

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

Pastor Gregory George of the Gulf Beach Baptist 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 Emergency Meeting of March 28, 2015 were **read and approved as written per motion by Councilman Curry. 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

**CONSENT AGENDA**

**1 RESOLUTION 15-86, TASTE OF THE BEACH ROAD CLOSURES.** *The Taste of the Beach has been scheduled for Saturday, May 16, 2015, and the Resolution is entitled "A Resolution of the City of Panama City Beach related to the "Taste of the Beach"; authorizing temporary road closures on portions of Pier Park Drive and Sea Monkey Way on Friday, May 15, 2015, and Saturday, May 16, 2015, for the Event."*

**2 RESOLUTION 15-88, UPDATED BAY COUNTY TPO INTERLOCAL AGREEMENT.** *The Bay County Transportation Planning Organization (TPO) has submitted the attached updated Interlocal Agreement for the Council's Consideration and approval. The existing Interlocal Agreement between the TPO, State of Florida and local agencies was executed in 2004.*

*The Agreement outlines the responsibilities of the parties that make up the TPO membership in carrying out a continuing, cooperative and comprehensive transportation planning process. For an existing metropolitan planning organization, like the Bay County TPO, the Interlocal Agreement is required to be reviewed and updated every five years or sooner, if necessary. The only significant change from the TPO's existing Agreement is the deletion of the City of Cedar Grove Commissioner as a voting member of the TPO. The parties to this Agreement are the TPO, Florida Department of Transportation (FDOT), Bay County, Panama City, Callaway, Lynn Haven, Panama City Beach, Parker, Springfield, and Mexico Beach.*

**STAFF RECOMMENDS APPROVAL** *of the updated Interlocal Agreement between the City and the Bay County Transportation Planning Organization and authorize its execution. "A Resolution of the City of Panama City Beach, Florida, authorizing execution of the Interlocal Agreement for creation of the Bay County Transportation Planning Organization."*

**3 ORDER 01-RZ-15 AND FINDING OF FACTS FOR THE REZONING REQUEST FOR DELLWOOD PROPERTIES, INC., PROPERTY LOCATED AT 17561 FRONT BEACH ROAD. After receiving testimony and reviewing the exhibits produced during the Public Hearing on April 9, 2015, the City Council orders that the subject rezoning request is APPROVED and the Order of the Planning Board is CONFIRMED.**

Ms. Smith presented the Consent Agenda. The Mayor asked for comments from the audience. Hearing none, **Councilman Reichard made the motion to approve the 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:**

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

**REGULAR AGENDA**

**1 ITEM NO. 1 “NATIONAL ARBOR DAY” PROCLAMATION AND PRESENTATION.** Mayor Oberst introduced Mr. Dale Colby, Parks Resource Officer, and presented him with the Proclamation designating April 24, 2015 as “National Arbor Day”. He thanked the Mayor and gave a short slide presentation of tree plantings over the years in the Conservation Park, done by the Girls Incorporated, Garden Clubs, and Girl Scouts. He said this was part of the process in being designated as a Tree City. The audience responded with applause.

**2 ITEM NO. 2 RESOLUTION 15-64, LEAVE NO TRACE INTERLOCAL AGREEMENT.** Ms. Myers read Resolution 15-64 by title and explained this Interlocal Agreement was substantially in the same form as seen in the past with the exception of the automatic renewal clause. She said the figure was not-to-exceed One Hundred Thousand Dollars (\$100,000) and the County would reimburse the City so there would be a Budget Amendment in the future to recognize monies spent to enforce the County’s Ordinance and their repayment for that service.

Mr. Gisbert said typically, the enforcement was by the City’s Auxiliary officers using the 4-wheelers and at the same time, distributing information. He said this was more the information component of the Agreement, letting people know all of the beach rules and their acting as ambassadors.

Councilman Curry asked if the services had exceeded the One Hundred Thousand Dollars (\$100,000). Mr. Gisbert replied negatively, typically running Fifty to Sixty Thousand Dollars (\$50,000-\$60,000) at the most.

