

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 January 8, 2015.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
DEPUTY CITY CLERK:
JO SMITH
ASSISTANT CITY ATTORNEY:
AMY MYERS

Mayor Oberst called the meeting to order at 6:02 P.M., with all the Council, the City Manager, Deputy City Clerk and Assistant City Attorney present.

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

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

The Minutes of the Regular Meeting of October 23 and the Regular Meeting of November 13, 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 Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Aye

CONSENT AGENDA

1. REVISION OF THE CITY MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. STAFF RECOMMENDS approval to remove obsolete 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 February 7, 2015.

2. RESOLUTION 15-29, STORMWATER DEPARTMENT- JOHN DEERE 310SK LOADER BACKHOE. STAFF RECOMMENDS that the Council authorize the City Manager to purchase one John Deere 310SK Loader Backhoe with the Florida Sheriff's Association Contract #12014-15 Contract for Vehicles and Equipment Contract #14-12-0904, copy attached, in the amount of \$77,293. The Stormwater Department has sufficient funds budgeted in the current year for this purchase. "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 Nortrax, Inc., relating to the purchase of a John Deere 310SK Loader Backhoe, in the basic amount of \$77,293, in substantially the terms and conditions of the quote attached and presented to the Council today, dated October 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 15-43, 2015 PCB MARDI GRAS & MUSIC FESTIVAL BOURBON STREET PARTY AND PARADE ROAD CLOSURES. "A Resolution authorizing the temporary closing of portions of L. C. Hilton Jr. Drive and Pier Park Drive to permit the 2015 PCB Mardi Gras & Music Festival Bourbon Street Party on February 13 and February 14, 2015; authorizing the temporary closure of portions of Front Beach Road on Saturday, February 14, 2015 to permit the 2015 PCB Mardi Gras & Music Festival Parade; and providing an immediately effective date."

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4. **RESOLUTION 15-45, BIDS- CITY AUCTIONEER. STAFF RECOMMENDS APPROVAL** to contract with Evans Auctioneers, Inc. **“BE IT RESOLVED** that the appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and Evans Auctioneers, to conduct an auction of the City’s surplus property, vehicles and equipment, on February 7, 2015, for a fee of 5% of the total proceeds received, in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution of such agreement shall be conclusive evidence of such approval.”

5. **RESOLUTION 15-46, BIDS- PCBPD VEHICLE PURCHASE. STAFF RECOMMENDS approval** of contract with Bay Dodge. **“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 Bay Dodge Chrysler Jeep, relating to the purchase of one 2015 Dodge Charger for the Police Department, in the an amount not to exceed \$24,879.50, 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. Smith read the Consent Agenda. The Mayor asked for comments from the Council. Hearing none, **Councilman Curry made the motion to approve the Consent Agenda. Second was by Councilman Russell. The motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

1. **ITEM NO. 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD.** Mayor Oberst introduced Ms. Sarah Elbana and presented her with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated her. After a brief speech by Ms. Elbana, Mr. Ryan Roberts presented her with a gift card donated by a local business.

2. **ITEM NO. 2 ORDINANCE 1329, AMENDING LDC REGARDING GROUP C SETBACKS, 2ND READING, PUBLIC HEARING AND ADOPTION.** Mayor Oberst opened the Public Hearing at 6:14 P.M. Ms. Myers read Ordinance 1329 by title. Mr. Leonard said the Planning Board and Staff unanimously recommended approval and that this Ordinance and the next four Ordinances would correct various items in the LDC. Mayor Oberst asked if there were any questions for Mr. Leonard and there were none. **Councilman Russell made the motion to approve Ordinance 1329. Second was by Councilman Reichard.** The Mayor called for comments or questions from the audience; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

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

3. **ITEM NO. 3 ORDINANCE 1330, AMENDING DEFINITION OF FLAGS, 2ND READING, PUBLIC HEARING AND ADOPTION.** Mayor Oberst opened the Public Hearing at 6:15 P.M. Ms. Myers read Ordinance 1330 by title. Mr. Leonard said the Planning Board and Staff unanimously recommended approval. Mayor Oberst asked if there were any questions for Mr. Leonard and there were none. **Councilwoman Strange made the motion to approve Ordinance 1330. 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 Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Aye

The Public Hearing was closed at 6:16 P.M.

