

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, held on September 24, 2015.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
DIANE FOWLER
ASSISTANT CITY ATTORNEY:
AMY MYERS

Mayor Oberst called the Regular Meeting to order at 2:00 P.M. with all of the Council, the City Manager, City Clerk and Assistant City Attorney present. She announced there would be no livestreaming of the meeting due to internet problems.

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. Councilman Reichard asked to move Consent Agenda Item #2 to the Regular Agenda. The Mayor stated this would be 2A. Mr. Gisbert asked to add *Resolution 15-142, 2015-2016 Salary Increase Budget Amendment* to the Agenda. The Mayor stated this would be #16. **With no objections, the Agenda was accepted as amended.**

There were no Minutes available for approval.

CONSENT AGENDA

1 *“NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH”. October marks the 70th anniversary of the observation of National Disability Employment Awareness Month, a national campaign that celebrates the many and varied contributions of America’s workers with disabilities, with the message that people with disabilities are EQUAL to the task throughout the year. “A Proclamation designating October, 2015 as “National Disability Employment Awareness Month” in Panama City Beach.”*

2 *ORDER #01-CU-15 AND FINDING OF FACTS FOR THE APPROVAL OF THE CONDITIONAL USE REQUEST TO INCREASE THE MAXIMUM STRUCTURAL HEIGHT FOR MIRACLE STRIP. Moved to the Regular Agenda.*

3 *ORDER #03-RZ-15 AND FINDING OF FACTS FOR THE APPROVAL OF THE SHALIMAR HOLDINGS LLC REZONING. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on September 10, 2015, the City Council orders that the subject request is hereby GRANTED and the captioned Ordinance 1357 shall be ADOPTED.*

4 *RATIFICATION OF ORDER #07-PL-15 AND FINDING OF FACTS FOR THE APPROVAL OF THE PIER PARK NORTH PLAT. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing held on September 10, 2015, the City Council orders that the subject request to subdivide the land is GRANTED and the PIER PARK NORTH plat is APPROVED as presented. IT IS FURTHER ORDERED that the appropriate officers of the City are authorized to execute and deliver the plat on behalf of the City upon their personal observation and the City Attorney’s concurrence that the title certification has been properly executed. IT IS STILL FURTHER ORDERED that this Order shall supercede and replace Order 02-PL-15 dated December 11, 2014, approving a subdivision of the same lands by the same name and the City Manager is ordered to obtain and destroy the mylar of that prior plat.*

5 *RESOLUTION 15-140, CRI AUDIT ENGAGEMENT LETTER. Carr Riggs & Ingram have presented an Engagement Letter to provide auditing services for the year ending 9/30/15 with a fee reduction of 3%. Staff is currently reviewing an RFP for 2016 year end now and should submit soon for proposals. STAFF RECOMMENDS APPROVAL.*

“BE IT RESOLVED that the appropriate officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Agreement between the City and Carr, Riggs & Ingram, LLC, relating to the annual audit evaluation of the City’s financial statements for Fiscal Year ending 9/30/15, in an amount not to exceed \$115,400, in substantially the form attached and presented to the Council today, draft dated 9/10/15, 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.”

6 RESOLUTION 15-143, ANNUAL SHADDAI SHRINE TEMPLE FALL CEREMONIAL PARADE. *The annual Shaddai Shrine Temple Fall Ceremonial Parade has been scheduled for Saturday, October 10, 2015, and necessitates vehicular traffic control 8:00 A.M. to 11:00 A.M. on Front Beach Road from Nautilus Street west to Powell Adams Road. “A Resolution authorizing the temporary closure of portions of Front Beach Road on the morning of Saturday, October 10, 2015, to permit the annual Shaddai Shrine Temple Fall Ceremonial Parade.”*

Ms. Fowler read the amended Consent Agenda. **Councilman Curry made the motion to approve the amended Consent Agenda. 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

REGULAR AGENDA

1 ITEM NO. 1 “NATIONAL FALLEN FIREFIGHTERS MEMORIAL SERVICE DAY” PROCLAMATION & PRESENTATION. Mayor Oberst invited Chief Daly and Battalion Chief Joe Cocco to the podium as she read portions of the Proclamation declaring October 4th as “National Fallen Firefighters Memorial Service Day” and that the flags would be half-staff that day in honor of the Memorial. She also explained that Battalion Chief Cocco was soon celebrating his 30th anniversary with the City. The audience responded with applause and a standing ovation. Chief Daly said a few words in B.C. Cocco’s honor and said he always put others before himself.