Councilman Reichard asked about the automatic renewal clause and if it would come before Council every year. Ms. Myers said it could be. Mr. Gisbert said he would remember every year. Councilman Reichard said in the future, it might be that the One Hundred Thousand Dollars would not be sufficient. Mr. Gisbert said this could only be used for the Leave No Trace, not just anything.

Councilman Curry questioned Mr. Gisbert about the Ambassador program. Mr. Gisbert explained the volunteer hours of the Ambassadors. The Mayor called for further questions; there were none. **Councilman Russell made the motion to approve Resolution 15-64. 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>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

**3 ITEM NO. 3 RESOLUTION 15-87, GULF HIGHLANDS STORMWATER HAZARD MITIGATION FDEM GRANT MODIFICATION 1.** Ms. Myers read Resolution 15-87 by title and explained that when the Council first saw this grant, it had been for a 75% reimbursement and now the State had awarded the City 100% reimbursement. Mayor Oberst thanked Ms. Kelly Jenkins, the City’s Stormwater Engineer.

Councilman Reichard asked Ms. Jenkins about the City's plan to address the subsequent increased water flow to Signal Hill. Ms. Jenkins said the original model study by CDM only showed a .1 rise in that channel but now they were going back to review the results and do any improvements downstream if needed. The Mayor asked if there were any further questions; there were none. **Councilman Reichard made the motion to approve Resolution 15-87. 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>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

**4 ITEM NO. 4 RESOLUTION 15-89, BIDS- WILLOW TRAIL BOARDWALK PROJECT.** Ms. Myers read Resolution 15-89 by title. Mr. Shortt explained that this was the 11<sup>th</sup> boardwalk in the Conservation Park and the last one planned for the next few years. He said this would complete a section of the trail in the northern section of the Park and open up that area for visitors. The Mayor asked if there were any questions. There were none. **Councilwoman Strange made the motion to approve Resolution 15-89. 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>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

**5 ITEM NO. 5 RESOLUTION 15-90, CITY CAMPUS CONSTRUCTION MANAGEMENT AGREEMENT.** Ms. Myers read Resolution 15-90 by title. She said from the legal side, there had been some conversations between GAC's attorney and Mr. Sale relating to some of the insurance requirements, very minor, and she thought that once resolved, it would be within the City Manager's authority to amend the contract. Mr. Gisbert said he and Mr. Shortt had met with GAC, reviewed the drawings, and concluded that 5.5% was sufficient to build the project. He said the maximum price for the pre-construction services was Ninety Thousand Dollars (\$90,000) and if it ended with merely bidding out the project, the price might only be Twenty or Thirty Thousand Dollars (\$20,000-\$30,000). The Mayor asked if there were any questions; there were none. **Councilman Curry made the motion to approve Resolution 15-90. 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>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

**6 ITEM NO. 6 RESOLUTION 15-91, LIFEGUARD TOWER BUDGET AMENDMENT #16, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 2:25 P.M. Ms. Myers read Resolution 15-91 by title and explained that the Council had approved the purchase of the tower during the last meeting. The Mayor asked if there were any questions and there were none. **Councilman Russell made the motion to approve Resolution 15-91. 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>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>

The Public Hearing was closed at 2:26 P.M.

**7 ITEM NO. 7 ORDINANCE 1346, HOURS OF ALCOHOL SALES, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** The Mayor opened the Public Hearing at 2:26 P.M. Ms. Myers read Ordinance 1346 by title and confirmed this would sunset the 2 A.M. closings on April 19, 2015. The Mayor asked if there were any questions and there were none. **Councilman Russell made the motion to approve Ordinance 1346. 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>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Nay</b>
<b>Mayor Oberst</b>	<b>Aye</b>

The Public Hearing was closed at 2:27 P.M.

