

The Special 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 at the Helen Blackburn Auditorium at the J. R. Arnold High School on May 26, 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 Special Meeting to order at 6:00 P.M. at the Helen Blackburn Auditorium at the J. R. Arnold High School, with all the Council, the City Manager, 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 April 23 and Special Meeting of May 12, 2015 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:

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

The Mayor said she would lay out a few ground rules in that the Council would receive public comments for approximately forty-five minutes once the Agenda reached the Spring Break issues. Each speaker would be limited to three minutes, then the Ordinances would be read and the Council discuss the individual items and vote. She said the meeting had to conclude no later than 8:30 P.M. in consideration of the students having finals tomorrow and staying to clean the room after the meeting. She continued that anyone who did not get the opportunity to speak during these 1st Readings would be able to do so when they were brought back for the Public Hearings at the 2nd Readings. There were no questions or comments.

CONSENT AGENDA

ITEM 1 RESOLUTION 15-100, ANNUAL SUBMERGED LANDS LEASE WET SLIP LEASE FEE. *As Lessee, the City is required to submit the annual lease fee and annually provide wet slip rental and income information based on last year's income to FDEP Division of State Lands for the supplemental invoice. "BE IT RESOLVED that the appropriate Officers of the City are authorized to deliver on behalf of the City the annual lease fee payable to FDEP pursuant to that certain Sovereignty Submerged Lands Lease between the City and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, relating to the property on which the Russell-Fields Pier is located, in an amount of \$39,123.07, 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, whose execution of such Agreement shall be conclusive evidence of such approval."*

ITEM 2 RESOLUTION 15-101, 2015 GRAND SLAM BASEBALL WORLD SERIES TOURNAMENT OPENING CEREMONY PARADES ROAD CLOSURES. *As a part of the Grand Slam Baseball World Series Tournaments held at Frank Brown Park, Grand Slam Sports has requested City Council approval of the attached route for their annual "Opening*

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Ceremony” Parades. “A Resolution of the City of Panama City Beach related to “The Grand Slam Baseball World Series Tournament Opening Ceremony Parades” authorizing the temporary closures of portions of Pier Park Drive, L. C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way on Tuesday, June 16, Sunday, June 21, Sunday, June 28, and Sunday, July 19, 2015.”

Ms. White 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 Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

1 ITEM NO. 1 BAY ECONOMIC DEVELOPMENT ALLIANCE PRESENTATION. Mr. Gisbert introduced Ms. Becca Hardin, President of the Bay Economic Development Alliance (EDA), and she presented an informative powerpoint presentation showing the efforts of her organization to bring new businesses to the County. The audience responded with applause.

2 ITEM NO. 2 RESOLUTION 15-104, HORIZONTAL INFRASTRUCTURE COMPLETION AGREEMENT (HICA) FOR MOONLIGHT BAY AT COLONY CLUB, PHASE 1. Ms. Myers read Resolution 15-104 and explained this was the City’s standard form as seen in the past which accompanied plats if the infrastructures were not complete when presented to the Council for approval. The Mayor asked if there were any questions. Councilwoman Strange asked if this was a new subdivision and what about the new ingress/egress for Colony Club. Mayor Oberst said this was merely two lots next to the trail at Moonlight Bay which must be platted according to the LDC. **Councilman Russell made the motion to approve Resolution 15-104. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

3 ITEM NO. 3 PLAT APPROVAL FOR MOONLIGHT BAY AT COLONY CLUB, PHASE 1 SUBDIVISION, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:19 P.M. Ms. Myers explained this would be the plat approval of three lots for two single family homes. Since this was a Quasi-Judicial Hearing, Councilman Reichard disclosed that he knew the property’s location and had spoken with no one. Councilman Russell said he knew the property’s location and had discussed the issue with Mr. Gisbert, Mr. Leonard and Mr. Richard Henry. Mayor Oberst disclosed that she knew the property’s location and had spoken with Mr. Gisbert and Mr. Leonard. Councilwoman Strange said she knew the property’s location and had spoken with no one. Councilman Curry said he knew of the property’s location and had spoken with no one. Mr. Shortt and Mr. Leonard were sworn and Mr. Shortt explained that this plat was slightly different in that it was within an existing neighborhood and the lots needed to be subdivided to build the homes. The developer would build the sidewalk and stormwater facility for the existing lots and the homeowners would build the other sidewalks and driveways. He said this Hearing had been properly noticed and the plat complied with all of the City’s regulations. Mr. Leonard testified that this property was within City limits, complied with the LDC regulations and was consistent with the Comp Plan. Ms. Myers confirmed that the plat met the statutory requirements and the apparent owners had signed the dedication on the mylar plans. The Mayor asked if there were any questions or comments concerning the plat approval and there were none. **Councilman Reichard made the motion to approve the plat. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 6:23 P.M.