2 ITEM NO. 2 “FIRE PREVENTION WEEK” PROCLAMATION & PRESENTATION. The Mayor read portions of this Proclamation declaring October 4th through October 10th, 2015 as “It’s Fire Prevention Week- Hear the Beep Where You Sleep”. Chief Daly thanked the Mayor as he accepted the Proclamation.

3 ITEM NO. 2A ORDER #01-CU-15 AND FINDING OF FACTS FOR THE APPROVAL OF THE CONDITIONAL USE REQUEST TO INCREASE THE MAXIMUM STRUCTURAL HEIGHT FOR MIRACLE STRIP. Councilman Reichard asked Ms. Myers about the extension of the One Hundred Twenty-Six Thousand Dollar (\$126,000) Letter of Credit since Miracle Strip was reportedly being sold to new owners. Ms. Myers said if the new owners bought after November, they would not be authorized to build the wheel unless a new Letter of Credit was in place since the approval went with the land, not the person. The new owner also only had one year to exercise the Conditional Use, otherwise, there would have to be a new Conditional Use approval. **Councilman Reichard made the motion to approve Order 01-CU-15. Second was by Councilwoman Strange.** The Mayor called for discussion; there was 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. 3 RESOLUTION 15-141, LOWE SETTLEMENT AGREEMENT. Ms. Myers read Resolution 15-141 by title and explained this was brought forward from Ms. Gwen Adkins, the City's Special Litigation Counsel and Ms. Adkins recommended approval. The Mayor asked if there were any questions. Councilman Curry asked Chief Whitman if new policies and procedures were in place now to prevent such an occurrence from happening in the future. Chief Whitman said the policies and procedures had been redone when he assumed command and the K-9 officers know that civilians cannot approach the dogs. Councilman Reichard added that this dog was not one of the dogs bought by the businesses. **Councilman Curry made the motion to approve Resolution 15-141. 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 Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Aye

5 ITEM NO. 4 ORDINANCE 1356, 2015 WATER, SEWER, RECLAIMED WATER RATE INCREASE, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 2:21 P.M. Ms. Myers read Ordinance 1356 by title. The Mayor asked for questions or comments from the Council and audience; there were none. The Mayor entered one letter opposing the rate increase into the record. **Councilman Russell made the motion to approve Ordinance 1356. Second was by Councilman Reichard 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 Public Hearing was closed at 2:22 P.M.

6 ITEM NO. 5 ORDINANCE 1358, HIGHLAND LAND COMPANY REZONING, 2ND READING, PUBLIC HEARING AND ADOPTION. The Mayor opened the Public Hearing at 2:22 P.M. Ms. Myers read Ordinance 1358 by title. The Council gave their Jennings Disclosures. Mr. Leonard, Mr. Robert Carroll, and Mr. George Dent were sworn. Mr. Leonard said the Planning Board heard the rezoning request on July 13, 2015 and recommended seven to zero (7-0) to approve Parcels 2 and 3 to be rezoned R-3 but to deny Parcel 1 to go from R-TH to R-3. He said this application was for a licensed facility, allowed in R-TH, R-2 and R-3 zones, but in R-TH only six or less residents would be allowed. This rezoning would allow more residents on each parcel. This rezoning complied with the LDC if approved, and any development on site would be required to mitigate the impact in order to be consistent for concurrency with the Comp Plan and LDC. Ms. Myers stated that the Public Hearing was properly noticed and the request met all of the applicable State regulations.