**8 ITEM NO. 8 SPRING BREAK 2016 POLICY POINTS FOR CONSIDERATION- DISCUSSION.** Mayor Oberst reminded the audience that if anyone wished to address the Council that forms on the table should be completed and given to the City Clerk. She also reminded about the Three Minute Speaking Rule in order to allow everyone the opportunity to speak. She said the Council would begin by receiving comments regarding the first three items from the Policy Point Considerations, and she read them in full for the audience: **1) Definition of College Spring Break, 2) Drinking on the Beachfront during College Spring Break, and 3) Cessation of Alcohol Sales during College Spring Break.**

Lengthy public comments on these three items, both pro and con, were received. Numerous speakers urged banning alcohol on the sandy beach during Spring Break due to problems concerning drunken behavior and the attraction for the uninvited guests. Other speakers against banning the alcohol spoke of properly managing the kids while on the beach, zero tolerance, and asking to table Item #2 for further research and discussion.

Mayor Oberst said the next items to be discussed would be **4) Twenty-One to Enter business selling or permitting on-premises consumption of alcoholic beverages during College Spring Break or All Year and 5) Prohibit consumption or possession of open container of alcoholic beverage in private parking lots and driveways during College Spring Break or All Year** and she read them in full for the audience.

Mr. Arthur Cullen said the best way to monitor the kids was clubs because they were carded, wrist-banded and under a watchful eye. He supported the 18-21 to enter clubs all year mainly for safety. For the public consumption rule in parking lots, he agreed but suggested during Spring Break only. Mr. Jack Bishop said the 18-21 prohibition issue would be a very big problem.

Mayor Oberst asked those in the audience who agreed with Mr. Cullen to please stand. Numerous members of the audience rose and applauded.

Mr. Darrell Sellers said he would like to see these issues tabled until the community met.

Mayor Oberst said Item #6, **Nuisance Businesses-Year Round** would be discussed next, and she read the item in full for the audience. She said this item would give the tools for law enforcement to shut down a business if necessary.

Mr. Arthur Cullen said he agreed with the premise but was concerned about the word "excessive" as some properties were responsible and he did not want an adverse effect that someone might not take care of their property in fear of being labeled a nuisance. Regarding Item #7, **Revise Special Events Ordinance Year Round**, he said the City Manager had great control over this issue and was open to ideas for discussing any issues. He requested to leave this in Staff's hands. Regarding Item #9, **Require Parking Lots to be Closed**, he agreed that if a restaurant or business closed, the parking lot should also be closed to keep the undesirables away.

The Mayor asked if there were any other comments regarding those items. There were none.

**Item #10, Rented Scooters "2 and 3 Wheel"- Year Round.**

Mr. Rick Roof said he had seventeen scooters stolen Easter weekend and advertised on Craig's List. He elaborated. He said the scooters were not the problem but rather the 100 milers who stole their mopeds. He said they could not control the kids once the scooters were rented and other shops had the same problems.

Mr. Jammie Morris, manager of the King of the Scooters, said they had a strong repeat customer base. He said two weeks out of the year were bad and asked to establish a plan for those two weeks.

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Mr. Adam Pritchett, owner of Classic Scooter Rentals, said he had no problem with stolen scooters as he did not rent to the 100 milers.

At this juncture, a brief recess was called at 4:00 P.M.  
The Mayor reconvened the meeting at 4:10 P.M.

Mayor Oberst said the Council would discuss each option and direct that Ordinances be prepared which would be read twice. The first Reading would be available for public comment and then two to four weeks later, depending upon advertising, the Ordinances would come back for the second Reading and possible adoption during another Public Hearing.

Councilman Reichard said everyone had heard both sides state they were willing to sit down and discuss the options. He asked the Council to consider tabling all issues to allow the time for representatives of the groups to meet and come back to the Council with recommendations which would work for everybody.

Mayor Oberst said she did not disagree but this issue had been talked to death. Both Councilwoman Strange and Councilman Curry said they agreed. Councilman Russell announced that next Tuesday, April 28<sup>th</sup>, at 4 P.M., Mr. Sellers and Mr. Cullen would meet with other leaders. He said he felt the Council owed it to the community to allow time for this meeting because he thought it was close to a solution.

**ITEM 2      *Drinking on the Beachfront during College Spring Break.* Councilman Russell made the motion to table Item 2. Second was by Councilman Reichard.** The Mayor called for discussion.

