

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 October 22, 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.

Pastor Rick Young of the Woodstock 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. Ms. Myers asked to add a new Ordinance for First Reading Revising the City's Floodplain Management Regulations. There were copies before each Councilor. There were no objections and the Mayor stated it would be noted as 7A. With nothing further, **the Agenda was accepted as amended.**

The Minutes of the September 24, 2015 Regular Meeting were read and approved per **motion by Councilman Russell. 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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

CONSENT AGENDA

The following items were presented for approval in the Consent Agenda.

1 "VETERAN'S DAY" PROCLAMATION. "A Proclamation honoring November 11, 2015 as Veteran's Day in PCB."

2 RESOLUTION 16-05, THUNDER BEACH BIKE SHOW ROAD CLOSURES. "A Resolution of the City of Panama City Beach related to the Thunder Beach Bike Show Event; authorizing temporary road closure on portions of Pier Park Drive and L.C.Hilton Drive on Saturday, October 24, 2015, for the Event."

3 RESOLUTION 16-09, PCB FIRE/RESCUE LIFEPAK 15 PURCHASES. "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 Physio-Control, Inc., relating to the purchase of two Lifepak 15 units with accessories, in the basic amount of \$84,007.42, in substantially the form of the quote 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."

4 RESOLUTION 16-10, PCB FIRE/RESCUE SCBA PURCHASES. "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 Fisher Safety, relating to the purchase of SCBA units with accessories, in the basic amount of \$144,292.28, in substantially the form of the quote 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."

5 **RESOLUTION 16-11, PURCHASE OF OFFICE 365 ESSENTIAL & MIGRATION SERVICES.** *“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 ISC, relating to the purchase of email migration services and Office 365 Licenses, in the total amount of \$26,990, 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.”*

6 **“FLORIDA CITY GOVERNMENT WEEK” PROCLAMATION.** *“A Proclamation declaring October 18-24, 2015 as “Florida City Government Week” in PCB.*

Ms. Fowler read the Proclamations in full and the Resolutions by title. **Councilman Reichard made the motion to approve the Consent Agenda. Second was by Councilman Russell and the motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

1. **ITEM NO. 1 CANCELLATION OF COASTAL COMMUNITY BANK DEVELOPMENT AGREEMENT- DISCUSSION.** Ms. Myers said the City received a request from the current owner of the land to cancel the 2007 Development Agreement which would expire in 2017. She said if the Council decided to cancel the Development Agreement, the land may be developed for any purpose consistent with the LDC. If the City chose to do nothing, the land would be encumbered and limited by the Development Agreement. She said the Development Agreement had some enhanced development restrictions more stringent than the LDC which protected the neighborhood.

Mr. Leonard explained if the Development Agreement was canceled, there would be more uses available, more building could be built with more buffer and landscaping. He explained the options in detail. He said the Council could do nothing or modify the Agreement any way they deemed necessary. Ms. Myers said this Development Agreement ran with the land, not the owner. In response to Councilman Reichard’s question about the Planning Board recommendation, Mr. Leonard said this only had been at the City Council level so it would be the Council’s decision.

Mr. Robert Carroll, agent for the owner, said the original vision for this property was to be developed for a bank but there had not been bank development for the last several years. He said there were interested parties in this property and the request was to expedite the termination of the Agreement. Since the adoption of the LDC and with the cancelation of the Development Agreement, there would be more stringent rules for development. He mentioned building height with incentives and said that he did not foresee someone wanting a taller building but the request would go through the Council if desired. He said if this property was developed under the LDC it would protect the residents. Councilwoman Strange said she liked that the buffer would increase. **Councilman Reichard made the motion to cancel the Development Agreement. 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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

2 **ITEM NO. 2* RESOLUTION 16-08, NWFL C STORE INC., REAL ESTATE SALES CONTRACT, FRONT BEACH ROAD SEGMENT 2.** Mayor Oberst said this item was one in which the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 16-08 by title and said this was for two parcels of land.

