

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 22, 2015.

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

Reverend Joe Lay of the Woodlawn 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. **Councilwoman Strange made the motion to add "Colony Club - Discussion" to the Agenda. Second was by Councilman Curry.** The Mayor called for comments. She added that the City Manager had information about Colony Club for the Council under his update. Councilwoman Strange said she still wanted it as a separate item for discussion. **Without unanimous consent, the motion failed by roll call vote recorded as follows:**

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

Mayor Oberst said she thought the Council should wait and let the City Manager give more information and then bring the matter back to Council for more discussion. With nothing further, **the Agenda was accepted as presented.**

The Minutes of the Regular Meeting of December 11, 2014 were **read and approved as written per motion by Councilman Russell. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

There were no Consent Agenda Items.

The Mayor reminded that the City had a Three Minute Speaking Rule when discussing an issue and asked that anyone who wished to address the Council to fill out the forms on the table and hand to the City Clerk.

REGULAR AGENDA

1. ITEM NO. 1 ORDINANCE 1328, AMENDING LDC REGARDING APPEALS PROCEDURE, 1ST READING. Ms. Myers read Ordinance 1328 by title and explained that current Code provided that Staff would prepare a report for the Board hearing the request five days prior to the Hearing. When the person requesting the Hearing had amendments that would fall within that ten day window, Staff would not have sufficient time to adequately

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respond and prepare the report. In response to the Mayor's question, this would not change the time for an appeal but if they planned to make an amendment to the grounds for the appeal, then it must be within ten days prior to the Hearing. The Mayor asked if there were any questions and there were none. **Councilman Reichard made the motion to approve Ordinance 1328. Second was by Councilman Russell.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

2. ITEM NO. 2 ORDINANCE 1339, SPECIAL EVENT APPLICATION DEADLINE, 1ST READING. Ms. Myers read Ordinance 1339 by title and explained that completed applications for all Special Events must be submitted no less than thirty days prior to the opening of the Special Event. The Mayor asked if there were any questions and there were none. **Councilwoman Strange made the motion to approve Ordinance 1339. Second was by Councilman Curry.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

3. ITEM NO. 3 RESOLUTION 15-39, RATIFICATION OF INTERLOCAL AGREEMENT PREFERRED GOVERNMENTAL INSURANCE TRUST FOR AMPHITHEATER FACILITIES INSURANCE. Ms. Myers read Resolution 15-39 by title. Mr. Gisbert explained that last year, he had approved the insurance for the Amphitheater since it was within his Ten Thousand Dollar authority. Now that the bathroom coverage was added, it was over his authority so it was brought to the Council. The Mayor asked if there were any questions for Mr. Gisbert. Hearing none, **Councilman Reichard made the motion to approve Resolution 15-39. Second was by Councilman Russell.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

4. ITEM NO. 4 RESOLUTION 15-40, CALLING FOR A PUBLIC HEARING ON THE CITY'S INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON - AD VALOREM SPECIAL ASSESSMENTS FOR NUISANCE ABATEMENTS. Ms. Myers read Resolution 15-40 by title and explained this Resolution would approve the form of the Notice and the Public Hearing would be held February 26th. She said the Council did the same action last year and was going through the same process again as Staff thought potentially there should be an assessment roll to prepare for this year.

Councilman Reichard asked if this would affect the Beach Club Motel proceedings. Ms. Myers said yes and would enable the tool to assess the property for the cost to abate the nuisance. He asked if there was a legal question with the Council taking this action now when the property was already demolished. Ms. Myers responded no. With no further questions or comments from the audience, **Councilman Reichard made the motion to approve Resolution 15-40. Second was by Councilman Russell.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

5. ITEM NO. 5 RESOLUTION 15-48, GULF HIGHLANDS STORMWATER HAZARD MITIGATION PROJECT PHASE 1, AGREEMENTS AND BUDGET AMENDMENT #8, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 2:10 P.M. Ms. Myers read Resolution 15-48 by title. Ms. Kelly Jenkins, City Stormwater Engineer, explained that this was good news in that the City's consultant Preble-Rish applied for a grant through the State and was awarded a grant of Federal funds for \$109,256. The task would be adding additional pipe under Front Beach Road near Pompano's which would help alleviate some drainage issues encountered in the 2013 flooding. She said this was a 75/25 grant and hoped to have the project fully funded via the County's match project. She said further analysis was needed before construction as well as obtaining every agency's permits. Ms. Jenkins said this project would not adversely impact any of the surrounding areas and Phase 2 would be the actual construction once permitted.