Councilwoman Strange said the Council danced around this issue last year and this year was worse than last year. She said she thought the Council needed to make a decision so that the businesses and everyone could make their plans for 2016. Councilman Curry said there was no perfect solution. He said “kicking the can down the road” to allow time for groups to get together was wrong and it was time to make a stand. Councilman Reichard said two strong groups were willing to speak and he felt they should be given the time to talk and create a plan which would do the most good for the most people. Councilman Russell said he felt the Council owed it to the community to move forward to come up with a solution, not “kick the can down the road”. He said this was a very important issue to the community, and mentioned the trickle-down effect on the tax base. Councilman Reichard said to wait two more weeks for something that will not occur until next Spring was not unreasonable.

Lengthy discussion ensued concerning the possible participants in the meeting. Mr. Sellers said his group had agreed to meet Tuesday at 4:00 P.M. With nothing further, **the motion passed by majority roll call vote recorded as follows:**

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

Mayor Oberst said when she joined the City Council, one thing said then was to have the Spring Breakers on the sandy beach and out of the neighborhoods.

**ITEM 1      *Definition of Duration of College Spring Break.*** Councilwoman Strange said she recommended “c” and “d” (the 4-6 week period established by the Council Resolution each year depending upon College schedules and include high school schedules). Councilman Reichard said at the end of Spring Break, there were small colleges out for the week but not necessarily here.

Chief Whitman said the Department ran extended shifts and mutual aid through Easter weekend every year. He said when Easter was early, he normally ran the extended shifts for another two weeks.

Mayor Oberst said if the timeframe ran the 4-6 week period established by Council Resolution, the Council members would be able to look at the Easter weekend and decide each year. Councilwoman Strange asked if the high school schedules should be included. Councilman Russell said he did not think that was necessary. **Councilwoman Strange made the motion to do the 4-6 week period defined by Council Resolution each year depending upon College schedules, not including high school schedules. Second was by Councilman Curry.** The Mayor called for discussion. Councilman Reichard asked when the Council would decide those dates and Councilwoman Strange said as soon as the schedules were posted. Chief Whitman said

usually the first of January. The Mayor asked if there were any further comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 3** *Cessation of Alcohol Sales during College Spring Break.* Councilman Curry made the motion to stop alcohol sales during College Spring Break at 2 A.M. Second was by Councilwoman Strange. The Mayor called for discussion. There was none. **The motion passed by majority roll call vote recorded as follows:**

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

**ITEM 4** *Twenty One to Enter business selling or permitting on-premises consumption of alcoholic beverages during College Spring Break or All Year.* Mayor Oberst said the first decision would be whether this would be merely for Spring Break or year round. Councilman Reichard said he would like it to remain 18-21 as the Council had heard that security in the establishments was excellent. Councilman Russell asked Chief Whitman's recommendation. Chief Whitman replied that the kids 18-20 were not problems as most of them were the designated drivers and friends of military people and college people. He said the good kids should not be penalized.

Councilman Curry asked the Chief if he had problems with underage kids leaving the clubs drunk. Chief Whitman replied that a few kids were intoxicated but that would occur anywhere. **Councilman Russell made the motion to leave the 18-21 alone. Second was by Councilman Reichard.** The Mayor called for further discussion; there was none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 5** *Prohibit consumption or possession of open containers of alcoholic beverage in private parking lots and driveways during College Spring Break or All Year.* Councilman Reichard said he favored the prohibition but added it might need some footnote about events such as the Classic cars which might be prohibited. He suggested that if an event like that was to occur, it should be brought to the Council. Chief Whitman said that the tool law enforcement was seeking dealt with the private public parking lots. Drinking in City parking lots was already prohibited. He said they wanted a tool to address partying in a parking lot and to be able to arrest people which could be used to get the thugs off the street.

Councilwoman Strange asked about the multi-family and Mr. Gisbert said the condos were considered commercial and this multi-family was more the townhomes and quadplexes. Chief Whitman said they had very few problems with condo properties as the people normally would drink on their balconies, not the side of the roadway.