Councilman Reichard asked for a brief history of this land acquisition. Ms. Myers said originally the City sent the owner an offer based upon the appraisal and standard incentive amounts. The owner took the offer to an eminent domain attorney who came back with a counter offer in the Three Hundred Thousand Dollar range. After speaking with the City Manager, it was determined that the counteroffer was too high and the funds would be better spent to redesign the roadway without the parcel. Preliminary plans were made for the redesign and over time, the landowner came back to the City willing to accept the original offer. Mr. Gisbert said the City had spent a little bit of money redesigning the plans to show the owner the parcel was not critical to the project. Councilman Reichard said it was a little strip of land and Ms. Myers said yes. Councilwoman Strange asked Mr. Gisbert if he knew the cost of the redesign and he said he did not know. However, he did show the owner the benefit of the redevelopment with the end result being better. **Councilman Reichard made the motion to approve Resolution 16-08. Second was by Councilman Curry.** The Mayor called for questions or comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

3 ITEM NO. 3 RESOLUTION 16-12, FISCAL YEAR 2015 BUDGET AMENDMENT #80, PUBLIC HEARING. The Public Hearing was opened at 2:23 P.M. Ms. Myers read Resolution 16-12 by title and stated this was for Fiscal Year 2015. Mr. Gisbert explained it was for housekeeping on a few items to close out the Fiscal Year and he explained each item in detail. The Mayor asked if there were any questions. There were none. **Councilman Russell made the motion to approve Resolution 16-12. 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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

The Public Hearing was closed at 2:25 P.M.

4 ITEM NO. 4 RESOLUTION 16-13, BAYSIDE LIFT STATION LAND SWAP. Ms. Myers read Resolution 16-13 by title and explained this request came from the bank. She said ultimately, the City would come out with more land and the bank would get enough land for a 60' right-of-way. She added that Staff had no objections to the swap. The Mayor asked if there were any questions or comments; there were none.

Councilman Reichard made the motion to approve Resolution 16-13. 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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

5 ITEM NO. 5 ORDINANCE 1351-L, LIMITING SCOOTERS, 1ST READING, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 2:27 P.M. Ms. Myers read Ordinance 1351-L by title and said this was in substantially the same form seen at the last meeting. She also asked to incorporate the testimony from that meeting into the record of this Public Hearing. There were no objections. Councilwoman Strange asked if scooters and coupes were incorporated into the same number and Ms. Myers replied affirmatively. Councilman Curry said if the City found this not to be a nuisance in 2017, this Ordinance could be expanded and Mr. Gisbert replied certainly. Councilman Russell said he had observed some of the three wheeled coupes now having a fourth wheel and asked if this Ordinance would apply to that type of vehicle. Mr. Gisbert mentioned adding "moped" to the Ordinance as well as "scooter". Ms. Myers said moped had already been added and a fourth wheel would be covered under the definition of low-speed street vehicle but not qualify as a motor scooter, not subject to the inventory limitation. Mr. Gisbert said he understood Council's intent was to capture all of the

scooters, including those with training wheels. After discussion, Ms. Myers offered adding a 4th wheel to the definition of “motor scooter” which would not change the Ordinance materially. With no further discussion, **Councilwoman Strange made the motion to approve Ordinance 1351-L as amended. Second was by Councilman Russell.** The Mayor called for comments or questions; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 2:32 P.M.

6 ITEM NO. 6 PERFORMANCE POLICY & EVALUATION FORMS-DISCUSSION. Mr. Gisbert explained Ms. Fowler had produced six or seven different evaluation forms for the Department Heads to review which had been narrowed down to four. Staff and Ms. Fowler both recommended Options A and B, one for the supervisors and the other for employees. The employees would complete the self-evaluation which would be given to the supervisor. The supervisor would meet with the employee and give feedback. He added that this form must be approved by the Civil Service Commission but he wanted the Council to have the first review. Councilman Reichard said it was excellent and his only comment would be to simplify the language. Councilman Curry said he was very impressed with the work and that self-evaluation was the key. Mr. Gisbert said the evaluations would be given at ninety days, six months, and annually. At the next Council meeting, Staff will present how these evaluations incorporated into the pay-for-performance component. **Councilman Reichard made the motion to approve the Performance Policy and evaluation forms with simpler language. 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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

7 ITEM NO. 7 COLONY CLUB ROAD LAND ACQUISITION AND MEDIAN OPTIONS. Councilman Russell said the Colony Club subdivision was developed in 1967 with only one ingress/egress. Approximately eight years ago, the previous City Manager and Staff looked at egress through Clara but it was cost-prohibitive.

Mr. Gisbert recently showed him a route from Fairway to Nautilus which would be 1/3 of the distance and less costly. Mr. Casto had been working on this route for the past few months and determined a possible solution. He asked Mr. Casto to explain the potential role as well as changes to the median at the Parkway.