Mr. Robert Carroll, McNeil-Carroll Engineering and agent for the applicant, said one concern discussed at the Planning Board meeting was the height. The property was currently deed-restricted by St. Joe and limited to multi-family. He asked St. Joe for a deed amendment which would make these age-restricted parcels and the document was ready to be executed if the Council approved the entire rezoning. Mr. Carroll displayed a site plan and read the amendment presented to St. Joe, which would be entered into the record. He identified the conservation easements in red on the map which would stay intact. He identified the locations of the independent living duplexes, the multi-story assisted living building and the single story memory care unit.

Councilman Reichard asked about the mitigation area on Parcel 1 and said there had been questions at the Planning Board meeting if this area could be changed. Mr. Carroll said those areas were recorded conservation easements and they had no plans to make any changes. The mitigation credits were paid for and in the Breakfast Point mitigation bank and were dedicated as wooded areas. He displayed a rendering of the memory care unit.

Councilman Curry said he was concerned about the density issue and questioned if the memory care unit could be built even if the rezoning was not approved. Mr. Carroll responded that he could not build the unit because of the density, that only six units would not be feasible. Ms. Myers entered the record of the Planning Board Hearing into the record. Councilman

Reichard commented that this type of development would be a good neighbor to Arnold High School and the townhomes.

Mr. George Dent said this building would be a great amenity for the beach, less expensive than a skilled nursing facility, by a known developer, and well needed. He urged approval. The Mayor said she agreed with Mr. Dent that this type of facility was sadly needed. Councilman Reichard said his concern about the Parcel 1 mitigated area was now answered to his satisfaction. Councilman Curry said his only concern was the density increase, and after this presentation felt more comfortable with the request. **Councilman Reichard made the motion to approve rezone all three Parcels. Second was by Councilwoman Strange.** The Mayor called for comments; there was 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 2:45 P.M.

7 ITEM NO. 6 PROPOSED PELICAN POINTE APARTMENTS LOCAL GOVERNMENT CONTRIBUTION REQUEST. Mr. Leonard explained this request was from Royal American Development and their proposal for a 78 unit apartment complex at their existing property on Clarence. The request was for the City to participate with them on a State application for rents artificially lower than our current market rates. The owner could gain points on this application with a local contribution up to Twenty Thousand Dollars (\$20,000). Mr. Leonard said there would be ways to do the Twenty Thousand Dollars if the Council was interested. He disclosed that his wife worked for an affiliated company under the RA brand. The Mayor asked if there were any questions for Mr. Leonard. She added that this type of development had already been done before, the Stone Harbor Apartments. Mr. Gisbert said this development would provide a place for the workforce people to live, not subsidized living. Councilwoman Strange asked where the contribution would come from out of City funds. Mr. Leonard replied the traffic impact of approximately Fifty Thousand Dollars (\$50,000) could be reduced by the Twenty Thousand Dollars (\$20,000) if the Council wished.

Councilman Curry disclosed that his company had a contract with Royal American. He asked for Staff's recommendation. Mr. Leonard said affordable housing was a major goal of the Comp Plan and there were many beneficial effects from affordable housing on the beach.

Ms. Kimberly Murphy of Royal American Development explained this would not be Section 8 subsidized housing. This was workforce housing and she explained the differences with these tenants paying rent. She said without the fee waiver, they would not be competitive in their application. Ms. Murphy felt confident in their application and that awards would be given out April, 2016.

Mr. Arthur Cullen said this would be a great site for this type of development. He said Royal American was a good community partner and he recommended approval.

Councilman Reichard made the motion to go forward with this request. Second was by Councilman Curry. The Mayor called for further discussion. Councilman Reichard asked for Staff's recommendation after hearing the presentation. Mr. Leonard said the City should take advantage of any workforce housing. Ms. Myers confirmed that she had reviewed the forms for the fee waiver and it was very straightforward. She then read Resolution 15-144 relating to the City's waiver of the Proportionate Share Impact Fees. **Councilman Reichard amended his motion to approve Resolution 15-144. Councilman Curry amended his second. 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

8 ITEM NO. 7 ORDINANCE 1361, AMENDING FIREFIGHTERS' RETIREMENT PLAN ORDINANCE, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:06 P.M. Ms. Myers read Ordinance 1361 by title. The Mayor asked if there were any questions or comments; there were none.