Mr. Gisbert asked the Council if this was only for Spring Break or all year. Councilman Reichard said he only meant Spring Break and Councilwoman Strange concurred. Chief Whitman said he would request year round since he was trying to keep the people away from their vehicles when drinking. He confirmed the clubs did not allow anyone to drink in their parking lots. **Councilwoman Strange made the motion for Spring Break only.**

The Mayor reminded that Chief Whitman had recommended all year. Councilman Reichard said that all year concerned him because of his example of non-problem events. Councilman Russell asked the Chief what he would recommend. Chief Whitman said no drinking in the commercial parking lots year round. **Councilwoman Strange amended her motion to prohibit consumption or possession of open containers of alcoholic beverages in private commercial parking lots year round. Second was by Councilman Russell.**

Mr. Gisbert asked if the Council wanted to specify Tourist Corridors or the Scenic Corridors. Ms. Myers said there were already definitions for the Tourist Corridors and the Scenic Corridors, which included those roads plus the north/south connectors. She asked for a clarification to what extent the Council wanted this prohibition to apply. The Mayor said definitely Thomas Drive. Discussion ensued concerning the other connector roads. Ms. Myers said Scenic was the most expansive definition. The Chief said this would also be easiest for his officers, knowing it was City-wide, not just certain streets. **Councilwoman Strange amended her motion for City-wide coverage. Councilman Russell amended his Second. The motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 6**      ***Nuisance Businesses – year round.***

- a.**      ***Excessive police calls, arrests, fights, drugs, guns, etc.***
- b.**      ***Neighborhood parking problems directly ties to business***
- c.**      ***Neighborhood indecency problems directly tied to business***
- d.**      ***Fee***
- e.**      ***Fine***
- f.**      ***Injunctive relief***

Mayor Oberst said this issue related to the City being able to close a club which was creating problems, and legally there was nothing now which could be done. Mr. Gisbert said it would take more than two weeks to determine how this could be legally accomplished. He said if the Council gave Staff the direction to move forward, he could bring back some tools which could address this issue. **Councilman Russell made the motion to do A-F year round. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 7**      ***Revise Special Events Ordinance – year round.*** Mr. Gisbert explained the changes adopted after last year’s Spring Break helped substantially as this year’s Luke Bryan concert was the best ever held. He said Staff would like to add to the regulations and found where even though an event might be less than 500 people, it still might require a lot of resources because the promoters did not manage the event.

Councilwoman Strange asked if he had received input from County Manager Majka. Mr. Gisbert responded yes and that he and Mr. Majka had been communicating throughout this process as well as involving Chief Whitman. **Councilwoman Strange made the motion to add more teeth to the Special Events Ordinance. Second was by Councilman Curry. The Mayor called for more discussion; there was none. The motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 8**      ***“No Parking on ROW” year round.***

- a.**      ***“Triangle” (Current Ordinance language)***
- b.**      ***Around Clubs***
- c.**      ***Front Beach Road***

**Councilwoman Strange made the motion for A, B, and C** and then questioned what effect this would have on the Bid-A-Wee people and their golf carts. The Mayor said she had already been contacted by some of those residents who stated they had no way to drive down to the beach. Councilman Reichard questioned prohibiting parking in areas that were not nuisances, such as Bid-A-Wee or near Runaway Island.

Mr. Neel Bennett said Sharkeys had already dealt with the parking issue but the Peeks Motel, which was now theirs and renamed Palm Grove, literally had all of their parking in the right-of-way. Mr. Gisbert said this issue was for the undesignated, side of the roadway parking in the dirt. Councilman Reichard asked about the parking in the grass. Mr. Gisbert said the non-structured surfaces would be prohibited.

Ms. Felicia Cook said Reids Court had parking across the street which was identified with Reids Court but it was not marked with striping. Mayor Oberst said Mr. Williams would be required to stripe the parking. Mr. Gisbert said he had driven past that location during Spring Break and he had observed people changing clothes in that lot who obviously were not residents of Reids Court. He said it was not being managed or controlled which was the real issue behind this Item.

Councilman Reichard questioned if the City would be a sea of “no parking” signs along the Scenic Corridor and if the City wanted that look. Mr. Bennett said the entire City had a significant amount of parking in the right-of-way and it was a problem. Councilman Reichard said he felt the City was not ready to do this yet because there was a lot of questions and situations that needed further research.

