

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 June 11, 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 2:00 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.

Senior Pastor 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. **Hearing none, the Agenda was accepted as prepared.**

The Minutes of the Special Meeting of May 26, 2015 were **read and approved as written per motion by Councilwoman Strange. Second was by Councilman Russell and the motion passed by unanimous roll call vote recorded as follows:**

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

The Mayor said the Council would receive public input for approximately forty-five minutes once the Agenda reached the Spring Break issues. Each speaker would be limited to three minutes, and then the Ordinances would be read and discussed by the Council, and then available for a vote. She reminded that forms were on the lobby table for those speakers who wished to address the Council. There were also two presentations, which would be for approximately fifteen minutes each. There were no questions or comments.

CONSENT AGENDA

1 ORDER 02-RZ-15 AND FINDINGS OF FACT FOR THE REZONING REQUEST FOR WOODSTOCK CHURCH, PROPERTY LOCATED AT 190 COBB ROAD. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on May 26, 2015, the City Council orders that the subject rezoning request is GRANTED and the captioned Ordinance 1344 is ADOPTED.

2 ORDER 05-PL-15 AND FINDINGS OF FACT FOR THE PLAT APPROVAL FOR THE MOONLIGHT BAY AT COLONY CLUB, PHASE 1. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing held on May 26, 2015, the City Council orders that the subject request to subdivide the land is GRANTED and the captioned plat of Moonlight Bay at Colony Club, Phase 1 is APPROVED as presented.

3 RESOLUTION 15-107, UNITED STATES FASTPITCH ASSOCIATION SOFTBALL TOURNAMENTS OPENING CEREMONY PARADES ROAD CLOSURES. As a part of the United States Fastpitch Association Softball Tournaments held at Frank Brown Park, the USFA has requested City Council approval of the attached route for their annual "Opening Ceremony" Parades. "A Resolution of the City of Panama City Beach related to "The United States Fastpitch Association Softball Tournaments Opening Ceremony Parades" authorizing the temporary closures of portions of Pier Park Drive, West Pier Park Drive, L. C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way on Sunday, July 5, Sunday, July 12, and Sunday, July 19, 2015."

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4 RESOLUTION 15-112, STATE HIGHWAY LIGHTING, MAINTENANCE, AND COMPENSATION AGREEMENT WORK ORDER FOR FY 2015-2016. Each year, FDOT issues a Work Order confirming the amount and authorizing the performance of maintenance for the upcoming Fiscal Year. The Work Order authorizes the City to begin performing maintenance on the lights from July 1, 2015 thru June 30, 2016. The amount compensated for the maintenance will be \$90,626.89. and an invoice may be submitted to FDOT after May 1, 2016, and the City will receive a 100% reimbursement based on the amount of estimation provided. **STAFF RECOMMENDS APPROVAL of the Agreement.** “**BE IT RESOLVED that the appropriate Officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Work Order for Fiscal Year 2015-2016, in accordance with the Highway Lighting, Maintenance, and Compensation Agreement between the City and FDOT, dated November 16, 2011, in the basic amount of \$90,626.89 which costs will be reimbursed to the City, in substantially the form attached and submitted to the Council today, draft dated May 12, 2015, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such Agreement shall be conclusive evidence of such approval.**”

Ms. White presented the Consent Agenda. The Mayor asked for comments from the audience. Hearing none, **Councilman Russell made the motion to approve the Consent Agenda. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

1 ITEM NO. 1 EXAMINING BOARD MEMBERSHIP. Mr. Leonard explained that four members of the Examining Board had their terms expiring July 22, 2015. He said these members were licensed in the fields of plumbing, gas, electrical or HVAC but did not have to be City residents. He said Mr. Thorndyke, the Building Official, was in the process of contacting the members to verify if they wished to serve again but meanwhile the application could be placed on the website for any interested license-holder. Plans were to make the appointments at a future meeting. The Council had no objections.

2 ITEM NO. 2 HAAS CENTER ECONOMIC UPDATE PRESENTATION. Mr. Gisbert introduced Mr. Rick Harper of the Haas Center who presented slides with March economic information. He spoke at length of the seasonal economy and our City and County being tourism-dependent, with the challenge making this a year round tourist economy. Mayor Oberst thanked Mr. Harper for his presentation.