Mr. Casto said Colony Club was the oldest and one of the largest subdivisions in the City, with currently 357 homes and condos and 178 vacant lots. He gave a brief history of the different phases of the subdivision starting in 1967. At the last traffic count, approximately three thousand cars per day exited the subdivision. He explained the Clara option had been discussed for many years, but no one had ever explored exiting to the west. He displayed a preliminary design and estimated it would cost Eight Hundred Thousand Dollars (\$800,000). He identified a parcel which the owners had agreed to sell a portion adjacent to our 48 year old lift station that was scheduled to be replaced this year. Staff proposed to purchase the 40’ strip of land for Forty Thousand Dollars (\$40,000) and build the new lift station on that site while the old lift station still operated. He explained the reasons why this option was better for the City than other possible locations. Mr. Casto said if the Council decided to approve this option, Staff would need approval to move forward purchasing the 40’ strip of land and issuing a Request For Quotes for the Engineering Services for the new roadway. He added that he also had some options for the median for discussion.

Councilwoman Strange asked about the Nautilus Cove complex as someone had called her asking if they could also be part of the bypass. Mr. Casto said that might be an option but it was a gated community. Councilman Curry said this seemed to be a natural connection to the future “Back Back Beach Road”. Mr. Gisbert said FDOT was looking at the “Back Back Beach Road”

as part of their long range plan. Mayor Oberst said she agreed with the City Manager in that the City was not sanctioning building the road down to Hathaway Bridge, only from SR 79 to Nautilus. FDOT would make the decision when and if they would go through Colony Club. Mr. Gisbert said he had heard many versions of their plans and it was outside of the City's control.

Councilman Reichard asked about the Eight Hundred Thousand Dollars for the construction. Mr. Casto said that was an estimate and the exact figure would not be known until the job was bid out. Councilman Reichard said taking the number of developed lots and the total estimated cost of Eight Hundred Forty Thousand Dollars, would bring the individual cost to Fifteen Hundred Seventy Dollars (\$1,570). He asked where the money would be taken from. Mr. Casto said Contingency had sufficient monies, above the 25% that was kept for reserves. He said roads take time, and if the Council decided to move forward, there were many steps to be taken. This would only start the process.

Councilman Reichard asked about the other land acquisition, past the lift station site. Mr. Casto said he had met with St. Joe several times. He displayed a map identifying the land that was high quality wetlands which could only have roads. He said that land could possibly be donated to the City, the same as the Loop Road land. Councilwoman Strange said she thought if the City could spend the money for the Loop Road, it should also be spent for the benefit of Colony Club. **Councilwoman Strange made the motion to proceed with the purchase of the 40' of land and prepare the RFQs for the Engineering Services. Second was by Councilman Curry.** The Mayor called for further discussion. Councilman Reichard asked how she planned to pay for this project. Councilwoman Strange asked about the list provided several months ago about unneeded Utility land. Mr. Gisbert said that land was in the Utility Budget and any funds would remain in the Utility Budget, not the General Budget with the exception of the lift station. Councilman Curry said this roadway would benefit the residents of Colony Club and possibly allow a tie-in to the Nautilus Cove residents, and address a true accident area.

Mayor Oberst said Colony Club could not be built in this manner today and should have been platted originally with two ways in and two ways out of the subdivision. She said there were other subdivisions in the City whose residents could say they had a similar problem as the Colony Club residents, and she gave the example of Open Sands. She said if the City elected to do this road, it would only be the beginning and that she would like the City to do a participatory payment plan similar to what the County used. She added that fixing the median would be something that could be done immediately. Councilman Reichard calculated that if the City paid half and the residents paid half, the cost for the roadway could be structured at Thirteen Dollars (\$13.00) per month per resident for five years. Undeveloped lots would need further discussion. Councilwoman Strange said this situation was allowed by the City so why burden the residents. Mayor Oberst said that logic would also apply to other subdivisions within the City. Councilman Curry said he thought a participatory plan was a good idea. Councilman Russell recommended moving forward to purchase the property and direct Staff to research the costs to build the road out of Colony Club. Mr. Casto said the roadway figures were only estimated and actual costs would be determined after bids. Mayor Oberst recommended looking into the participatory plan so future Councils would have an easier time to make decisions such as this. Councilman Reichard added about resurfacing all of the subdivision roads and reminded that the City did not have a property tax to fund a reserve for road resurfacing.

Mr. Mike McCants supported the participatory idea and the proposed route of the roadway. He recommended moving forward.

Ms. Gail Bernstein recommended including the golf course in the participatory calculations due to the golfers adding to the traffic congestion. She supported the participatory idea. Mr. Bill Bernstein agreed that the residents should pay their part but that some of the congestion could have been prevented by not allowing Goodwill and Trieste.