Ms. Jenkins said after the flooding, Staff was directed to do an analysis in order to understand the basin and determine what could correct the flooding issues. She said through the analysis and the models, it showed that it would relieve the flood elevations for a Hundred Year storm by about five or six inches which would help many residents.

Councilwoman Strange asked about the pipes under the roadway and Ms. Jenkins said two additional 54" pipes would be installed and the road cut for installation. Councilwoman Strange asked if the CRA could fund the remaining 25%. Mr. Gisbert said the Stormwater Department had the funds for the match and the CRA Improvement for that portion of the road had already been completed.

Councilman Reichard asked if only an analysis had been done over the last eighteen months. Ms. Jenkins said the City had encountered difficulties receiving timely results from the consultant. Councilman Reichard said he found that delay unacceptable. Ms. Jenkins said it had been a frustrating process as the consultants had some internal issues. She said she felt confident now that the consultants would move forward and meet the deadlines required by the City. Councilman Reichard said the City had a time table in the materials and Ms. Jenkins said she hoped to have the Phase 1 finished by Fall. The deadline for the permit for Phase 1 was December 4th and then hopefully move to construction in Phase 2 over the winter. Councilman Reichard said she meant hopefully starting construction in a year and she said yes. Councilman Reichard asked if there was any financial restitution from the consultant for their delay. Ms. Jenkins said no.

Ms. Joyce Cash, 104 Grand Island Blvd, said in her opinion, the consultant should be fined for the delay. She explained the repairs and damages to the residents.

Councilwoman Strange asked Ms. Jenkins if there were four Phases to the project. Ms. Jenkins said this would only be two Phases and she anticipated the construction Phase to be about Six Hundred Thousand Dollars, paid from the second Phase of the grant.

Councilman Reichard asked Ms. Jenkins to explain changing the weir in Gulf Highlands. She said they planned to level the weir which would not change the water elevations but would allow a more even flow over the weir to get to the pipes. Councilman Reichard questioned if more stormwater would be sent towards Signal Hill Golf Course which had a ditch to accommodate the water. Ms. Jenkins said Staff had already met with representatives from Signal Hill to discuss the problem. In the past, their property had ditches along the entire way so the City asked to work with them to restore the channels to prevent extra water affecting the Golf Course. She said part of the analysis was looking at their site and possibly there may be some downstream property improvements as well. Councilman Reichard said in his conversations with the Signal Hill folks, he understood the City was asking them to reopen the culverts and put a bridge across them. He asked since the City would be sending Signal Hill more water, how would this be funded. Ms. Jenkins said the City was providing the design and engineering for the task and possibly the grant could help. Councilman Reichard said in his conversations with the Signal Hill people, they understood that they were responsible for some of the problems and hoped the City could help them.

Councilwoman Strange asked about the outfall from Laketown Wharf to the Gulf. Ms. Jenkins said the water went underneath North Thomas Drive through culverts at Joan Avenue to Grand Lagoon. Councilman Reichard said the culvert at North Thomas had been redone by the County eight or nine years ago and it was larger, but not 54". Ms. Jenkins said that they were modeled in the analysis and found not to be the problem area. Councilman Reichard asked Ms. Jenkins if she felt comfortable saying that they could accommodate the water being sent to them and she said yes.

Mr. Gisbert said that area was engineered separately from the City, taking numerous calculations, but reminded that those pipes would hold water from the opposite direction as well. In a flood tide, the water would travel in the opposite direction. Councilman Reichard asked if

the sidewalk work the County was planning for Joan Avenue would affect the culvert. Ms. Jenkins said she did not believe so.