Ms. Myers said she felt a lot of answers would come from what the Council decided to do about parking lots. However, Front Beach Road was a challenge because some things were grandfathered and thought it could be limited to the shoulders of the roadway.

Mr. Don Reiss, resident of 113 Bid-A-Wee Court, discussed the golfcarts and how this prohibition would affect the renters not able to carry all of their paraphernalia to the beach. Councilman Curry said if the rest of the beach was prohibited but not Bid-A-Wee, the thugs would end up parking in their right-of-way. **Councilman Curry seconded.**

Additional lengthy public comments ensued. **Councilwoman Strange amended her motion to only include the “Triangle and hot spots” in the “No Parking on ROW” year round. Councilman Curry amended his Second.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 9** *Issue concerning parking lot of closed business.* Mayor Oberst read Item 9 in full for the audience. She said this was very important, thinking about the old Publix parking lot with the store being closed for many years. Mr. Gisbert said this was becoming an issue in existing businesses, such as the large grocery store on the parkway after the store closed. He said private business could do this for the City by contracting with the local wrecker company to authorize cars to be towed after the business closed. He said if the Council would adopt the option of closed to public parking by either physical barrier or enforced no-parking signs, that would be fine. However, if the Council elected to give the businesses the ability to rent out their parking lots, another option would be used. Councilwoman Strange said no. Mr. Gisbert said there were times during the year when parking lots could be rented, such as for the Seafood Festival. He said when the parking lots were managed, they were not problems. Councilman Curry said it became a problem when a pop-up club opened and it did not have sufficient parking. Councilman Reichard said “managed by attendant to prevent becoming a public nuisance” should be included. Mr. Gisbert said during the July 4<sup>th</sup> holiday, there were a number of vacant grass lots (option “c”) which would be opened for paid parking. He said during that time, there were truly not enough parking spaces for the rest of Bay County to visit the beach. These lots then would become a resource, not a nuisance, but the key would be that they were managed. **Councilman Reichard made the motion to approve A, B, and C. 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>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Russell</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Curry</b>	<b>Aye</b>
<b>Mayor Oberst</b>	<b>Aye</b>



- ITEM 10     *Rented Scooters “2 and 3 wheel” – year round.***
- a.     *Prohibit all rentals***
  - b.     *Prohibit overnight rentals***
  - c.     *Prohibit rental at night or after 5 or 6 pm***
  - d.     *Stay the current course (vests, insurance, pamphlets) (Current Ordinance language)***

Councilwoman Strange said after seeing the scooters at night, she felt they needed to be off the road at night. She said they did not wear their vests and drove without lights so they were not visible. Councilman Russell said he would like to sunset the renting of scooters and go to 4-wheeled vehicles like golf carts. Councilman Curry said it took a lot of law enforcement time to police the scooters which placed a heavy burden on the Beach Police. Councilman Russell said he felt 4-wheelers would not be able to ride in the bike lane or pass on the right side as did most of the 2-wheeled scooters did now.

Councilman Curry questioned Ms. Myers if a motorcycle license would be required if the scooters were required to be 75 cc or larger. Ms. Myers said she did not know that answer and said the City could not be in conflict with State law. He said he liked the motorcycle endorsement since it meant the driver had some training. The Mayor said State law superseded the City, which was the reason helmets could not be required.

Mr. Rick Roof, owner of California Cycles, spoke at length. Chief Whitman said when the beach had 200 to 300 scooters, they were not problems. Now there were over 1,300 scooters and they were a nuisance, used as toys. He said the operators laughed at the police as they weaved in and out of traffic with guns and drugs on them. Councilwoman Strange asked if it would help to prohibit their driving at night and Chief Whitman responded yes. Councilman Russell asked about requiring going to the 4-wheeled vehicles and Chief Whitman said he was all for that suggestion as the operators could not pass on the sidewalks or pass on the right. Councilwoman Strange asked about their being restricted at night in the meantime. Councilman Russell said yes. **Councilman Russell made the motion to sunset in three years, and when a scooter was wrecked or worn out, that it could not be replaced except with a 4-wheeled vehicle, and the scooters could not be ridden sunset to sunrise. Second was by Councilwoman Strange.** Mr. Gisbert said the City had a record of those 1,300 registered scooters and new scooters could not be registered.