4. ITEM NO. 4 ORDINANCE 1331, AMENDING LDC REGARDING PARKING LOT SURFACES, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:16 P.M. Ms. Myers read Ordinance 1331 by title. Mr. Leonard said the Planning Board and Staff unanimously recommended approval. Mayor Oberst asked if there were any questions for Mr. Leonard and there were none. **Councilwoman Strange made the motion to approve Ordinance 1331. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

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

5. ITEM NO. 5 ORDINANCE 1332, AMENDING LDC REGARDING SITE DESIGN STANDARDS R2 ZONING, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:17 P.M. Ms. Myers read Ordinance 1332 by title. Mr. Leonard said the Planning Board and Staff unanimously recommended approval. Mayor Oberst asked if there were any questions for Mr. Leonard and there were none. **Councilwoman Strange 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:**

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

The Public Hearing was closed at 6:18 P.M.

6. ITEM NO. 6 ORDINANCE 1334, AMENDING LDC REGARDING FENCES AND WALLS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:18 P.M. Ms. Myers read Ordinance 1334 by title. Mr. Leonard said the Planning Board and Staff unanimously recommended approval. Mayor Oberst asked if there were any questions for Mr. Leonard and there were none. **Councilman Russell made the motion to approve Ordinance 1334. Second was by Councilman Curry.** The Mayor called for comments or questions from the audience; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

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

Mayor Oberst reminded the audience about the Three Minute Speaking Rule and that there were forms on the table for those audience members who wished to address the Council. She said she had received one form regarding the following Ordinance.

7. ITEM NO. 7 ORDINANCE 1337, SCOOTER ORDINANCE FINDINGS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:20 P.M. Ms. Myers read Ordinance 1337 by title and explained that this Ordinance would confirm the evolution of the three Scooter Ordinances adopted over the course of the summer season and confirm for the industry the final version of the law and the reasons it was adopted, all rolled into one place.

Mr. Gisbert said data, phone calls, reactions from visitors and locals, and effects seen by the Council members needed to be voiced during this Public Hearing. He said he had witnessed an accident involving a scooter and local worker. After checking the health of the scooter driver, the vehicle owner had said he knew that no insurance was available and sent the scooter operator on his way. Mr. Gisbert continued that scooters would occasionally travel in the bike lanes past slower moving traffic which meant they would not be visible to other drivers. The vest requirement would make the scooter operators more visible. That operators must sign acknowledging the traffic rules was another component of the Ordinances. Mr. Gisbert said the operators had been given the option to wear helmets. Regarding insurance, the City had received numerous calls from vehicle owners involved in accidents who had no one to call as the scooter operators had no insurance.

Chief Whitman said after Spring Break, the Ordinances were revamped to create some experimental Ordinances and the Scooter Ordinances were part of those experiments. Vests were addressed as well as flags and the vests worked so well for visibility that Staff recommended removing the flag regulations. He gave a brief history of the scooters on the beach. Chief Whitman said in the past, the kids treated the scooters like bicycles but with the required safety brochure, the operators know they could not treat the scooter as an amusement.

Chief Whitman explained that the insurance had always been a problem as no one had the insurance to pay for accidents. During 2013, he reported that there were 155 documented scooter accidents with 49 injuries. During 2014, there were 64 injuries and 1 death. He said the insurance requirement would help pay for damages caused by the scooters.

Councilwoman Strange asked if the scooters should be driven on the Parkway. Chief Whitman replied that the scooters should not be operated on any roadway over 35 miles MPH and the Highway Patrol would stop the scooters if driven on the Parkway or Hathaway Bridge. He said most of the kids stayed on Front Beach Road and rarely traveled over the Bridge.

Mr. Gisbert explained that the safety brochure and forms were to be signed by the drivers but when the scooter left the shop, numerous drivers operated the scooter. He said many kids did not have experience to operate the scooters and were using them more as a toy, not as a means of transportation.

Councilman Russell said many people contacted him with their appreciation for the City requiring the operators to wear the vests. Chief Whitman said he had asked some of the kids if they would change their minds about riding the mopeds if the vests were required and they had replied no and did not mind wearing the vests. Additionally, the businesses were able to advertise on the backs of the vests. Mr. Gisbert said parents had told him they were thankful the City required the vests. Councilwoman Strange agreed that the vests made the scooters more visible.