4 ITEM NO. 4 ORDINANCE 1343, WOODSTOCK CHURCH SMALL SCALE COMP PLAN AMENDMENT, 2ND READING, PUBLIC HEARING AND ADOPTION. The Mayor opened the Public Hearing at 6:23 P.M. Ms. Myers read Ordinance 1343 by title. Mr. Leonard explained that this was a Comprehensive Plan request change from Single Family to Tourist on the 1.26 acres. He said the Planning Board considered the request on March 9, 2015 and recommended approval five to zero (5-0). Councilwoman Strange asked if the residential buffer would remain and Mr. Leonard replied affirmatively. Mr. Robert Carroll, the engineer of record, said he was available if any questions. Councilman Reichard asked Mr. Carroll why the residential property was not included in the application. Mr. Carroll replied that it was not included to avoid any encroachment into the neighborhood. The Mayor called for audience comments.

Mr. Dwight Adams, resident of 191 Cobb Road, spoke of the negative impact and questioned what benefit this would be to the neighborhood or its residents. He also commented about the increased traffic on Cobb Road and a traffic report. He referred to an information sheet about the change distributed by the church.

Ms. Kimberly Drayton, resident of 207 Cobb Road, spoke of lowered property values, increased traffic, and the residents being unsafe. She said she was concerned what else would occur to her street and opposed the change.

Mr. Carroll responded to the comments, saying he was not aware of the traffic count report on Cobb Road as the Staff report referenced traffic on Front Beach Road. He explained the church spanned two land uses and zonings on the site, commercial in the rear and residential in the front, which with two sets of regulations limited uses for the property. Mr. Carroll said this was more housekeeping in order to have one set of rules.

Mr. Dwight Adams explained the flyer he had received from the church which detailed the increased trips anticipated for Front Beach Road which he felt would impact Cobb Road.

Councilwoman Strange asked Mr. Carroll if the church sold the property, what would be the dimensions of buildings on the site. Mr. Carroll responded that the buildings would be limited to 45' in height and there were numerous uses which could go on the property. He was not aware of any plans for the site. However, he reminded that they were not asking for a development order as at that time, there would be a review process as well. The Mayor asked if there were any further questions or comments; there were none. **Councilman Curry made the motion to approve Ordinance 1343. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

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

The Public Hearing was closed at 6:35 P.M.

5 ITEM NO. 5 ORDINANCE 1344, WOODSTOCK CHURCH REZONING, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:35 P.M. Ms. Myers read Ordinance 1344 by title and explained this would amend the zoning map from Single Family Residential (R-1A) to Commercial High Intensity (CH). For the Quasi-Judicial Hearing, Councilman Reichard said he was familiar with the property and had not spoken to the owners about this matter. Councilman Russell said he knew the property's location and had only spoken with Mr. Leonard. Mayor Oberst said she knew the property's location and had spoken with Mr. Gisbert. Councilwoman Strange said she knew the property's location, attended the Planning Board meeting when discussed, spoke with one of the residents and Mr. Leonard. Councilman Curry said he knew the property's location and had spoken with no one. Mr. Leonard was sworn and he testified that the Planning Board considered the request on March 9, 2015 and recommended approval five to zero (5-0). He said the request would be required to meet all of the requirements in the LDC and was compatible and consistent with the Comprehensive Plan. The Mayor asked if there were any questions or comments for Mr. Leonard and there were none.