3 ITEM NO. 3 RESOLUTION 15-109, UPDATING FIXTURE VALUES FOR WATER/SEWER IMPACT FEES. Ms. Myers read Resolution 15-109 by title. Mr. Shortt explained the reduced values used to calculate the Impact Fees which would lower the Impact Fees now for a typical home by about Three Hundred Dollars (\$300). He said the studies were done in the 1930s and rates had not been updated since the early 1970s and were lowered due to information from the latest publication. The Mayor asked if there were any questions and there were none. **Councilwoman Strange made the motion to approve Resolution 15-109. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

4 ITEM NO. 4 RESOLUTION 15-110, HOMEOWNERS ASSOCIATION OF THE SHORES SEWER IMPROVEMENTS REVENUE CERTIFICATE. Ms. Myers read Resolution 15-110 by title. Mr. Shortt explained that about a year ago, construction was done to close their sewer plant and send their flow to our sewer plant, which was funded by the HOA. This Revenue Certificate would allow an Impact Fee credit of 25% for future connections to the line. Councilman Curry asked if these were new facilities. Mr. Shortt replied affirmatively, and in fact, the construction came in under budget and the City recently refunded a small portion of the original Four Hundred Thousand Dollar cost. He said this Agreement would sunset at Twenty (20) years and was capped at Two Hundred Fifty Thousand Dollars (\$250,000). **Councilman Reichard made the motion to approve Resolution 15-110. 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 Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Aye

5 ITEM NO. 5 SPRING BREAK DATA PRESENTATION. Mr. Darrell Sellers introduced Professor John Laurie who made a lengthy presentation concerning the Twenty to Twenty-Five year life cycle of a Spring Break location. He gave information about Daytona and Fort Lauderdale. Councilman Reichard questioned him about the growth rate of Volusia County as compared to Bay County, with Bay County leading the State in growth.

At this juncture, the Mayor called for public comments concerning Spring Break. Numerous citizens spoke of laws punishing the wrong people, being embarrassed to say they lived in Panama City Beach, the soaring crime rate in the neighborhoods, more arrests being attributed to more law enforcement presence on the sandy beach, a loophole allowing alcohol on the sandy beach, overtaxing the First Responders during this period, and the worsening City reputation due to Spring Break. Other citizens spoke of jobs seemingly not to matter, the State's authority to permit an extension of the liquor license, not fair to some of the resorts with the alcohol ban, what would replace the revenue if Spring Break stopped, the problem with alcohol drinking not being in the clubs, opposing prohibiting the right-of-way parking, and no viable alternative to the current Spring Break business.

Ms. Colleen Swab spoke that scooters were not a Spring Break problem.

Mr. Bruce McLaughlin, land use planner, spoke of reserving his clients rights for challenge, protection of property rights and the welfare of all citizens, and the subsequent moving of the problems inland. He also entered a lengthy email into the record.

The Mayor closed the public comments at 3:45 P.M.

6 ITEM NO. 6 ORDINANCE 1347, ALCOHOL HOURS OF SALE, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:50 P.M. Ms. Myers read Ordinance 1347 by title which stopped the sale of alcohol during March at 2 A.M. Councilman Curry asked Ms. Myers about not being able to extend the Spring Break dates after January 31st. Ms. Myers explained the procedures of being able to revise the 2016 dates. She explained that with the Resolution adopting March 2016 as Spring Break, all of these Ordinances were tied to that time period. The Council would be able to extend the Spring Break time period after January 31st as an emergency action. The Mayor asked if there were any further questions; there were none. **Councilwoman Strange made the motion to approve Ordinance 1347. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 3:52 P.M.

7 ITEM NO. 7 ORDINANCE 1348, PROHIBIT DRINKING IN COMMERCIAL PARKING LOTS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:52 P.M. Ms. Myers read Ordinance 1348 by title, explaining this would only be for Spring Break. The Mayor asked if there were any questions or comments; there were none. **Councilman Russell made the motion to approve Ordinance 1348. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 3:53 P.M.

8 ITEM NO. 8 ORDINANCE 1349, PROHIBIT PARKING IN THE RIGHT-OF-WAY AFTER DARK, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:53 P.M. Ms. Myers explained a revised version was on the table in front of each Councilor. She said the change was due to originally making the Ordinance too broad, prohibiting the parking on any City road where it should have been any road within the Scenic Corridor which matched the intent of the Council. She then read amended Ordinance 1349 by title and explained it was not a substantial change that would interrupt the enactment process. Councilman Curry asked for the definition of Scenic Corridor and Ms. Myers gave it. **Councilwoman Strange made the motion to approve Ordinance 1349. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

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

The Public Hearing was closed at 3:55 P.M.

9 ITEM NO. 9 ORDINANCE 1352, PROHIBIT BALCONY CLIMBING, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:55 P.M. Ms. Myers read Ordinance 1352 by title. The Mayor asked if there were any questions and there were none. **Councilwoman Strange made the motion to approve Ordinance 1352. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 3:56 P.M.