Councilwoman Strange asked if the contractor would be fined if the work was not performed timely and Ms. Jenkins said yes.

Ms. Darla Kurtz, resident of 105 Heron Turn, asked about dredging the canals and waterways. Mr. Gisbert said they had a wall which maintained the water level so dredging would not make a difference. As far as dredging, it was State waters. Ms. Kurtz said all of the canals in Gulf Highlands needed to be cleaned out. Mayor Oberst said the State would not allow certain chemicals or certain dredging. Mr. Casto confirmed those were State waters.

Mr. Tony Golatz, resident of 176 Grand Island, said in a large amount of rain, the water line would rise to the top boards on the retaining wall and be at the back doors of some of the units across the canal. He said that happened when the complex experienced a solid day's rain so the water was not leaving the area fast enough.

Mr. Tom Easter, resident of 253 South Glades Trail, asked about the City buying land at the Holiday Inn relating to a stormdrain. Mr. Gisbert said the City bought an easement to run utilities through the parking lot due to the existing tunnel. It would not drain any additional water. Mr. Easter asked when construction could start and Ms. Jenkins said Gulf Highlands should be ready for construction by December once permitted.

Ms. Loretta Thompson, resident of 166 White Sandy Drive, asked if the drains were cleaned and maintained. Mr. Gisbert said after the flooding, FDOT spent about five to six months on Middle Beach Road cleaning pipes, vacuuming out sand. Ms. Thompson asked how often FDOT cleaned the pipes and Mr. Gisbert said he did not know. Ms. Thompson said the pipes needed cleaning and maintenance.

Ms. Joyce Cash, resident of 104 Grand Island, asked if the overgrowth in Pompano's lake deterred the water flow and if Pompano's could be required to clean the pond. Councilman Reichard said Mr. Casto and his men frequently checked those pipes leaving the pond to check the flow. Ms. Cash said she thought it would flow better if the grasses were down and lily pads removed. Mr. Casto confirmed those were State waters and he periodically inspected to ensure the water was free-flowing. He added that sometimes, people pushed their carts into the pond, but the vegetation would not impede the flow of the water. He said the City put divers through the pipes recently and they were clear.

Councilman Curry asked if the City had a robust enough stormwater program for preventative maintenance. Mr. Casto said yes and only within the last ten years had the City even had a Stormwater Department. He said the Department had sufficient funds in the Budget to enlarge the outfall going north once the permits were approved for the Glades. He continued that he felt the Department would grow in future years and now generated about a Million Dollars per year.

Mayor Oberst said the City had Codes now and this problem would not occur if the Glades or Gulf Highlands were being built now. She said the Engineering Department now not only looked at the one site but surrounding areas and basins because when a building came in, it affected others. She said Staff would monitor the contractors and keep the projects moving forward.

Ms. Anna Stevens, General Manager at Gulf Highlands, asked about lowering the weirs at the east and west to help with the stormwater. Ms. Jenkins said for this project, the weir at Pompanos was planned to be lowered. She said they had investigated lowering the one at the Burger King site but did not feel the permit would be approved because it would add more water on the beach.

Councilman Reichard asked as the CRA came through this area, if this water would be diverted to Gulf Highlands. Ms. Jenkins said it should not as there was a planned pond site for that stormwater. Mr. Gisbert said there was also a stormwater pond behind Coyote Ugly for overflow. Mayor Oberst said the CRA Segment 2 Project would not affect Gulf Highlands or the Glades. Mr. Gisbert reminded that Gulf Highlands was built in a flood zone. **Councilman Reichard made the motion to approve Resolution 15-48. Second was by Councilwoman Strange.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 2:48 P.M.