Mr. Rims Roof, California Cycles, said comments had been made which were opinions, not facts, such as "numerous" and "several". He said these scooters should not be classified as an amusement and rentals averaged one to two hours; he said the survey of their rentals were 51% were overnight and only 5% one hour. He said the scooters were used as transportation and the average age of their operators were 24 years old, a legal adult, not a kid. Even during Spring Break, the renters were college kids. Mr. Roof said he felt these regulations were infringing upon their right to run a business as they were legal and giving a service to vacationers. They were also concerned about wrecks as they did not want their equipment damaged nor people hurt. He stated this Ordinance was not legal. He said they did not want lawsuits but felt their rights were not being respected.

Councilman Curry said the Council had adopted three Ordinances earlier this year and now it appeared that another was being proposed to wrap up all of the issues because the City was involved in a lawsuit. He said he thought the City was in the right place with the Ordinance but he felt it could have been better without the fast-tracked legislation earlier this summer.

Mayor Oberst said the Council members understood Mr. Roof's side and no one wanted to infringe upon their business. However, steps could be taken to make the scooters safer. She said if the City had been looking at the scooter issues more closely over the years, some of these problems would have been addressed earlier. She said she supported the Chief's recommendations. With no further comments, **Councilwoman Strange made the motion to approve Ordinance 1337. 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 Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Aye

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

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8. ITEM NO. 8 ORDINANCE 1338, PROHIBITING DUNE WALKOVERS, DISCUSSION, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:43 P.M. Mr. Gisbert said this issue had been a discussion point at the November 13th Council meeting and Staff was directed to bring something back to Council. Mr. Leonard created a set of regulations for legal Staff to review and Ms. Myers drafted the proposed Ordinance merely for discussion. He said the area in question was fairly isolated, about ¼ mile long with 10 beach accesses and 15 to 20 residential/townhome lots.

Councilman Reichard said he had understood that the Council had directed Staff to research the matter and come back for further discussion. He had thought the Council would be presented with more information instead of a draft Ordinance. Councilman Curry said he concurred as he thought there were more pressing matters to address in the City.

Councilman Russell said he had been asked by some of the residents to visit Beach Boulevard and look at a dune crossover that they felt impeded their view. Other residents said they felt it was disruptive to the continuity of their area. He said he told the residents that he would see if future dune walkovers could be prohibited.

Councilman Curry questioned if this should take away the property owners' rights and spot zone for those residents' concerns. He also visited the area and spoke to some of the residents and the new walkovers were up to State Codes and standards. However, the City's beach easements were not up to current code. He said property owners' rights came first and he questioned if the City would now legislate views. Councilwoman Strange said the City was already doing so with the LDC and she understood both sides of the issue. She said the City was already governing the rights of the condominium developers by regulating height. Councilman Curry agreed but questioned creating a new overlay district. He said many other types of obstructions impeded the view, such as the position of the townhouse on the land or the height of the dune.

Councilwoman Strange said she understood the residents wanting to protect the natural cut-throughs which worked well over the years. She concurred about the City's beach accesses but Mother Nature would correct those problems.

Councilman Reichard said what dictated the height of the walkway was the exceptionally high dune in that area. He said the owner properly permitted the walkway and some residents who complained lived many lots away from the home.

Mayor Oberst said it was a nice looking walkway but it was tall and the public walkway was next to that house. She said the deck could have been extended to the public walkway.

Mr. Dennis Stoica, resident of 9800 Beach Boulevard, said the crossover was at 9802 Beach Blvd. The nearby neighbors were surprised at the owners receiving FDEP approval and how quickly the walkway had been built. He said the neighbors had not been notified when the walkway was being built and had no opportunity to address the situation. Mr. Stoica said the neighbors would have no complaints if the walkway was only on their property; however, the complaint was the walkway on State property. He said it definitely impacted their view and significantly reduced their property values because their view out the side of their home was gone. Mr. Stoica said there was nothing they could do for their home as it was already done. He was speaking for the other owners asking the Council not to let what happened to him happen to other property owners. He identified his property on the map and stated that another walkover was built at 9704 Beach Boulevard. His concern was if the Council spent a lot of time talking about this issue, there would be more walkways built.