Councilman Russell made the motion to approve Ordinance 1361. Second was by Councilman Reichard 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 Public Hearing was closed at 3:07 P.M.

9 ITEM NO. 8 ORDINANCE 1362, AMENDING POLICE OFFICERS' RETIREMENT PLAN ORDINANCE, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:08 P.M. Ms. Myers read Ordinance 1362 by title. The Mayor called for questions or comments; there were none. **Councilman Reichard made the motion to approve Ordinance 1362. 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 Public Hearing was closed at 3:09 P.M.

10 ITEM NO. 9 ORDINANCE 1363, AMENDING GENERAL EMPLOYEES' RETIREMENT PLAN ORDINANCE, 2ND READING, PUBLIC HEARING AND ADOPTION. The Mayor opened another Public Hearing at 3:09 P.M. Ms. Myers read Ordinance 1363 by title. The Mayor called for questions or comments. There were none. **Councilman Russell made the motion to approve Ordinance 1363. 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 Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Mayor Oberst	Aye

The Public Hearing was closed at 3:10 P.M.

Mr. Arthur Cullen spoke of the Spring Break Ordinances in general, in support of Ordinance 1350 but urged caution about unintended consequences and adverse effects.

11 ITEM NO. 10 ORDINANCE 1350, PARKING LOTS CLOSED OR MANAGED, 1ST READING, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 3:15 P.M. Mr. Sale read Ordinance 1350 by title and said notice had been served a month ago about this proposed Ordinance. He said in short terms, when the business was closed, the parking lot would be actively supervised or closed as defined in the Ordinance. Councilman Reichard asked about "providing exceptions" in the title. Mr. Sale responded there were no exceptions and the line would be stricken from the title. Councilman Russell asked about a parking lot such as the old Publix Shopping Center with outparcels. Mr. Sale said that would require judgment in enforcement and elaborated. Mr. Gisbert explained about towing companies monitoring the lots and permission given by store owners for parked vehicles. Mayor Oberst said she thought this Ordinance would do more for Spring Break than the other Ordinances because it would address locations where drug transactions and mischief occurred. **Councilman Reichard made the motion to approve Ordinance 1350 with "no exceptions" stricken from the title. Second was by Councilman Russell.** The Mayor called for comments from the public; 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 closed at 3:23 P.M.

12 ITEM NO. 11 ORDINANCE 1351, BANNING SCOOTERS, 1ST READING, PUBLIC HEARING. PRESENTATION BY CA. CYCLES. The Mayor opened the Public Hearing at 3:23 P.M. Mr. Sale read Ordinance 1351 by title. He explained that impound and storage fee charges would later be determined by Resolution based upon a negotiated price.

Mr. Gisbert distributed some information from Classic Rentals to the Council. Ms. Colleen Swab, California Cycles, spoke at length concerning proposals for a surcharge instead of the scooter ban, donating scooters to the Police Department, and limiting the number of scooters to sixty (60) per store. This would cap the scooters to Seven Hundred Twenty (720). She distributed handouts to the Council. Councilman Reichard asked Ms. Swab to make those changes and bring the results back to Council. Mr. Rick Roof stated that if the shops could not do overnight rentals, they would be closed. Mr. Sale questioned Ms. Swab about scooter turnover and Ms. Swab said they try to sell their old bikes every year because they want to supply new equipment to their customers. She spoke of damages already inflicted because they could not buy replacements for old equipment. She asked for a workshop to discuss the scooter industry. Ms. Swab said they had drastically changed their business.

Councilman Curry apologized to Ms. Swab and said that this legislation attacked the foundation of free market enterprise. He said the community had many nuisances such as traffic and Spring Break.

Ms. Eva Bush, owner of Classic Rentals, said her business had implemented vests and obtained insurance. She said overnight rentals were a large part of their business especially for large groups. Councilman Reichard asked about limiting her shop to only sixty scooters and Ms. Bush said that would be no problem, as they only rented what they could control.