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6. ITEM NO. 6 RESOLUTION 15-49, PLAT REVIEW FEE SCHEDULE. Ms. Myers read Resolution 15-49 and explained that the fees were last approved December, 2005. Councilman Reichard asked Ms. Myers what went into a plat review. Ms. Myers responded the review of the LDC requirements, boundary studies, title surveys, Florida Statutes, and she had about three to four hours of time reviewing each plat. Mr. Shortt said the City also paid the contracted surveyor to do the review, plus Staff time, and many people reviewed the plat before submittal to the Council. Mayor Oberst said the City was also keeping our fees in line with the County and Panama City. Ms. Myers said Staff focused on the City's costs when updating the fee schedule. **Councilwoman Strange made the motion to approve Resolution 15-49. Second was by Councilman Curry.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

7. ITEM NO. 7 RESOLUTION 15-50, GLADES STORMWATER BASIN WETLAND DELINEATION SERVICES. Ms. Myers read Resolution 15-50 by title. Ms. Jenkins said the consultant created scenarios which they believed would give relief to the subdivision and hopefully, the improvements would lower about seven inches in the area around Hombre Circle. She said this project would be more intricate with the environmental and permitting concerns because it involved St. Joe land for the ditch that went under the Parkway and ended in West Bay. One option was to widen the ditch. For Phase 1, the consultant would determine what kinds of lands were there, whether high quality wetland, low quality wetland, conservation easements, mitigation banks, etc. and permits through this area would be very difficult. The consultant would gather the data and then meet with the different agencies to determine what type of permit would be required.

Mayor Oberst said the plan was to meet with all of the State agencies to figure out what they required for permitting. Ms. Jenkins said one meeting had already occurred and it was clear at that time that this additional step should be done.

Councilman Reichard said he understood that approximately half of the stormwater flowed out of the Glades flows through Hombre and into the ditch along the side of the Parkway. He asked if Staff planned any work on the weir at Hombre since they handled it and if that weir should have been lowered sooner. Ms. Jenkins said she had no plans to do anything with that weir and stated that the Hombre management cooperated well with the City. When rain was anticipated, they ensured anything they placed at the weir was removed. Ms. Jenkins said in the model, the consultants saw no problems with the weir as configured.

Councilman Curry asked Ms. Jenkins if she saw the major obstacle being the various State agencies preventing this project moving forward rather than the landowners. Ms. Jenkins replied affirmatively and said St. Joe had been very helpful. Councilman Curry said on big projects such as this, he suggested that the Council be updated when Staff encountered a slowdown from State agencies or a particular contractor.

Mr. Tom Easter said the ditch along the Parkway was maintained by Beach Mosquito Control and FDOT would not allow the ditch to be widened. He asked about the relief for South Glades Trail or Glades Turn. Ms. Jenkins said they had to prioritize and the consultant felt the most important was flooding in homes, not yards. She said those streets were not at the top of the list. Councilman Reichard said on Mr. Easter's side of the street, there was a ditch for the stormwater. On the other side of Glades Trail, the homeowners had filled in the ditch. Mr. Easter asked if there were any funds to assist with those homes. Councilwoman Strange asked if the ditch would make a difference and Councilman Reichard replied that it did not flood on the side of the street with an open ditch. Ms. Jenkins said Preble-Rish had created a preliminary plan to look into adding some additional storm drains but that plan was put aside for now. Hopefully, money would be available in the future to give relief for those few homes but current plans were to take care of the homes with the most flooding. Councilman Reichard said there was a major drain at the southern end of Glades Trail which could accommodate all stormwater and Mr. Easter said it routinely had blockages. Ms. Jenkins said individual homeowners extended their yards and filled in the ditch which impacted their neighbors upstream. Councilman Russell asked if would have to be permitted for the homeowners to dig out the ditch. Ms. Jenkins said yes and reminded that there were numerous utilities in those locations. Councilman Reichard said it might be a neighborhood problem, not created by the City. **Councilman Curry made the motion to approve Resolution 15-50. Second was by Councilman Russell.** The Mayor called for

comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

8. ITEM NO. 8 CITY MANAGER UPDATE. Mr. Gisbert said the Beach Club Motel buildings had been demolished and the site looked nice. He said the new City website had been launched with new options. He said the RFQ for the new buildings had been posted on Monday and interested parties were already picking up the documents. Regarding the beach slide mentioned at the last meeting, he presented a rendering of the rigid slide that was proposed for a site that historically had an event mid-April. He identified two stages and said it would be located at the end of Clara. In the past between the two stages had been open space, and this proposed slide would take that open space away. He said he had concerns and Chief Whitman had concerns, and advised that he would probably not approve the waterslide. Councilwoman Strange said that was good for her.