Councilman Reichard asked Mr. Leonard when the walkway was requested and approved. Mr. Leonard replied that he did not know exactly because the City would supply a letter of compliance to FDEP when anyone had an application being submitted to the State. He said this request seemed to take the normal path and he was not aware of this permit being any faster than others. Councilman Reichard asked if the neighbors were not required to be noticed since it was not a change in zoning or any change. Mr. Leonard said that was correct because on the City level, this was a building permit.

Ms. Debra Williams, resident of 9720 Beach Boulevard, said this had diminished their views and property values. She asked the Council to remember that the majority of the walkway was on State property, not their personal property, when discussing infringing upon owners' rights. She said the walkway was well built but was concerned that it would set a precedent, as she had been out of town for one week and the walkway at 9704 Beach had been built. She stated that the walkway at 9704 was poorly built and she was concerned about the next storm causing projectiles and incredible damage. She said with this setting a precedent, there may be 15 to 20 additional walkways in their area which would completely ruin the aesthetics of the neighborhood and dunes. She said there were public accesses every 40' in the neighborhood.

Councilman Reichard asked if this new overlay district would only be ten lots since it would seem there could only be at most 9 more walkways. Ms. Williams said there were more than ten lots which could build a private walkway. Mr. Leonard confirmed that the ten were the existing beach accesses and about 26 lots. Councilman Reichard said the neighbors had not been guaranteed a panoramic view from their property. Councilman Curry said Ms. Williams brought up a wonderful point about projectiles and that he was very concerned about the City's existing walkovers. Councilwoman Strange said the accesses were grandfathered and when rebuilt, would have to be compliant with the new State codes. Ms. Williams said fair dunes had been present prior to Hurricane Opal so the neighborhood did all they could to protect the dunes. She said the dunes had not been present when the City built the accesses.

Mr. Gisbert explained that dunes migrated and changed and the migration was a natural part of the ecosystem. Mayor Oberst said a resident asked her if the City could dictate what the people could do on the beach, that the understanding was that FDEP controlled the building on the sand. She questioned Mr. Leonard if the City could prohibit private walkovers. Mr. Leonard said Ms. Myers had researched and felt comfortable enough to create the proposed Ordinance.

Councilman Curry asked if the beach overlay encompassed State lands. Mr. Leonard replied affirmatively. Mayor Oberst said this was similar to the City regulating the beach rentals behind resorts. Mr. Leonard said the City limits went 300' into the Gulf.

Councilman Reichard said the upland property owner owned to the mean highwater mark and asked Ms. Myers if this did not apply to the lots in this area. Ms. Myers replied she had not focused her analysis on whether the City was authorized to do this prohibition based upon the State's ownership or the private landowners'. She said she focused on who had the authority to regulate the construction and where, and the State regulated the construction seaward of the coastal construction control line. Mayor Oberst said it depended upon the language of the deeds. Councilman Reichard questioned if the State owned that land. Mr. Leonard said that would be a legal determination but it seemed there would be a distinction between State jurisdiction and State ownership. He noted that the property lines did not go to the mean highwater line and everything south of the marks were more than merely State jurisdiction but somewhat part of state ownership or control. Ms. Myers said these were platted lands but she would research to the dedication to verify.

Councilman Russell made the motion to approve Ordinance 1338. Second was by Councilwoman Strange. Ms. Myers read Ordinance 1338 by title and corrected the first recitals to state there were 10 public beach accesses.

Councilman Reichard asked about elevated walkways and the definition of elevated. He said he did not consider the walkways elevated because they crossed a gully. Councilwoman Strange suggested the language as private dune walkovers shall be prohibited. Councilman Curry said he agreed with Councilman Reichard in that this was fast track legislation based upon spot zoning for a few people. Councilman Reichard questioned if the City would be faced with more overlay areas with this setting a precedent and if this prohibition would apply to a new hotel or condominium. The Mayor confirmed that the regulations would apply if located within the new overlay area. Councilman Curry said this was setting a precedent and he felt the City should not trample the property owners' rights when FDEP approved the project. Councilwoman Strange suggested that the walkway cast the other residents into the shadows and that more walkways may be built in the future due to this precedent. In response to the question from Councilman Curry, Mr. Leonard confirmed that both walkways did not violate the LDC. With nothing further, **the motion passed by majority roll call vote recorded as follows:**

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

The Public Hearing was closed at 7:30 P.M.