Mr. Mitch Dever, representative for King of Scooters, said the rental of the scooter is not the nuisance but rather the operator of the scooter. He recommended enforcement of the Conditional Uses and other rules already in place.

Mr. Rick Roof spoke of the number of accidents versus the total number of rentals for his shops. Councilwoman Strange asked about insurance and Mr. Roof said they could not obtain the insurance and explained the reasons. Councilman Russell asked about requiring vests and Mr. Roof responded that they were working on that issue also. Councilman Curry commented that his company could not obtain insurance either because of their size plus its expense.

Mr. William Bush, owner of Classic Rentals, stated reasons why California Cycles would not be able to obtain insurance. He said the vests worked great and that he thought forty (40) scooters per location would be enough. Councilman Reichard asked what enforcement he could recommend and Mr. Bush replied all of the rules should be enforced.

Mayor Oberst asked Mr. Sale about the overnight rentals. Mr. Sale said this Ordinance prohibited them effective immediately for all year. He recommended the Council discuss the timeframe when Chief Whitman spoke.

Ms. Olesea Siriteanu said she could get insurance and had the vests and brochures. Councilman Reichard asked how many scooters she had at her business and she replied thirty (30). Mr. Sale asked her opinion of prohibiting the overnight rentals. She said overnight rentals were a large part of her business but she understood it was a problem during Spring Break. She asked not to prohibit them for summer.

Chief Whitman said five businesses worked with the City and all conformed with the regulations except one business. He explained his officers not enforcing the vests and insurance at this time to allow full compliance by all of the businesses. He discussed the current number of scooters on the road and explained why he did not permit chasing the scooters. Councilman Curry commented about limiting a transportation device for good people all year.

Mayor Oberst said if the scooter numbers were reduced to forty or sixty per shop, the shops policed themselves and the riders abided by the laws, by the time 2017 arrived, there would be the opportunity for that City Council to look at the issue and see if the changes were effective. Mr. Sale suggested if overnight rentals were limited to Spring Break, that would be consistent with the comments from the shop owners. Regarding limiting the numbers, the shops themselves could determine the number and limit themselves. He also confirmed that this Ordinance validated the April registration moratorium. Chief Whitman said with less scooters on the road, there would be better enforcement. He added that the surcharge would be illegal as it would be considered a police tax and he could not accept.

Councilman Reichard said he liked the ideas volunteered by the businesses to limit the number of scooters. Councilman Curry said he thought the free market should limit the number of scooters and was concerned what nuisance would be banned next. Councilman Reichard asked Mr. Gisbert for his recommendations. Mr. Gisbert said this was the first meeting where the businesses had been more proactive to provide options that were reasonable for the Council to consider.

Councilman Curry made the motion to stop this Ordinance, meet with the businesses and come back with a better Ordinance at the next meeting. Councilman Russell said it seemed the businesses were coming together with good ideas but felt some businesses would not participate. Councilwoman Strange suggested adding a deadline for the information. Mr. Sale said if these changes did not work, the City would need to have the prohibition effective in 2017 which would give the stores a period to amortize their investment in the existing inventory. Councilman Russell said these terms should be retained in this motion. Discussion ensued concerning a trial period. Mr. Sale said he understood that the Council was comfortable now limiting the overnight rental prohibition to only Spring Break, and if the industry did not deal with the excesses, the Council could still prohibit the scooters in the fall of 2017 without having to buy their current inventory. **Second was by Councilman Russell.** The Mayor called for further 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 4:45 P.M. Mr. Sale stated, for the public and Council, that this was a material change to the purpose of the Ordinance and the process would start again.