Regarding Colony Club, Mr. Gisbert said he had looked at two routes, one out of Clara at 2365' long and the other Nautilus at 1406' long. The landownership coming out of Nautilus was fairly simple, one residential and the remainder St. Joe land, with some wetlands. In response to Councilwoman Strange as to purchasing the residential lot, Mr. Gisbert said the zoning could be changed and there was no restriction which would preclude the City using the land as needed. Councilman Russell asked if the residential lot was vacant and Mr. Gisbert responded affirmatively.

He said he had a meeting scheduled with St. Joe Monday and had already met with Bay County to discuss roadway costs, approximately Two Thousand Dollars (\$2,000) per mile for that type of road. Bay County has a Participating Paving Program and in that program, the County has a process with options depending on who built the road. Mr. Gisbert said the City would probably do a hybrid of the County's options. He asked the Council to consider that a good option in participation was that it would preclude people from having a wishlist. He said the County's participation plan was a 40% match from the residents and 60% for the County. He said if the Council favored the route at Nautilus, then he would get better figures for the cost and talk with St. Joe for land cost. Once the costs were known, a workshop would be scheduled with FDOT, the County, and the residents so that everyone would understand the idea. He said at the Council's direction, he would move forward with the process to determine the costs and contact FDOT and the County. Mr. Gisbert added that looking at the traffic data at the intersection of Fairway and the Parkway over a three year period, only one traffic accident occurred at that intersection.

Councilwoman Strange asked about the accidents on the Parkway. Mr. Gisbert said the data indicated there were other accidents at Clara. He said FDOT's original concept for that intersection was to close that median and make the exit a right-turn only. This would be the safest solution. He said he would not propose this new roadway without closing the median at Fairway.

Regarding the route to Clara, Mr. Gisbert continued that the biggest complication would be its interrupting a business. Councilwoman Strange said the City would be putting a road across the bike trail so the carts would have to stop and let traffic pass. She questioned how this new roadway would affect the business because there was already a road. Mr. Gisbert said the Clara route would be double the cost of the Nautilus route. The Mayor reminded that Clara would also need to be realigned because the road would not match South Clara. Mr. Gisbert said the intersection traffic equipment would need to be redone.

Mayor Oberst said the City had not done anything like this in the past and did not have a procedure. She suggested that the City Manager bring back a procedure for Council consideration with more hard facts. Councilman Russell said he would like to see costs. Councilwoman Strange suggested using some of the Loop Road funds. Councilman Curry reminded that the Loop Road project had not been approved.

Councilwoman Strange said she did not want the residents assessed for the road. She said the subdivision was unique with the one way in/one way out and the situation was not an issue when the subdivision was built. She said the intersection not only impacted the subdivision residents but travelers on the Parkway and she felt it was the City's responsibility to fix. Mr. Gisbert said the subdivision would not be permitted today and reminded that with two exits, the original lots would have cost more. So in effect, this would be a first time cost for the improvements which should have been done when the subdivision was first built. The Mayor said the money for the Loop Road was generated from Impact Fees paid by Pier Park North, and that

new development did not affect Colony Club or Palmetto Trace any more than it did Open Sands. She said the Council needed to think what would be best for all of the City.

