordinance 1332. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**8 ITEM NO. 7 ORDINANCE 1334, AMENDING LDC REGARDING FENCES AND WALLS, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1334 by title. Mr. Leonard said the Planning Board recommended approval and that the Ordinance accomplished three things: the finished side of the fence would face outward when adjacent to a street, the fence must not cause a glare or other nuisance to surrounding properties, and it referenced fences within the Tourist Corridors with more restrictive standards. The Mayor asked if there were any questions for Mr. Leonard; there were none. **Councilwoman Strange made the motion to approve Ordinance 1334. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**9 ITEM NO. 8 ORDINANCE 1336, SANDY BEACH SPECIAL EVENT EXCEPTIONS, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Mayor Oberst opened the Public Hearing at 6:33 P.M. Ms. Myers read Ordinance 1336 by title. Mr. Gisbert said basically, this Ordinance required that the stage must be guarded at all times, the stages must be cleared during turtle nesting season, and included an exemption for larger free events whose promoter would be willing to prohibit coolers at the event. With that last exemption, the promoter would no longer have to provide a fence along the water's edge but would have to provide a viable plan to move people from one side of the event to the other once the event reached capacity. Mr. Gisbert said the promoter would have to provide a reasonably credible plan to be reviewed by the Fire Chief, Police Chief, Building Official and himself. He continued that another exemption would be the Corporate Village and having several tents would tend to diffuse the activities instead of focusing them. The intent was to have three separate stages with three separate activities to diffuse the crowds. During the first Reading of this Ordinance, discussion had ensued concerning literally closing the beach; now the promoter would have to present a plan to permit the people to go from one side to the other of the event but the beach would not be closed. Mayor Oberst said the summary sheet was very helpful.

Mr. Gisbert said an issue he would bring to Council at a future date was to establish a deadline for the promoter to submit the Special Event application as currently some applications were submitted shortly before the event occurred which was not fair to Staff nor the general public. He said Staff proposed to require submittal of a complete application package thirty (30) days prior to the event if it was to be considered. Councilman Reichard asked if there would be special exemptions if unforeseen circumstances occurred. Mr. Gisbert said Staff would be reasonable. The Mayor said this would not be for individual vendors but rather the promoters of the events.

Councilwoman Strange asked for clarification that there would be no liability to the City if the fence was not fully enclosing the event. Mr. Gisbert said the promoter would be assuming the additional responsibility since the water's edge fence was not erected. Councilman Curry said

without the water's edge fence, the side fences would be extended to the water. Mr. Gisbert said that was correct. Councilman Curry asked how it would be measured to determine when the event exceeded capacity. Mr. Gisbert explained the promoter would be required to have people counting at the gates and the ability to monitor the number of people within the fence lines. Lt. Jordan in his experience can look at a crowd and determine the number of people whether crowded or not; this subjective means of determining the number would be better than a quantitative means and be another tool for the City to use. However, the promoter must provide a credible plan on how the participants would be counted, whether by armbands, cups, etc. Councilman Curry said his biggest concerns were how entry would be controlled at the southern boundary without a fence and the appearance of the beach being closed with the parallel fences down to the water's edge. Mr. Gisbert agreed that it would look closed and explained when the beach had a large event, there would be an impassible feel whether there was a fence or not. He said this Ordinance would put all of the responsibility and control in the hands of the promoter which was something the City had not had in the past. Councilman Curry asked if the stages within the corporate village were to be guarded 24/7 and Mr. Gisbert replied affirmatively.

Councilwoman Strange asked if the fence at the water's edge was eliminated for photo ops and she said she thought the fence at the edge was a better idea than the side fences down to the water, requiring people to walk in the water to get around the crowd. Mr. Gisbert said not having the fence at the water's edge was a request by two different promoters. **Councilman Russell made the motion to approve Ordinance 1336. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Nay</b> |
| <b>Councilman Curry</b>     | <b>Nay</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

The Public Hearing was closed at 6:45 P.M.