13 ITEM NO. 12 ORDINANCE 1359, SPECIAL EVENTS, 1ST READING, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 4:45 P.M. Mr. Sale read Ordinance 1359 by title. Councilwoman Strange asked about people outside of the fences. Mr. Sale explained in detail about "gathering space" and Mr. Gisbert said the producer was still responsible for the flow of the people to their location, similar to Gulf Coast Jam. He explained how Gulf Coast Jam coordinated the mass migration to the event. For the Luke Bryan concert, the promoters managed all of the people outside the fence as well as those inside the fence. If the promoter created a gathering, they needed to supply a feasible credible plan on how they would control the people. Mr. Sale said that was a valid point and suggested new language to make the promoter responsible for the overflow and how to disperse the crowd. He said this Ordinance had the Council setting the standards and then trusting the Police Chief and City Manager to make decisions based on those standards.

Councilwoman Strange asked what actions could be taken once an event started and was determined not good for the City. Mr. Gisbert said the promoter could be asked to tone down the event. Mr. Sale discussed suspension of a permitted event or a spontaneous event that grew and tripped the thresholds, and their remedies. The promoter must make a diligent effort to reduce the excess.

Mr. Sale said the change about addressing the excesses outside of the fence would not be substantial and Council could go forward. He said he would bring a revised version to the next meeting. **Councilwoman Strange made the motion to approve Ordinance 1359. 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 5:00 P.M.

14 ITEM NO. 13 ORDINANCE 1360, SHORT TERM VACATION RENTALS, 1ST READING, PUBLIC HEARING. The Mayor opened the Public Hearing at 5:00 P.M. and entered several emails opposing the Ordinance into the record. Mr. Sale read Ordinance 1360 by title. Councilman Reichard said he had planned to request this be removed from the Agenda because more discussion was needed with Homeowner Associations and others. He said he thought the proposed Ordinance would need major renovations but wanted to hear from the public. Mr. Sale said this draft had practical problems and legal problems. He said the Flagler County Ordinance was even more detailed than this, but he used this draft as a start for conversation. He added it would be very helpful to Staff to hear the comments. Councilman Curry said this was not a Spring Break issue, but year round. Councilman Reichard said the goal of this Ordinance was for the Police to have the authority to address dangerous situations by evicting the party or tone down a party.

Chief Whitman said management had the authority to trespass people, not the police. Just because they went to a unit about a problem, they could not evict the people. The problem with condos were those units without a management company and no one available to authorize the police to evict people if necessary. He mentioned having permission to evict written into the contracts. He said he wanted a tool to address the 1% of troublemakers. Councilman Reichard said owners had been very poor to respond to that request. Mr. Sale said the problem was to require an out-of-town VRBO owner to have a local agent who was authorized to use State law to evict someone from their unit. VRBO units rented more than three times per year were subject to the same transient accommodation rules as a hotel room. That would leave it up to the judgment of the local representative whether to take action at 2 A.M.

Mayor Oberst said the Council was asking the audience to offer input as to what could be done. Mr. Gisbert said the Homeowners Associations had the greatest interest in this matter. Councilman Reichard said the HOA could not evict someone without the homeowner's authorization either. Mr. Gisbert said the City could mandate if a unit was rented that the owner must give the HOA the right to evict someone if necessary.

Mr. Hector Solis spoke at length, said if eviction was the issue, it could be offered as a volunteer method posted on the door that the owner authorized permission for eviction if necessary. However, not every homeowner wanted to grant this permission. If that was the case, there could be a nuisance clause in the contract that stated those properties that did not have that permission in place, and the unit became a nuisance then the owner could be fined. He added that an information system needed to be created to go out to the homeowners and talk to the people. He said numerous properties on the beach already had this system in place. Mr. Solis spoke of local contacts responding at 2 A.M. Regarding refunding, with the proper forms, the money could be forfeited if the parties were evicted. Mr. Sale asked who would be the recipient of the contract with the owner giving the permission. Mr. Solis said it could go to the Police Department with a copy to the HOA. Mr. Sale said he did not believe it could be given to the Police because they could not be private security and trespass people. The owner could evict the people.