Councilman Curry said this would be the first step and he hoped Mr. Gisbert would be considering this as the start of something bigger down the road. He continued that Pier Park and North Pier Park contributed tremendously to the traffic volume on the Parkway, and that he thought the City would benefit more by spreading those funds across the City rather than merely a new road that would not affect traffic. He wanted to see a plan to relieve the traffic congestion rather than more talk. Mr. Gisbert said the road would be six to eight months for construction. Councilwoman Strange said she wanted to keep the issue moving forward as the situation was only getting worse. Councilman Reichard said he agreed with the Mayor for the City Manager to come back with a recommendation. The Mayor said there was a FDOT plan that had been discussed about fifteen years, with the Loop Road as the first leg. She explained the FDOT plan which would get the traffic off the Parkway but it was a slow process. Mr. Gisbert said he would plan to bring something to Council the second meeting of February.

FLOOR ITEM

ITEM 1 13223 OLEANDER. Mr. Hector Solis, resident of Oleander, said he was concerned about a building directly across from his home. On October 10, 2013, the Council had heard an appeal concerning a variance for 13223 Oleander, and during that meeting the Council heard testimony concerning the three story structure and its hardship. During the meeting, the variance was denied, such that thirty-five feet would be the height. Mr. Solis watched construction and said it exceeded the thirty-five feet. He said he determined it was 35.5' and he contacted Councilwoman Strange, who in turn contacted the Building Inspector who measured the structure as 35' 4½". Regarding the location to take the measurement, Mr. Leonard had advised him that it should be from the crown of the road to the structure. He then displayed a drawing of the road and structure. He said he was concerned when seeing the measurement taken about three feet up the ramp from Oleander to Front Beach Road. He said it seemed the measurement should be taken from Oleander Road, not the ramp.

Mr. Solis added that the owners had built a parapet wall on the fourth story, having a total height of 45'. He said with the size of that lot, there would be no way to accommodate parking for the potential number of renters. He said he had not received a return phone call since Monday for an explanation why the structure was allowed. He said prior to the FBO Overlay, the neighborhood was only two stories and the covenants specified a maximum two stories and only one resident per lot. He questioned when it had been approved to circumvent the 75% rule and have the width of the third floor greater than 75% of the first floor. He asked when that variance was requested, granted, and the public notified.

He added that this structure was now building two dune walkovers even though it was next to a beach access. He said this showed the Hatchers did not care about their neighbors. He asked for answers about the 75% reduction and also suggested consideration of envelope height which would include the roof of structures.

Mr. Solis said his nearby neighbors were disheartened because they thought the matter had been settled in October, 2013, when the variance was denied. He said they could not understand how the house was built. He also questioned how the number of cars would park and called the situation a mess.

Ms. Myers said she wanted to encourage the Council to keep the matter at a Staff level now and not react to the comments by Mr. Solis. She said she felt Mr. Solis' questions deserved a response from the City Manager or Mr. Leonard, and that he would have the opportunity to appeal it and ultimately come before the Council for a decision. She said she wanted to protect the due process of the whole issue by urging the Council not to express opinions today. Mayor Oberst asked Ms. Myers if it would be appropriate for Mr. Leonard and Mr. Gisbert to answer some of the questions now and followup with Mr. Solis on the others. Ms. Myers said yes, to the extent that they were able to do so.

Mr. Leonard said he had not replied back to Mr. Solis because he did not yet have the letter certifying how tall the shot was originally. He was told a verbal at the roadway. Looking into the other issues mentioned in his text, he was researching but was waiting until he had an answer on the height issue. Preliminarily, Mr. Leonard said for the 75%, because of the stepped parapet at the top and carved out floor areas behind the walls, this would equal the requirements of the Code and consistent. He further contacted Mr. Michael Lauer, planning consultant for the Front Beach Overlay District, to look at the consistencies and that portion of the Code. Mr. Lauer replied that it appeared consistent as well. However, Mr. Lauer thought he would recommend changes to clarify the language of that section. In response to Mr. Gisbert, Mr. Leonard confirmed that no variance had been granted. Mr. Gisbert said if the structure followed all of the applicable Codes, then no variance would be required. Mr. Leonard concurred but said everything would

start with receiving that letter certifying the height of the building. Mr. Gisbert said the City hired an independent surveyor.

Mayor Oberst said Staff would get in touch with Mr. Solis with answers.

With nothing further, the meeting was adjourned at 3:50 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