Councilman Russell made the motion to approve Ordinance 1344. Second was by Councilman Reichard. The Mayor called for comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

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

The Public Hearing was closed at 6:40 P.M.

6 ITEM NO. 6* RESOLUTION 15-107, ATKINS TASK ORDER 16, SUPPLEMENTAL AGREEMENT 13, FRONT BEACH ROAD SEGMENT 2, VALUE ENGINEERING AND UPDATES TO PLANS & SPECIFICATIONS. Mayor Oberst said this item noted with an asterisk was one in which the PCB City Council was also acting as the Panama City Beach Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 15-107 by title. Mr. John Alaghemand said the City had received five bids from qualified bidders on April 30th and all bids exceeded the Engineer's estimated amount for the project. He continued that after reviewing the bids, Staff identified several areas which could be redesigned by July, the new specifications advertised in August, bids opened in September, and new bids brought to Council in October. Mayor Oberst asked Mr. Alaghemand why this could not be redesigned inhouse by Staff. Mr. Alaghemand replied that the engineer of record needed to do the modifications to the plans.

Councilman Reichard said he was concerned that the consultants would be sending out specifications substantially over the planned budget and the project being delayed up to a year. Mr. Alaghemand responded that construction was not planned to begin until the end of the season anyway and would span two years. He gave details as to the possible changes which potentially would reduce the cost Two to Three Million Dollars. Councilman Reichard asked if there were more funds available to increase the budget if necessary. Mr. Alaghemand explained that Eight Million Dollars in revenue were anticipated by the end of the fiscal year with more available in the second year of construction. It was possible that funds would have to be borrowed internally to fund the project, similar as to what occurred with Segment 1. He added that the unit prices were consistent in all of the bids. Councilman Curry asked if the same elements were used in the plans for Segment 2 as had been in Segment 1. Mr. Alaghemand responded yes, exactly the same. Councilman Reichard said he did not have enough information to vote. **Councilman Reichard made the motion to table Resolution 15-107. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

7 ITEM NO. 7 RESOLUTION 15-108, DELLWOOD SETTLEMENT AGREEMENT. Ms. Myers read Resolution 15-108 by title and explained that several years ago, the City had spent approximately Seventy-Five Thousand Dollars (\$75,000) to demolish the old Surfside Villas, the property was foreclosed, a counterclaim filed, and this settlement would have the City receive Fifty Thousand Dollars (\$50,000) to satisfy the lien and dismiss the lawsuit. Ms. White added that this money would go back into the CRA as the original demolition was paid with CRA funds. The Mayor asked if there were any questions and there were none. **Councilwoman Strange made the motion to approve Resolution 15-108. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

At this juncture, the Mayor called for public comments concerning Spring Break. Numerous citizens spoke, offering comments such as stay the course, bold moves needed, negative publicity for the City, these Ordinances not addressing the real issues, urging the Council to listen to the majority of residents, and that the world was watching for positive action to curb the violence. A land use consultant spoke saying he represented businesses and that they did not waive their rights or challenges to the new laws. Business representatives spoke of the economic impacts, job losses, penalizing the locals that earned their livings with Spring Break, enforcement of current laws without creating new laws, unintended consequences, and that summer bookings were strong and not negatively impacted by the bad publicity. An attorney made comments about scooters and that the City could not do laws which the State regulated and he questioned the City regulating the scooter companies out of business. The Mayor closed the public comments at 7:50 P.M.

8 ITEM NO. 8 RESOLUTION 15-102, RESOLUTION DEFINING SPRING BREAK 2016. Ms. Myers read Resolution 15-102 by title. The Mayor asked if there were any questions or comments and added that the City Manager had given the Council a tentative listing of 2016 Spring Break weeks at the last meeting. **Councilman Reichard made the motion to approve Resolution 15-102. Second was by Councilman Russell.** The Mayor called for Council comments.