**10 ITEM NO. 9 ORDINANCE 1337, SCOOTER ORDINANCE FINDINGS, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1337 by title and explained this Ordinance made no substantive changes to the laws adopted but merely ratified all Ordinances on the subject in one place. The Mayor asked if the Council had any questions. Councilman Curry asked Ms. Myers why another Ordinance was needed to confirm the Ordinances adopted in the past. Ms. Myers replied that given that the scooter suit had been filed, the Ordinances would be coming to court and this Ordinance would merely put all of them and the reasons for their adoption in one document. Councilman Curry said, as a policy-maker, this seemed convoluted and redundant by having three to four different documents. Ms. Myers responded that she considered this as having all of the Ordinances in one package.

Councilwoman Strange asked if this would remove the other Ordinances and Ms. Myers responded that this would confirm the other Ordinances and changed none of the substance. She added that this would give the context by adopting the "Whereas" clauses. Mayor Oberst said this matter was based on legal advice in order to clarify when the City went to trial since a suit had already been filed. In response to Councilman Reichard's question as to whether the law suit now included the City, Mr. Gisbert replied affirmatively. Mr. Sale elaborated and explained one reason to place all of the Ordinances together was that the current regulatory scheme evolved through three Ordinances as substantive changes were made in response to industry concerns. This would allow the Council the opportunity to express the conclusions of fact neatly. He said legal staff had also asked the County to review their Ordinances and to make a substantive change to conform with the City's regulations as there were some differences between the two. Mr. Sale said he had received some indications that the County would do so. With nothing further, **Councilman Reichard made the motion to approve Ordinance 1337. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**11 ITEM NO. 10 PLAT APPROVAL FOR PIER PARK NORTH, ORDER #02-PL-15, PUBLIC HEARING.** The Mayor opened the Public Hearing at 6:50 P.M. At Ms. Myers' request, the Council members gave their Jennings Disclosures: Councilman Reichard said he was familiar with the property and had spoken with no one. Councilman Russell said he was familiar with the property and had spoken with no one. Mayor Oberst said she was familiar with the property and had spoken with Staff. Councilwoman Strange said she was familiar with the property and had spoken with no one. Councilman Curry said he was familiar with the property and had spoken with no one. The Mayor said the plat's applicant was not in the audience so only Staff was sworn for their testimony.

Mr. Shortt explained the plat was for Pier Park North and was subdividing the two parcels near the Rooms To Go and the parent parcel to the west of that parcel to North Pier Park Drive. The project was planned for a few retail tenants but would still function as a single commercial development, sharing utilities, parking, and stormwater. This was a business decision by the owner, not something that the City required. Staff reviewed the drawings and the plat request was properly noticed in the News Herald and a large sign posted with the appropriate time lines. The plat conformed with all of the City's applicable regulations for subdivisions and in this case, there were no dedications to the City, not taking over any of the infrastructure or its maintenance.

Councilwoman Strange asked if this would affect the Palmetto Trace subdivision. Mr. Shortt responded no because the boundaries for the development had not changed, merely splitting the existing site into two lots.

Mr. Leonard said this plat complied with the applicable procedural and substantive requirements of the LDC, and the subdivision of the land was compatible with the City's Comprehensive Plan. He recommended approval.

Ms. Myers said the face of the plat contained a title certificate, a surveyor's certificate, and she had reviewed the boundary survey. She said it met all of the requirements of the Florida Statutes as well.

The Mayor asked if there were any audience comments; there were none. **Councilman Curry made the motion to approve the Pier Park North Plat as presented. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

The Public Hearing was closed at 6:55 P.M.

**12 ITEM NO. 11 RESOLUTION 15-14, 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PURCHASES AND BUDGET AMENDMENT #2, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 6:55 P.M. Ms. Myers read Resolution 15-14 by title. The Mayor asked if there were any questions or comments; there were none. **Councilman Reichard made the motion to approve Resolution 15-14. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

The Public Hearing was closed at 6:56 P.M.