9. ITEM NO. 9* RESOLUTION 15-41, BIDS- ALF COLEMAN RESURFACING & SIDEWALK PROJECT. Mayor Oberst said this item was noted with an asterisk which meant the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 15-41 by title.

Mr. Alaghemand said this project would not help with the flooding as it was only adding sidewalks in the right-of-way. He displayed a drawing of the project and identified the areas being resurfaced and the new sidewalks. He said the project would not disturb the existing ditches and the sidewalk would be strictly on the east side of the roadway. Mr. Alaghemand said this would not help the standing water situation and the new construction would not create a significant amount of additional stormwater.

Councilman Reichard asked the schedule of the project if approved tonight. Mr. Alaghemand replied if approved tonight, the Notice of Award, the Notice to Proceed, start construction within fifteen days and completion within sixty days. In response to the Mayor, Mr. Alaghemand outlined the street areas being resurfaced and restriped. He said they would also improve the Hutchison Blvd. turnlane with what limited space was available and explained in detail. He said this would be a good short-term improvement because eventually, Alf Coleman would be four-laned. **Councilman Reichard made the motion to approve Resolution 15-41. Second was by Councilman Curry. The motion passed by unanimous roll call vote recorded as follows:**

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

10. ITEM NO. 10 RESOLUTION 15-42, SALARY STUDY SALARY ADJUSTMENTS BUDGET AMENDMENT #7, PUBLIC HEARING. The Mayor opened the Public Hearing at 7:40 P.M. Ms. Myers read Resolution 15-42 by title. Mr. Gisbert explained that the Council approved moving forward with the pay plan study provided by Evergreen at the last meeting. He said Staff looked at the different Department budgets and made the various Budget Amendments to implement the plan. The total for all Departments would be approximately Three Hundred Thirty-Six Thousand Dollars (\$336,000) and would provide raises for 161 employees who were currently paid below their peers. He reminded that all employees received the 2% COLA. He continued that 90 employees were at or above the median for that pay scale so they would receive no increase. Within this process, two maximums would be provided for the raises, 5% or Five Thousand Dollars (\$5,000), whichever was greater. He said next year, those employees would be increased to finish out their total raise, affecting about fifteen employees. The next step would be compensating those employees for excellent performance.

Mayor Oberst said this Budget Amendment would fund the raises and any employee who was promoted or received another certification, their raise would be retroactive to the date of their promotion/additional license/certification, etc.

Councilwoman Strange said the Fire Department and Police Department had completed their restructuring. She asked if the other Departments would be able to restructure the employees. Mr. Gisbert replied yes and that Parks & Recreation, Aquatics, Police and Fire had already updated their job descriptions. He agreed that all job descriptions needed to be updated and reminded that Evergreen reviewed what the employees did in their jobs, not looking at the City's stale job descriptions. Councilwoman Strange asked if the funds were evenly spread out among the Departments and if some of the City's Departments had been seriously lacking. Mr. Gisbert said the Police Department was the most seriously lacking, and then Fire, and then Water, but every Department had some segment lacking.

Councilman Reichard asked if the goal was to bring all employees up to par and then in future, raises would be based on merit after an annual review which would start this year. Mr. Gisbert said that was another step to take. Councilman Reichard said this would be part of the package. Mr. Gisbert said the City had the opportunity for merit raises in the future. Mayor Oberst said she would not vote for that.

Councilman Curry said not all job descriptions had been updated and asked if there had not been enough time to update everyone. Mr. Gisbert said the old job descriptions should be updated and was one of the duties that the new City Clerk would perform.

Councilman Russell asked what would occur if a Department Head wanted to change someone's title. Mr. Gisbert replied if the employee had a promotion, a reclassification, or job change, it would go through Civil Service. Councilwoman Strange asked if the Department Heads had been given the chance to restructure with the Evergreen consultants. Mr. Gisbert replied that every Department Head reviewed every employee's questionnaire and could provide comments. However, structure and performance were two different things; Evergreen did not look at structure, only performance of duties.