Mr. Rick Roof asked about the 175 new scooters already shipped but not yet received. He said they should be received within the next 30-45 days from China. He said these were replacements for old scooters. He said many of those 1,300 were being sold after Spring Break, and in reality, there were only about 700 scooters.

More public comments were received. Councilman Reichard said the most complaints from residents were the danger of the 2-wheeled scooters. He said he felt it was time to take serious action on this issue.

Ms. Myers said she did not know if the Council could prohibit the operation of the rented scooters. She said she thought there was a commerce clause problem with the no operation at night. She elaborated. Councilman Reichard said he was concerned about the sunsetting in three years. He said if the intention was to remove the scooters in three years, he did not believe the sunset requirement would accomplish that goal. Councilman Russell said the purpose of the sunset was to allow the business owners the time to make the transition to the 4-wheeled vehicles.

More public comments were received. Councilman Curry said he liked the idea of prohibiting riding sunset to sunrise, however had not thought the issue through all of its ramifications. With no further comments, **the motion passed by majority roll call vote recorded as follows:**

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

Mayor Oberst said Sheriff McKeithen had presented five points that he encouraged both the City and County to adopt. Mr. Gisbert repeated those five points and said the City had done all but one, the no alcohol on the sandy beach and that would be discussed at the next meeting. The Mayor summarized the changes as Spring Break defined by the Council each year, close the sale of alcohol at 2 A.M., allow 18-21 year olds to enter bars but not drink, prohibit consumption and possession of open containers all year in City-wide commercial parking lots, develop nuisance ordinance, amend Special Events Ordinance, no parking in the ROW in the Triangle and hotspots, require parking lots of closed business be closed, and agreed to sunset rental scooters in three years and move to 4-wheeled vehicles. **The Policy Points Considerations is attached to and becomes an official part of these Minutes.**

**9 ITEM NO. 9 CITY MANAGER UPDATE.** Mr. Gisbert said he had worked with the School Board who offered the Arnold High School Auditorium to house the next three meetings in order to allow more room for the public. The next meetings would be held Tuesday, May 12; Tuesday, May 26; and Thursday, June 11, and all at 6 P.M. There were no objections.

Mr. Gisbert announced the positive update from the company helping with the City's self-insurance. Since last year, the savings account now totaled almost half a Million Dollars and the goals they had set to pay everything had been met. He elaborated.

**FLOOR ITEMS**

**ITEM 1 COLONY CLUB ISSUE.** Mr. Lee Sullivan commented about the intersection at the Colony Club entrance and its danger. He suggested adjusting the traffic signal timing at Nautilus and Clara which would alleviate some of the problems. Mr. Gisbert said he would talk with FDOT.

**ITEM 2 MIRACLE STRIP AMUSEMENT PARK.** Ms. Felicia Cook echoed Mr. Sullivan's comments and announced Appreciation Days: May 4<sup>th</sup>, Hospitality; May 8<sup>th</sup>, City Employees and 1<sup>st</sup> Responders; and May 15<sup>th</sup>, County Employees and 1<sup>st</sup> Responders.


With nothing further, the meeting was adjourned at 6:10 P.M.

READ AND APPROVED this 26th of May, 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

## Policy Point Considerations for Panama City Beach Council:

(Underlined in Current language)

### DURING COLLEGE SPRING BREAK

1. Definition of Duration of College Spring Break
  - a. March each year.
  - b. March through Easter each year.
  - c. 4 - 6 week period established by council resolution each year depending upon college schedules.
  - d. Include high school schedules in c.
  
2. Drinking on the Beachfront during College Spring Break.
  - a. Allows Alcohol on the Sandy Beach.
  - b. Prohibit possession or consumption of alcohol on sandy beach
    - i. Same as b, but allow businesses with existing alcohol license to extend their licensed premises to include upper half of beach behind their business
    - ii. Same as b, except allow special event events on sandy beach if permitted under special event ordinance.
  - c. Prohibit possession or consumption of alcohol behind clubs with history of crowds on the beach; prohibit large coolers and oversized drink cups and containers on rest of sandy beach but permit possession of small quantities of alcohol for personal consumption.
  - d. Allow alcohol everywhere, but prohibit large coolers and oversized drink cups and containers on sandy beach.
  