**13 ITEM NO. 12 RESOLUTION 15-28, SALARY STUDY.** Ms. Myers read Resolution 15-28 by title. Mr. Gisbert explained about two months ago, Staff was directed to bring back recommendations about the salary study. He said currently 161 employees were below the median average of the municipalities surveyed in the study, cities of similar size and activities. He said approximately 90 people were paid equal to or above the median average. The plan was to bring everyone to the same level and then from there, bring back to Council the rendition of salary advances based on performance. Mr. Gisbert reminded that this was a step process and elaborated. He said if the Council felt this was the right direction, Staff would come back with a cost to implement the process. Referring to the handout, Mr. Gisbert said the subtotal

did not include the other costs, such as health benefits, retirement, etc. and once calculated, he would return to Council with a Budget Amendment. He continued that he would like to use either 5% or Five Thousand Dollars (\$5,000) as the maximum raise, in order to get the employee to the correct salary as quickly as possible.

Councilwoman Strange asked how many employees were grossly underpaid. Mr. Gisbert said he could not say specifically but that there were a good number of people underpaid by Five Thousand to Ten Thousand Dollars. Councilwoman Strange asked if this increase was to be implemented over two years. Ms. White said a majority of the employees would have their salaries corrected in the first year.

The Mayor said Staff was asking for the Council to approve the Study and to return with a Budget Amendment to move the salaries of all employees who were under the median average to the median. Mr. Gisbert said that was correct and that they would then be comparable to their peers, comparable tourist cities. The Mayor reminded that Council had already awarded a 2% Cost of Living raise to everyone. Mr. Gisbert said the Budget Amendment would be prepared and ready for consideration at the first meeting in January and then two to three weeks to actually implement the raises. He anticipated that the 161 employees would see the increase on their second paycheck in January or first paycheck in February. Councilwoman Strange asked if it would be retroactive. Mr. Gisbert said it would be retroactive for those employees who received promotions, approximately 15 people.

Councilman Russell asked Mr. Gisbert if he had discussed this with all Department Heads and Mr. Gisbert replied affirmatively. He said he had met with the Department Heads three or four times, and some more so because their Department was more complex.

Mayor Oberst asked Mr. Gisbert if he anticipated that once this process was completed, the City would then be able to start annual evaluations on the employees. Mr. Gisbert said he had already received some forms from Evergreen as examples and would like to start the evaluations during January or February when the pace was slower. He also planned to have input from the new City Clerk. He continued if the system was implemented properly, it should run three to five years and allow us to make updates as opposed to a consultant.

The Mayor said she understood the employee salaries would be in steps and ranges, and if the Council determined that funds were available, everyone at the end of the year would advance a step. However, there would also be evaluations and if a Department Head said a specific employee was exceptional, there would be some leeway. Mr. Gisbert said there would be some leeway and once an employee reached the median, they would essentially be capped unless they were performing their duties above and beyond. He added that with this system, this median was closer to the max of the old plan and would essentially create more flexibility once the new median was reached. The ceiling was raised and the employee would have to show performance to reach the next level.

Councilwoman Strange asked if this was the recommendation by the consultant. Mr. Gisbert said yes and elaborated on the numerous discussions. He added that new definitions had been added for personnel, such as Worker I, II, III, IV, and V, or Fire Paramedic, Fire EMT. She asked if the Departments were reorganized and Mr. Gisbert said no, that the prior system had the five levels of Worker, for instance, but the consultant had not understood the City had that many levels and their results had been over-simplified. Councilwoman Strange said for restructuring, with many longtime employees in the DROP leaving in five years, maybe employees need to be moved up as assistants. Mr. Gisbert said some of those moves were already occurring, such as in the Police Department. Councilwoman Strange said it was very apparent in the Police Department but not in the other Departments. She asked when the moves would occur in the other Departments. The Mayor said that would probably be one of the new City Clerk's jobs, to see what Departments needed to be reorganized. Councilwoman Strange said she thought the employees would like a concrete time frame on those restructurings. She also questioned the 90 employees being at the top of the pay range and Mr. Gisbert clarified that those employees were being paid more than their peers.