Councilman Curry said the dates listed had been February 12th through April 9th. He suggested amending the Resolution to capture all weeks of college Spring Break as eighteen colleges were not considered in this Resolution and the police presence would be great during the additional weeks and the thugs would be here for the prey. He urged the other Councilors to reconsider. Councilman Reichard reminded that the Board of County Commissioners were waiting until January to determine the weeks but with the current listing, 93% of the colleges were out during March, 6% in February and only 1% in April. He explained some of the numbers from the colleges out during February and April, and stated he felt strongly to only declare March as Spring Break. Mayor Oberst added that Easter was early next year on March 27th which would bring families. Councilwoman Strange commented that she agreed March was a big month but questioned why the City would not mirror the County on the dates. Councilman Russell said the County was not making their decision until January and he reminded that the dates could be extended at any time by the City. Councilman Reichard commented about reduced income to the City when considering this matter. Councilman Curry asked to hear Chief Whitman's comments.

Chief Whitman explained his increased hours began the first Thursday in March, expanding to the twelve hour shifts six days per week, extending past Easter. He said the second and third weeks of March were traditionally the largest, with some families and college kids here at the same time. He added that the Mutual Aid assistance started at the same time in March.

Councilman Reichard said typically, the people protected as of April 1st were high school students under 18 and families. Chief Whitman said his priority was always the community first and protecting lives. He said the focus changes from college kids to juveniles which were a different breed. The Mayor asked for further comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

9 ITEM NO. 9 ORDINANCE 1352, PROHIBIT BALCONY CLIMBING, 1ST READING. Ms. Myers read Ordinance 1352 by title and explained this issue had been discussed during public comments in several meetings. She said the Chief and City Manager had asked her to bring an Ordinance to the Council for their consideration. The Mayor questioned that the City did not currently have an Ordinance prohibiting climbing on the balconies and Ms. Myers replied negatively. Chief Whitman explained that he had requested this regulation because a local judge had dismissed one of our cases because our Ordinances did not strictly state balcony climbing as disorderly conduct. Seeing this as a trend, he had asked Mr. Gisbert for this proposed Ordinance. The Mayor asked if there were any questions for the Chief and there were none. **Councilwoman Strange made the motion to approve Ordinance 1352. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

10 ITEM NO. 10 ORDINANCE 1353, PROHIBIT ALCOHOL ON THE SANDY GULF BEACH DURING SPRING BREAK, 1ST READING. Ms. Myers read Ordinance 1353 by title and explained the penalty which had been in the draft Ordinance was the same as open containers violations. After speaking with the City Manager and Chief Whitman, they suggested that the option for a civil penalty be removed and this be enforceable as a criminal offense. Chief Whitman said he wanted to hit the offenders hard and place the violators in jail because issuing civil violations would not solve the problems nor permit his officers to take the violators to jail and they would merely laugh at the citation. He added that social media would spread the word as to how the City would enforce this new regulation.

Councilwoman Strange commented that the City was vastly different than Daytona or Fort Lauderdale when they banned alcohol on their sandy beaches. She said the City already had shopping, trails, entertainment, a world-class Aquatic Center, and beautiful beaches so there were more fun things to do here during March. The Mayor asked if there were any further questions or comments; there were none. **Councilwoman Strange made the motion to approve Ordinance 1353. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

11 ITEM NO. 11 ORDINANCE 1355, INCREASING AMOUNT OF CIVIL PENALTIES FOR OPEN CONTAINERS VIOLATIONS, 1ST READING. Ms. Myers read Ordinance 1355 by title and explained this Ordinance would increase the schedule of civil penalties. Councilman Reichard asked Chief Whitman if the increased fines were strong enough. Chief Whitman responded this was a tool they would use in the tier program. The original \$50.00 fine was considered a joke by the offenders, and the officer had the option of placing the person in jail if they were causing problems. Councilman Reichard asked if this would create an administrative nightmare with additional citations for the courts, the County, or City Hall. Chief Whitman said it would be more work for Ms. White who received the payment for the civil citations, but would be additional costs for the County if the unpaid citations were referred to a collection agency. He explained the procedures had not changed, merely the amounts of the civil penalties. Relating to the Spring Break court held at the Majestic, these civil penalties would be paid at City Hall and not involve that court. He elaborated on that court system. He added that if paid at City Hall, they would only pay half within ten days but those funds would stay in the City. **Councilwoman Strange made the motion to approve Ordinance 1355. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