3. Cessation of Alcohol Sales during College Spring Break
  - a. 2 A.M.
  - b. 4 A.M.
  
4. Twenty One to Enter business selling or permitting on-premises consumption of alcoholic beverages during *College Spring Break or All Year*.
  - a. Pure Bars - Businesses holding a quota license.
  - b. Nightclubs and "Convertibles" (restaurants that flip into bars or nightclubs for spring break). No quota license but sell or permit consumption of alcoholic beverage, plus one or more of the following:
    - i. Charging a cover or charged a cover within the past day; or
    - ii. Alcohol available after 11:00 P.M.; or
    - iii. Has area designated for dancing and live or amplified entertainment after 11:00 P.M.
    - iv. Customer food service area (tables and counters), kitchen facilities, pantries and storage rooms comprise less than 75% of gross floor area, including decks.
  - c. Persons below 21 who entered lawfully required to leave when 21 to enter begins to apply.
  - d. Exceptions:
    - i. Employees
    - ii. Children with parent or guardian.
    - iii. Military
  - e. Prohibit under 21 in Special Events where alcohol permitted.
  
5. Prohibit consumption or possession of open container of alcoholic beverage in private parking lots and driveways during *College Spring Break or All Year*:
  - a. Commercial on the Tourist Corridor
  - b. Multi-family Residential Rental on the Tourist Corridor
  - c. Single Family Residential Rental on the Tourist Corridor.
  - d. All Single Family Residential on Tourist Corridor.

ALL YEAR:

6. Nuisance Businesses – year round.
  - a. Excessive police calls, arrests, fights, drugs, guns, etc.
  - b. Neighborhood parking problems directly tied to business
  - c. Neighborhood indecency problems directly tied to business
  - d. Fee
  - e. Fine
  - f. Injunctive relief
  
7. Revise Special Events Ordinance – year round.
  - a. Identify Special Event based upon totality of circumstances indicating that attendance is more likely than not to exceed capacity of venue, including
    - i. Number of expected attendees
    - ii. Whether promoted outside Bay County, either directly or foreseeably (social media), to the extent that a significant out-of-county draw is anticipated.
    - iii. Available on-site parking.
    - iv. Whether consumption of municipal resources anticipated.
    - v. Cocoa Beach experience.
  - b. Create/restructure the classes of Special Events
    - i. Sandy beach events vs. non-sandy beach events.
    - ii. No alcohol events
    - iii. Alcohol events
      1. Coolers permitted
      2. No Coolers, only if sold on premises
    - iv. Events of considerable duration
    - v. Extraordinarily large events
    - vi. Private events, weddings etc.
    - vii. House Parties
    - viii. Pop-up-Clubs / “Convertibles”
  - c. For larger classes with greatest public and private nuisance potential:
    - i. Maintain current “feasible and credible” plans requirements
    - ii. Add requirement of marketing plan as part of application package to evaluate attendance estimates.
    - iii. Add requirement of description of entertainers to investigate adverse secondary effects in prior venues and deny for cause with right of appeal to Council.
  - d. Remove corporate village as exemption—make subject to general rules.
  
8. “No Parking on ROW” year round.
  - a. “Triangle”
  - b. Around clubs
  - c. Front Beach Road
  
9. Require that parking lot of closed business must be either:
  - a. Closed to public parking by either:
    - i. Physical barrier, or
    - ii. Enforced no-parking signs; or
  - b. Managed by attendant to prevent becoming a public nuisance.
    - i. Closed business could lease parking lot to neighboring business to manage.
  - c. Vacant lots? Hopefully work through owners to manage through trespass laws.
  
10. Rented Scooters “2 and 3 wheel” – year round.
  - a. Prohibit all rentals
  - b. Prohibit overnight rentals
  - c. Prohibit rental at night or after 5 or 6 pm
  - d. Stay the current course (vests, insurance, pamphlets)