The Mayor reminded that the City had a Civil Service Board and when the City Manager and new City Clerk looked at various Departments to determine who needed an assistant or who needed to be trained in a job, the movement would have to go through Civil Service. Mr. Gisbert said when the Police Department changed ranks, the Officers went through the whole interview process.

Councilman Curry said Staff would return with the total compensation amount, including the retirement benefits, sick leave, etc. He asked why the City Attorney position was not listed on the handout. Ms. White said the legal staff was not a City employee. Mr. Gisbert said his salary

was set by the Council and Ms. Myers said the Council would set the salary of the new City Clerk. Councilman Curry said with the salary studies, he thought it nice to benchmark the attorney fees. Mr. Gisbert said he could request that information from Harrison Sale.

Councilman Reichard said this should be the last raise based on merely “having a heartbeat” and in future, the raises would be determined by performance. Mr. Gisbert said not completely and he gave examples where an employee could potentially receive a raise although underperforming the duties.

**Councilman Curry made the motion to approve Resolution 15-28. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Nay</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Nay</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**14 ITEM NO. 13 RESOLUTION 15-37, ASSISTANT CITY ATTORNEY RATE.**

Ms. Myers read Resolution 15-37 by title. Mr. Gisbert explained that Ms. Myers had not received a Cost of Living or any raise since 2004 so this proposed to increase her salary another Fifteen Dollars (\$15.00) per hour, which would be comparable to her receiving the Cost of Living raises over the years. Ms. Myers said she had been serving the City since 2002 and did receive a raise in 2010 when she became a partner in the firm but no action had been required by the City. **Councilman Reichard made the motion to approve Resolution 15-37. Second was by Councilwoman Strange.** The Mayor called for comments.

Councilman Curry asked where the Assistant City Attorney position was noted in the Charter. Ms. Myers replied that it was not noted specifically, but rather the “Office of the City Attorney” and historically there had always also been an Assistant City Attorney. Councilman Curry said with the City spending over Five Hundred Thousand Dollars last year in attorney fees, the additional compensation should come from the firm, not the people of Panama City Beach. Councilwoman Strange asked Mr. Sale for his fee structure. Mr. Gisbert said the attorneys had a flat retainer for the meetings no matter how many meetings nor how many attorneys attended, but outside of that, it was an hourly rate. Mr. Sale said his fee was \$205.00 per hour. With nothing further, **the motion passed by majority roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Nay</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

Ms. Myers thanked the Council.

**15 ITEM NO. 14 RESOLUTION 15-33, 2015 PARKS & RECREATION SPONSORSHIPS.**

Ms. Myers read Resolution 15-33 by title and explained that Mr. Ponek had created a sponsorship structure specific to the Concert Series and another for the sports programs at Frank Brown Park. Her firm had drafted a Sponsorship Agreement which she felt protected both the City and the sponsor.

Councilwoman Strange asked Ms. Myers what would happen if someone wanted to obtain a Sponsorship Agreement stating “Vote for John Doe”. Ms. Myers said that would be permitted. Mr. Gisbert reminded that the City had the right to reject and the Mayor said the City would not want a Jim Beam or Jack Daniels sponsorship as it would not be suitable for the Park. Ms. Myers said the City had the right to reject certain signage based on content but she could not recall whether political signage was an expressed reason why it would be an automatic rejection. Other than a political nature, the signage would have to fall into one of the other categories to be rejected. Mr. Ponek said the plan was for the sponsorships to come to him after the City Manager approval and if the request was out of the normal, it would come to the Council for approval. He also thanked Ms. Myers for her work in this project.