10 ITEM NO. 10 ORDINANCE 1353, PROHIBIT ALCOHOL ON THE SANDY GULF BEACH DURING SPRING BREAK, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:56 P.M. Ms. Myers read Ordinance 1353 by title. The Mayor asked if there were questions or comments. Councilman Reichard said the “loophole” was an acknowledgement of a State law, the extension of premises, and our Ordinance mirrored the County’s Ordinance. He asked if that exception was removed from our proposed Ordinance, could the Ordinance move forward. Ms. Myers replied affirmatively. **Councilman Reichard made the motion to remove the exception in Section 3-2.1. from Ordinance 1353. Second was by Councilwoman Strange.** At the request of the Mayor, Ms. Myers read the “exceptions” portion of the County Ordinance which had already been adopted. Councilwoman Strange questioned the vague word “structure” in the County Ordinance. Councilman Russell said that could mean a fence. Ms. Myers said, although not defined in the Ordinance, there were several definitions of structure in the County Code and that she believed that the exceptions in both the City and County’s Ordinances were an appropriate deference to the State’s authority. Both provisions in effect would continue to allow the State to exercise that authority.

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Councilman Reichard said this conversation was moot because his motion deleted the exception. At the request of the Mayor, Ms. Myers read Section 3-2.1. as amended. Mayor Oberst said the exception being called a loophole was not true because the same exception was in the County Ordinance. However, the City was removing that exception and she hoped the Bay County Commissioners would remove their exception at the next meeting. The Mayor continued that if they did not, the clubs in the County would defer to the State for the extension of premises and permit drinking alcohol on the sandy beach. The Mayor asked if there were any further comments. Councilman Reichard added that, although this was his motion, he hoped this action would help unite the people and move forward as a community but it also took away some rights of some people. With nothing further, **the motion passed by unanimous roll call vote recorded as follows:**

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

Councilwoman Strange made the motion to approve amended 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:**

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

The Public Hearing was closed at 4:08 P.M.

11 ITEM NO. 11 ORDINANCE 1355, INCREASING AMOUNT OF CIVIL PENALTIES FOR OPEN CONTAINERS VIOLATIONS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 4:08 P.M. Ms. Myers read Ordinance 1355 by title. The Mayor asked if there were any questions or comments and there were none. **Councilwoman Strange made the motion to approve Ordinance 1355. 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 Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Aye

The Public Hearing was closed at 4:09 P.M.

12 ITEM NO. 12 CITY MANAGER UPDATE. Mr. Gisbert explained that Staff had been researching for the past few months the scattered parcels of surplus City land to possibly go to the market. He explained the sizes were very diverse and it would be complex to determine a value for those lots. He proposed to determine values on single family lots after reviewing the Property Appraiser's website and for those lots of larger size, to hire an appraiser to put out for the highest and best use price. He reminded that land prices were climbing, and the last time such an endeavor was presented to the Council, at that time, the direction was to wait until prices were higher and the market prices shortly thereafter plummeted. Councilman Reichard said he had received interest from a developer who wished to buy a parcel and he encouraged the Council to move forward with this matter.

Mayor Oberst said she did not oppose the issue with that particular piece of land, but did not want to sell other lots. She said if the City at this time did not need the money, to hold the land and possibly sell in the future if money was needed for furniture for the new buildings. Councilwoman Strange asked for a list of lands, and Mr. Gisbert said he had the list and a map and would forward to the Council members. Ms. White added that most of these were for utilities, and the funds would go back into the Utility Fund, not General. Mr. Gisbert said the Utility Department would need to purchase lots now while the prices were down and the sites available. There were no objections.

Mr. Gisbert said, relating to the bids for the new City Campus buildings, some of the bids were back out and the new Bid Opening was scheduled for June 17th. He hoped to have the Resolution on the next meeting in order to move forward.

Councilman Curry asked Mr. Gisbert if this project was still as construction management. Mr. Gisbert explained that the construction manager was required to bid every subcontractor portion and they would look at each lowest qualified price. He discussed the expertise of the construction management team as they had worked with the various subcontractors in the past. He continued that the goal was to stay within the \$8.9 Million Dollar budget.

ANNOUNCEMENTS

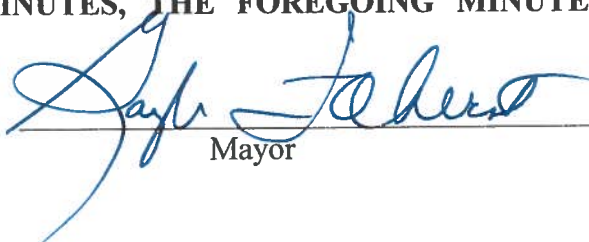
Mayor Oberst announced that the next City Council meeting would be held June 25th at 2 P.M. and be in the City Council Chambers at City Hall. She thanked the students and teachers from Arnold High School for their hospitality, and Pro-Tech Sound for making the sound today wonderful.

Councilwoman Strange reminded that the Pier Park Concert Series starts tonight at 7 P.M. at Aaron Bessant Park.

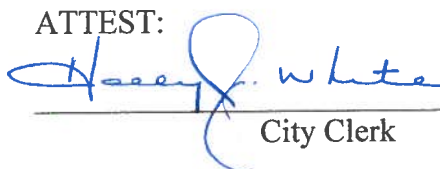
With nothing further, the meeting was adjourned at 4:15 P.M.

READ AND APPROVED this 25th 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