Ms. Clare Pease made comments about her condo documents with that language. She said if the other condos on the beach did not have that language, they needed to go back and do an amendment. She said in her documents, once signed at check-in, the parties could be evicted with no funds refunded. She also commented about overstacking the units, not allowing extra guests into the units. She also commented about targeting the VRBOs. Councilman Reichard agreed that his older resort should amend the homeowner documents to allow evictions. Mr. Gisbert suggested making the HOA the contact, not a management company. Mr. Arthur Cullen asked if that language could be added to the Business Registration. Mr. Gisbert said it should be as easy as mandating that everyone that rented must amend their HOA rules to allow the HOA to evict.

Ms. Tina Jennings supported the idea of the arrangement with the HOA. She spoke at length concerning who rented the unit and protecting the rights of the homeowner. Ms. Susan Hart said she was concerned about setting maximum occupancy based on the number of bedrooms. Councilman Reichard suggested that it be up to the HOAs. Mr. Mark Perry explained he had no Spring Break business for next year and elaborated. Mr. Darrell Sellers supported the responsibility shift to HOAs. Mr. Sale said the practical answer would be to have an alternative for those homeowners who rented and be able to fine them if they did not voluntarily get their HOA engaged. He said Staff would need to look at that issue.

The Mayor moved to the next item.

15 ITEM NO. 14 PLAT APPROVAL, WHISPER DUNES PHASE 3, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 5:51 P.M. The Council gave their Jennings Disclosures. Ms. Jenkins and Mr. Leonard were sworn. Ms. Jenkins testified that the Hearing was properly noticed, the project complied with the City's subdivision regulations, and they would be dedicating infrastructure to the City as part of the subdivision. All of the infrastructure was not yet completed and the developer would be posting a bond for 110% of the remaining work. The estimated costs would be approximately One Hundred Eighty-Seven Thousand Dollars. She explained the scope of the work, about 80% completed. She reviewed the engineering plans and specs which appeared to be technically sound, and been on site to inspect the construction.

Mr. Leonard said this plat was within the City limits, complied with the LDC and compatible with the Comp Plan.

Ms. Myers said in the past, when infrastructure was incomplete, the Council considered an Infrastructure Completion Agreement. On the recommendation of Mr. David Theriaque, the City's Special Land Use Counsel, he recommended converting those agreements into conditions of plat approval. Ms. Myers confirmed the face of the plat contained the title certificate, surveyors certificate, and appeared to satisfy the requirements of Florida Statute. She also recommended if the Council wanted to approve the plat that it be conditioned upon the infrastructure being completed within twelve months, and complete before the City provided utility service, a performance bond be submitted for the 110%, and a maintenance bond for 10% be given to the City upon the City's acceptance of those improvements. She stated those would be written into the form of the Order for the next meeting. She added that the dedication changed since last Friday to dedicate to the City and HOA a Twenty Foot (20') Utility Easement, shown on the plat but left out of the dedication. The Mayor asked if there were any questions or comments; there were none. **Councilman Russell made the motion to approve the plat with those conditions stated by Ms. Myers. Second was by Councilwoman Strange 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 Public Meeting was closed at 5:59 P.M.

16 ITEM NO. 15 RESOLUTION 15-142, 2015-2016 SALARY INCREASE BUDGET AMENDMENT #1, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:00 P.M. Ms. Myers read Resolution 15-142 by title. The Mayor called for questions or comments; there were none. **Councilman Russell the motion to approve Resolution 15-142. Second was by Councilman Curry and the motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 6:01 P.M.

17 ITEM NO. 16 CITY MANAGER UPDATE. Mr. Gisbert congratulated the Fire Department on awards of two grants for almost Twenty Thousand Dollars for portable tools from Ironman Florida and Firehouse.

ANNOUNCEMENTS

The Mayor announced the "Beach For the Books" Event at the Library which started at 5:30 P.M. "Chasin' The Sun" Concert will be held Friday and Saturday, with Alan Jackson performing Saturday. The Blood Drive will be held Tuesday at Frank Brown Park. Chief Whitman congratulated BC Chief Cocco for his 30th anniversary, quite an accomplishment.

With nothing further, the meeting was adjourned at 6:02 P.M.

READ AND APPROVED this 22nd of October, 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