12 ITEM NO. 12 RESOLUTION 15-103, RESOLUTION PROHIBITING REGISTRATION OF SCOOTERS POST 4/23/15 WITHOUT CREDIBLE EVIDENCE. Ms. Myers read Resolution 15-103 and explained this was the confirmation of the Council's intent made on April 23rd to phase out scooters within three years and the direction to the Chief not to register new scooters unless the City received credible evidence such as a bill of sale or legally binding purchase agreement dated before April 23rd. Councilwoman Strange questioned the shops buying new scooters for rental but not registering them with the City. Councilman Russell said the Police Department registered every scooter and inspected them. Chief Whitman said this was a Resolution to prohibit companies buying hundreds of scooters to flood the market and he knew some were already ordered and enroute to the businesses now. He added that the inspections were safety inspections. **Councilman Russell made the motion to approve Resolution 15-103. Second was by Councilwoman Strange.** The Mayor called for comments.

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Ms. Colleen Swab, owner of California Cycles, spoke at length asking the City to enforce the laws already on hand. She said this intent would put her company out of business. She explained being in litigation with the County and City for the last three years. She mentioned the City taking away her rights and freedom.

Councilman Curry said there was a problem with scooters and he thought it a bad decision to go after the business owners. He elaborated and recommended dealing with the problem operators instead of the business owners.

Mr. Ray Steinbrecher, representative for Sara's Rentals, said they had placed an order May 4th for One Hundred scooters and now the City would not register them. He commented about the lack of notice and the violation of state and federal rights. He spoke on constitutional violations. He urged the Council to table this issue. With no further comments, **the motion passed by majority roll call vote recorded as follows:**

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

Mayor Oberst said she had received a request to move the next meeting to 2 P.M. as the last two meetings had been held at 6 P.M. so that everyone would have the opportunity to attend and she added she would like the meeting moved back to City Hall. Mr. Gisbert said the City Hall could accommodate two hundred people which was all that was at tonight's meeting. Councilwoman Strange commented that if the meeting was held at 2 P.M., more people would probably attend. Councilman Reichard said the 2 P.M. time would be fair to the hospitality workers. **Councilman Reichard made the motion to have the next meeting at 2 P.M. in the City Council Chambers. Second was by Councilman Russell.** Discussion ensued concerning the sound on stage and feedback from the speakers making it difficult for the Council to hear speaker comments and each other. Councilman Curry said the Council Chambers were too small. Additional discussion ensued. **Councilman Reichard withdrew his motion.** After further discussion concerning the potential for a larger audience, it was determined the next meeting would be held at 2 P.M. in the auditorium.

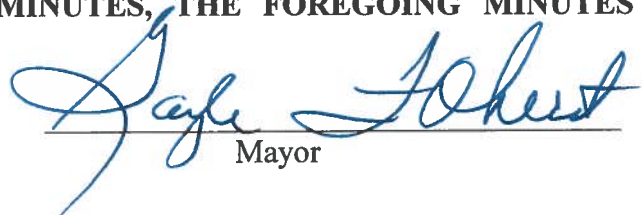
Councilman Reichard asked Chief Whitman his recommendation for the 18-21 year olds being allowed in clubs since the County had decided to prohibit their entry. Chief Whitman said he still held the position that an 18-19-20 year old should be allowed in clubs and establishments that sold alcohol without drinking and he explained his reasons, that those kids were not the problems.

13 ITEM NO. 13 CITY MANAGER UPDATE. Mr. Gisbert said all but two bids were received for the new City Campus buildings and the numbers seemed to be tracking well and on budget. He would update the Council when all bids were received and totaled.

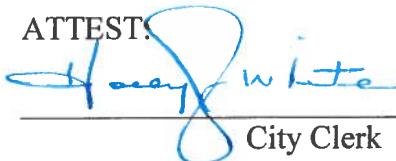
With nothing further, the meeting was adjourned at 8:35 P.M.

READ AND APPROVED this 11th of June, 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