Councilman Curry asked Mr. Gisbert if any Department Heads or individuals came to him, asking to redo some positions or that they did not agree with the results. Mr. Gisbert replied that two Department Heads came to him, asking to restructure their Departments. He said updating the job descriptions was a good exercise and needed to be done but it would not change this study because it was based on what the employees were doing on a daily basis.

Mayor Oberst said when the pay structure was approved and this Budget Amendment approved, then the Council would discuss future merit raises or COLAs or steps/ranges. Councilman Reichard asked Mr. Gisbert when this discussion might occur. Mr. Gisbert said he

wanted to start the annual reviews in the quiet months and have whatever adjustments built into the budget.

Councilman Curry questioned retroactive pay increases for not only those employees promoted but also any employee who was underpaid in the comparison. Mr. Gisbert said any employee currently underpaid would receive a raise effective February 12th but the employee with a promotion would have their increase effective the date of the promotion. **Councilman Curry made the motion to approve Resolution 15-42. Second was by Councilman Reichard.** The Mayor called for comments.

Mr. Phil Chester, resident of 233 Moonlight Bay and member of the Civil Service Board, said the employees being promoted would go before the Civil Service Board and be reinterviewed. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 8:00 P.M.

11. ITEM NO. 11* RESOLUTION 15-44, FIRST AMENDMENT TO HOLIDAY RESORT PCB, INC., DEVELOPMENT AGREEMENT, FRONT BEACH ROAD SEGMENT 2 IMPROVEMENT PROJECT. Mayor Oberst said this item was noted with an asterisk which meant the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 15-44 by title and explained that Mr. Gisbert had not made any revisions to the form of the Agreement presented last time so all changes proposed or discussed since that time were presented now. She summarized the changes as 1) clarifying the conveyances, 2) clarifying where the Developer’s contractor had the authority to act, not just the Developer, and 3) clarifying compensation and set-off value. Ms. Myers said on the last page, it acknowledged that this First Amendment and the original Agreement constituted the entire Agreement between the parties.

Councilman Curry asked if the original Agreement approved at the earlier Council meeting had not been approved by Holiday Inn. Mr. Gisbert said this document was an Amendment to that Agreement. **Councilman Reichard made the motion to approve Resolution 15-44. 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 Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Aye

12. ITEM NO. 12 GARBAGE FRANCHISE-DISCUSSION. Mr. Gisbert said one of the Council members had asked to bring up garbage as a discussion point. About two years ago, the Council was presented with a Franchise Agreement and the approval died for lack of a majority vote. He asked for Council’s direction about moving forward.

Councilman Russell said he would like to see a Franchise Agreement and wanted to ask Staff to come back with options to discuss. However, he said he did not want the City go through the three-year cycle again or displace any business.

Councilman Reichard said he recalled a concern about the Council dictating which hauler would service the residents. He said he would like to avoid dictating which hauler would be used. Mr. Gisbert said one option would be for the current hauler to be maintained. Councilwoman Strange asked about part-time residents and if they would be required to pay for year-round service. Mr. Gisbert said that would be an option.

Mayor Oberst said if the Council was discussing a franchise, this would require anyone hauling garbage to come to the City and pay a franchise fee. Mr. Gisbert asked if the Council desired mandatory or voluntary garbage service. Councilman Curry said the City already had an Ordinance requiring everyone to have a garbage can. Mr. Gisbert said the City did not have a nexus to determine if that was happening or knowing who had service.

Councilman Curry asked what was the problem. Councilman Russell said a lot of the neighborhoods with rentals had problems with the renters thinking garbage service was provided,

fill the cans, and then the garbage sat until someone else hauled it off or was scattered over the neighborhood. Councilman Curry said the City had Code Enforcement and that he was against a franchise because the next step would be charging a fee. Councilman Russell said he had been informed by the haulers that a franchise would improve their business and possibly lower their prices. Councilman Curry said if they could guarantee that price control and the City not charge a franchise fee, it would be more palatable.

Mayor Oberst said she would prefer a franchise because the City did not know who was hauling the garbage, and when someone called City Hall to say their garbage was not picked up, we had no way to tell them who would be responsible for the pickup. With a Franchise Agreement, the City would have some control by requiring uniformed drivers, a certain number of trucks, certain hours of pickup, etc. She said right now, the City had no control.