Councilman Reichard said he was concerned about the political signs and the past discussions about limiting the amount of time that the signs could be displayed. He said there had been many reasons why this could not be limited, so the issue had been dropped. He asked why “political” could now be mentioned in vehicle signs and sponsorships. Ms. Myers said the issue would be that it would not qualify as a sign if it was not visible from the right of way. In her

conversations with Mr. Ponek, the sign locations would not be visible from the right of way which was why they would be permissible and in her legal opinion, an acceptable sponsorship program. The Mayor called for further questions. Hearing none, **Councilwoman Strange made the motion to approve Resolution 15-33. Second was by Councilman Curry.** The Mayor said she wanted the signs to look nice and Mr. Gisbert said there would be consistent sizes. **The motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**16 ITEM NO. 15\* RESOLUTION 15-34, LONG BEACH RESORT COMMUNITY ASSOCIATION ROW REAL ESTATE SALES CONTRACT, FRONT BEACH ROAD SEGMENT 2.** The Mayor said this item with an asterisk was an issue in which the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 15-34 by title and explained that the issue sounded familiar because the Council had previously approved the contract for the Long Beach Resort Management for a different parcel. The Mayor called for questions or comments. Hearing none, **Councilman Russell made the motion to approve Resolution 15-34. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**17 ITEM NO. 16\* RESOLUTION 15-38, HILTON DEVELOPMENT AGREEMENT, FRONT BEACH ROAD SEGMENT 2.** The Mayor said this item with an asterisk was an issue in which the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 15-38 by title and explained that an amended set of documents was before each Councilor. She said the revisions on the table noted the differences between what had been published in the Agenda package. There were two sections with major revisions, Section 1 with the conveyance of property and Section 2. Hilton would give the City a drainage and utility easement across their parking lot and acknowledged a request for an easement in return on the south side of the road next to the City's beach access. This clarified that in addition to the utility easement given to the City, they would also give the City all of the improvements that were to be built within that easement, such as the stormwater pipes, utility pipes, etc. She said a portion of the easement was adjacent to the beach access easement and Staff did not believe it overlapped the easement but she wanted to qualify the conveyance until she could do the title report.

Councilwoman Strange asked if the City was giving Hilton the land. Ms. Myers replied that it would be offset and Mr. Gisbert added that it would be dollar for dollar as the parking lot had value from the beachside. It was a balanced appraisal because one site affected the other. Councilwoman Strange said this easement was 25' wide and Ms. Myers replied affirmatively.

Councilman Curry said the City would be receiving 9,477 square feet and asked what the City would be giving to Hilton. Mr. Gisbert said approximately 1,250 square feet with a defined boundary on all four sides. Ms. Myers said Hilton requested that both transactions occur simultaneously as much as practical. She continued that the other change was in 2D and explained that because Hilton was constructing the CRA improvements within the easement, she had provided for the City to inspect the property and status of the construction since the City would ultimately assume the maintenance of the property. Basically, the intent was for the City to have the opportunity to inspect the work.

Mr. Gisbert said title work remained to be done in order to finalize the Agreement but today's issue was giving Staff the authority to move forward. He said it was somewhat time-sensitive as the owners wanted to do the construction during the off-season.

Councilman Curry asked if this was the final document. Ms. Myers said it was close. She said walking into the meeting tonight, she was still uncertain to the nature of the City's title interest in this area. She said she felt uncomfortable agreeing with certainty how and when the City would convey anything to them without knowing how the process had happened. She elaborated, saying she wanted to make sure the City was protected. She said she had spoken with the other attorney who claimed the deed stated the site was not the right of way nor in the beach access easement but she had not yet seen that document. She said that language qualified the issue in order to keep the City's options open because she did not know.

Councilwoman Strange asked why not do the Agreement after all of the documentation was received. Ms. Myers said generally that was how the City operated with the Purchase Agreements. However, in this case, it was a little different because the owners were doing the construction of the CRA improvements for the City. She said the City would be purchasing an improved piece of property.

Councilman Curry said the owner and the construction company were the same entity. Mr. Gisbert said the owner could hire whatever construction company they wanted and certainly they would choose their own. In this instance, the work was not being done for the City but rather a price was given for the work and had been vetted by Staff.