Mr. Phil Chester reminded that another business was being built next to Goodwill which would add to the congestion. He said this was more of a safety issue rather than a convenience. With no further comments, **the motion passed by unanimous roll call vote recorded as follows:**

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

Mayor Oberst said fixing the median could be done faster and invited comments. Mr. Casto explained three possible options and displayed drawings for each. He said discussions with FDOT indicated that they would consider funding the fix of the median. He said the "porkchop", Exhibit B, was controlled access and was Staff's recommendation. He said the existing median

would not be as congested if the new roadway was completed as he felt most of the residents would use the new egress. Councilman Russell recommended contacting FDOT and asking them to move forward with the median corrections simultaneously with the City moving forward with the new roadway. **Councilman Russell made the motion to direct Staff to go to FDOT to support making the median improvements with Option B, the “porkchop”. Second was by Councilman Reichard.** The Mayor called for comments. Councilman Curry asked Mr. Casto if the funding did not come from FDOT, what was his estimate for the porkchop improvements. Mr. Casto estimated between Forty Thousand and Sixty Thousand Dollars (\$40,000-\$60,000). **The motion passed by unanimous roll call vote recorded as follows:**

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

Mayor Oberst asked for discussion about the **participatory plan**. Mr. Gisbert said he was meeting tomorrow with County Manager Bob Majka and they would talk about the County plan and its details. He said he would bring something back to Council at the December meeting. The Mayor said this would be something similar as to the arrangements the City made with some residents with the sewer improvements and the reuse water. Councilman Curry said it was an excellent idea. Mr. Gisbert said he would pursue the idea.

Councilwoman Strange asked for an update on the properties discussed a few meetings ago that were considered for sale. Mr. Gisbert replied that the issue was on hold now because Mr. Shortt had sufficient money in Utilities to buy new properties as available and those sites did not have to be sold now. Discussion ensued concerning how the properties could be sold.

8 ITEM NO. 7A AN ORDINANCE REVISING THE CITY’S FLOODPLAIN MANAGEMENT REGULATIONS, 1ST READING. Ms. Myers explained that the City had a November 15th deadline to complete an application for the Community Rating System (CRS) for the flood insurance program, and one crucial piece was amending the City’s current Floodplain Management Ordinance to match the State. She said for notice purposes, the First Reading would be necessary tonight and the State had agreed for the City to move forward now but requested a chance to review the proposed Ordinance if any changes were made. She continued that she and Ms. Jenkins had already agreed upon some changes to remove some redundancies. Ms. Myers read the Ordinance by title and said it would have the potential to reduce all of the flood insurance rates. The Mayor asked if there were any questions. There were none. **Councilwoman Strange made the motion to approve the Ordinance Revising the City’s Floodplain Management Regulations. Second was by Councilman Russell and the motion passed by unanimous roll call vote recorded as follows:**

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

9 ITEM NO. 8 CITY MANAGER UPDATE. Mr. Gisbert announced that PCB Fire/Rescue Lt. Greg Rincon had been named as the Optimist Club Firefighter of the Year and the Council offered their congratulations. He mentioned Thunder Beach was in process and chastised one promoter for being late submitting their Special Event permits the day after the event started. Councilwoman Strange asked if the City could fine the promoter and Mr. Gisbert said the City did not have a fine system but that would be something to investigate. The Mayor mentioned tents everywhere and the Council receiving complaints. Mr. Gisbert said our one Code Enforcement officer was out addressing the locations, checking on permits. The challenge was vendors coming in at the last minute and setting up booths in parking lots, taking up parking spaces. Councilman Reichard recommended the City Manager write a letter to put the promoter on notice that there would not be an event next year if this lateness occurred again.

ANNOUNCEMENTS

Mayor Oberst announced the helicopter from the Beach Mosquito Control would be spraying the island tonight. She said Arnold High School would be having the Homecoming Parade tomorrow at 12:30 P.M. Saturday, the City of Panama City versus the City of Panama City Beach is holding a kickball event. The First Responder Appreciation luncheon is October 29th, the Sims Veterans Softball game at Frank Brown Park is November 3rd, the Conservation Park Monarch Butterfly Tagging is November 7th, Ironman Florida Triathlon is November 7th, and City Hall will be closed for Veterans Day on November 11th.

FLOOR ITEMS

Mr. Phil Bernstein said the City could address the Colony Club median with adding “No U-turn” signs now. Councilman Russell said the City would have to ask FDOT about that change. Mr. Casto said the City had already sent a request to FDOT to do so but they had not yet replied.

With nothing further, the meeting was adjourned at 3:40 P.M.

READ AND APPROVED this 12th of November, 2015.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.

ATTEST:



City Clerk



Mayor