Councilman Reichard said the problem was the rental properties which had no garbage service at all and their neighbors had to police the garbage bags. Councilman Curry said service was already required by current code, and the owner could be fined. He could see advantages for a franchise, with fewer trash trucks traveling the roads but the City needed to get out of the trash business and not pick up any residential trash. Councilwoman Strange said she did not believe people who took their trash to the dump should be penalized and Councilman Curry agreed. Councilman Reichard mentioned garbage being scattered out of the trucks enroute to the dump. Councilman Curry said a franchise would not fix that problem.

Councilman Curry said the City should enforce the current code and issue fines and not place more taxes on the residents. He said the owners should be responsible. Councilman Reichard said he liked the idea of Staff returning with options after meeting with the haulers. Councilman Russell said one option would be choosing your own hauler and the number of times of pickup per week. Councilwoman Strange said that would mean that it would be mandatory to have a hauler which she opposed and this was putting the residents at fault because of other people not policing themselves and blamed the tourists. Councilman Russell said about 80% of the people had haulers and the problem were the rentals who placed bags out at the street or left garbage in the cans at the street for weeks until the City or a neighbor resorted to removing the trash. He said he would like some options for the City to have control over those situations. **Councilman Curry made the motion to let the matter lie. Second was by Councilwoman Strange.** The Mayor called for comments and said she was not voting for mandatory garbage service. She said she thought the City needed a franchise to know who was hauling trash in the City limits. Councilman Curry said he opposed mandatory garbage and additional taxes.

The motion failed by majority roll call vote recorded as follows:

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

13. ITEM NO. 13 CITY MANAGER UPDATE. Mr. Gisbert said the Planning Board had a Hearing for Calypso Tower 3 and it was approved. The residents appealed and a Rehearing should be held for that appeal. He asked if the Council would consider February 12th at 4:00 P.M. prior to the 6 P.M. Regular Council meeting. Mr. Theriaque had already been contacted and he could be here if that time was agreeable. There were no objections.

Regarding Spring Break, one of the local convenience stores had asked if the 2 A.M. deadline for alcohol sales included them and were advised it included all establishments that sold or served alcohol. He said he spoke with the Super Wal-Mart who acknowledged that they knew the new regulation and had no problems.

Mr. Gisbert said in the past, the City had a paraglider event and possibly this year the event may occur again so he wanted to update the Council. No date or times had yet been set.

The City had never had a rigid waterslide built on the sandy beach during Spring Break. This would be the first time anyone had requested approval to build a rigid temporary waterslide, about 110' long. He had not yet received the full set of plans. Councilwoman Strange asked if Edgewater at one time had one behind the resort and Mr. Gisbert said that had been an inflatable waterslide, not rigid.

The Beach Club Motel had the asbestos removed and demolition should begin shortly.

Mr. Gisbert said there would be a controlled burn in the Conservation Park over the next two days due to favorable weather.

He said Staff had been working on the building plans for the new Police, Water, and Building Departments. The plans were in his office and the specifications were complete. His

plan was to put out the RFQ this week to find qualified contractors to build the new buildings. He explained the process. The Council members said to get the ball rolling.

Councilwoman Strange asked about the FLC Ethics Summit, and so far, the only date scheduled was a Council meeting date. Mr. Gisbert said a private business was willing to offer the training at a cost. Ms. Myers said her firm would offer the training during the summer at no cost.

ANNOUNCEMENTS

ITEM 1 MS. WHITE. Mayor Oberst advised the audience that Ms. White had recently had surgery and should be back to work part-time on Monday.

ITEM 2 CITY CLERK. The Mayor advised that the City was still accepting applications for the new City Clerk/HR position. She said the application packet was on the City website.

ITEM 3 FIRST RESPONDER WEEK. Governor Scott announced that this week was designated to honor the Florida First Responders. She read portions of the Governor's Proclamation and agreed that the City honored and appreciated our First Responders.

FLOOR ITEM

ITEM 1 JOE KENNEDY. Mr. Joe Kennedy, 318 Bryn Court, asked about the vote on the garbage issue. The Mayor said the majority voted to bring the issue back to Council. He asked if future discussions would include the haulers and the Mayor said of course.

With nothing further, the meeting was adjourned at 8:35 P.M.

READ AND APPROVED this 12th of February, 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