Mayor Oberst said normally the Council agreed in the purchase of the property based on the condition of the title. Mr. Gisbert said even in the prior Agreement document, the City did not yet have the title. Councilman Curry said there were other questions beyond the title work. He asked if this Agreement would be complete if the title work came back clean. Ms. Myers replied that all of her qualifying language would be removed if she was comfortable with the title. He asked when the Council would receive a complete document. Ms. Myers said the Council could approve the Agreement exactly as presented and direct that there would be no further changes, or authorize her to make changes which meant if the City was able to sell the title, the Hilton would be given the easement and land.

Councilwoman Strange said the owner was doing the improvements and Councilman Reichard said the construction numbers had been reviewed by Mr. Gisbert and Mr. Alaghemand. Councilwoman Strange asked if this would be a bargain as opposed to the City doing the improvements. Mr. Alaghemand said he had reviewed all of the unit prices and they were very reasonable. He added that it would be a huge benefit for the owner to do the improvements, saving the City time and not dealing with construction during the season. Councilwoman Strange questioned if the land would not be sold unless the owner could do the improvements themselves. Mr. Alaghemand said he had not heard those comments. Councilman Reichard reminded that this was a willing seller. Mr. Gisbert said that was a big component and reminded that this project would close their parking access when the construction was in progress. He said this was not the typical easement because it bisected their parcel, cut off their tunnel and main entrance into parking. He said it was a substantial imposition into their property.

Councilwoman Strange said they wanted to do the work themselves. Mr. Gisbert replied affirmatively because they wanted to control the timing and quality of the work because it was in the middle of their property. Ms. Myers added that this was similar to the public partnership with Wal-Mart when they built improvements on Powell Adams. Councilman Curry asked Mr. Alaghemand if he thought this was setting a future precedent for landowners along the CRA to specify who would be the construction company. Mr. Alaghemand said he did not know but for the future segments, the City would not need this type of easement. This was unique because of bypassing the tunnel under Front Beach Road. Councilman Curry said it was logical but was concerned about setting a precedent moving forward. He continued that the second issue was his concern that if the CRA did not proceed as planned and improvements were done, capped off at each end, if he thought there would be problems connecting to the improvements in the future without spending extra funds. Mr. Alaghemand said he did not see any future problems as the improvements would be built according to the CRA's final designs. He said as-builts would be provided every step of the way which would help tie into them correctly when that point was reached. Councilman Curry asked if the improvement warranties began when the improvements were built and Mr. Alaghemand said correct and that he was concerned about that as well. He said the City would not be losing any money by going this route as the unit prices were reasonable.

Councilman Curry said with working on this document until the last moment and if the City Attorney was confident that this version was the last, he was confident in making the decision going forward. However, if Staff needed a few more days for the due diligence, another meeting could be scheduled. Ms. Myers said this document was her final Agreement but she believed the property owner had more comments to this version. She said the Council was authorized to approve this version and if more modifications to be made were substantial, Staff could bring back a modification to the Agreement. This would allow her more opportunity to do

more research into the City's interests. Councilwoman Strange said she wanted to see the comments and Councilman Curry concurred. Ms. Myers said she could not speak for the landowner but this was her final version being presented for approval. The Council did not have to approve the Agreement, knowing that other comments were to be made or that the Developer would like more revisions to the document. Mr. Gisbert said if there were modifications to this final document, the new version would be submitted to Council.

Councilman Reichard reminded that it was unusual because one of the property owners was a contractor and another was an attorney. Councilwoman Strange said she did not like the idea that more comments were forthcoming and although she understood that the City Manager would not approve anything substantial, she was concerned that he might think it not substantial and the Council differ. Mr. Gisbert said it would go back to legal counsel to verify the City was not being placed in a bad place. He said he believed the gist of the forthcoming comments dealt with the right of way and ownership, which were title-type issues that were the same as the previous Contract. It was similar in this location. He said if a title issue arose on the other contract, the City would either stop, revise, or accept the comments. Mr. Gisbert said the City did not have the title on the Long Beach contract and Ms. Myers said there were provisions within that real estate contract that would allow the City to walk away in the event there was a title problem. **Councilman Reichard made the motion to approve Resolution 15-38. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Nay</b> |
| <b>Councilman Curry</b>     | <b>Nay</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**18 ITEM NO. 17 UPDATED FIRE DEPARTMENT JOB DESCRIPTIONS.**

Mr. Gisbert said Fire Chief Daly had prepared updated job descriptions because of the pay plan study. He explained the current stipends being received for the Firefighters who received their EMT, paramedic, and driver certifications. Now a specific job description was created for those levels where in the past, there was one job description with small bonuses given for the different certifications. All of the job descriptions were updated to meet more current standards.

Councilman Reichard asked if the Fire Inspector Lieutenant was due for a promotion to Captain. Mr. Gisbert said anyone rising in rank would have to go through Civil Service. Councilman Reichard said this document looked like he was being promoted to Captain. Ms. White clarified that the position now for Fire Inspector was a Lieutenant and in the restructuring, the Fire Inspector would be a Captain. Chief Daly said the Fire Inspector position was unique because the City only had one. The Captaincy was created in order for the Fire Inspector to rise in rank. Councilman Reichard said he would be promoted provided Civil Service agreed. Chief Daly said that was merely a suggestion.

Chief Daly said in response to Councilwoman Strange's comments earlier, that this was succession planning within the Fire Department. He said he had seven employees in the DROP program, and six were Officers, so he wanted his men prepared when the future officers left the service. He reminded that everything would go through Civil Service and acknowledged the changes were long overdue. He said all of these changes were for the future growth of the Department as they would probably come back to the Council in the future for more firefighters. Mayor Oberst said the Parks and Recreation restructuring was already completed and probably the remaining Departments needed to look at their employees as well as most of the other job descriptions being old and stale. Mr. Gisbert said he anticipated the new City Clerk would be able to help with the process.

Additional discussion ensued concerning the Fire Inspector and Chief Daly said a Firefighter could be used as the Fire Inspector but more times than not, the employee would be a Lieutenant.

With nothing further, **Councilman Russell made the motion to approve the Fire Department job descriptions. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Curry</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Councilman Russell</b>   | <b>Aye</b> |
| <b>Mayor Oberst</b>         | <b>Aye</b> |

**19 ITEM NO. 18 CITY MANAGER UPDATE.** Mr. Gisbert congratulated the City baseball team as they had placed #1 for the league. He said two players in the audience were on the team. He reported that the asbestos abatement had started at the Beach Club Motel.

The Conservation Park would officially reopen tomorrow as the harvest was essentially complete.

He distributed a handout concerning the RESTORE ACT and said that the City had two projects, the beach outfalls working in conjunction with the County, and a sanitary sewer project in the Laguna Beach area. He said it was not guaranteed that the City would receive the funds but it meant the City moved to the next level. Councilwoman Strange asked about the Panama City Beach Sports Village and Mr. Gisbert replied that was the TDC. Councilman Russell asked how many more levels of the process remained. Mr. Gisbert said that would be a Bay County question. Mayor Oberst said the process began with ninety-plus projects and now there were forty-plus projects.

Councilwoman Strange asked Chief Daly if there was a controlled burn today. Chief Daly replied affirmatively and Mr. Shortt added some information from the audience that some burning of the leftover materials from the harvesting was occurring.

### **ANNOUNCEMENTS**

**ITEM 1 CHRISTMAS PARADE.** Mayor Oberst announced the Christmas Parade would be held Saturday afternoon, December 13<sup>th</sup>, beginning at 5 P.M.

**ITEM 2 NEW YEAR'S EVE.** The Mayor announced that the New Year's Eve ball drop would be held at Pier Park.

**ITEM 3 NEXT CITY COUNCIL MEETING.** The Mayor announced the next Council meeting would be January 8<sup>th</sup> at 6 P.M. and City Hall would be closed December 24<sup>th</sup> and December 25<sup>th</sup> for the Christmas holidays.

With nothing further, the Mayor wished everyone a Merry Christmas and adjourned the meeting at 8:00 P.M.

READ AND APPROVED this 22nd 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:

\_\_\_\_\_  
City Clerk