

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 February 25, 2016.

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.

Mayor Oberst gave the invocation and led the pledge of allegiance.

The Minutes of the December 10, 2015 Regular Meeting, January 5 Special Meeting and January 14, 2016 Regular Meeting were read and approved as written per **motion by Councilwoman Strange. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Mayor asked if there were any additions or deletions to the Agenda. Councilman Curry asked to move Consent Agenda Item #4, *“Resolution 16-59, MSA Task Order 5 Tetra Tech Conservation Park Biological Monitoring”* to the Regular Agenda. The Mayor added that the Women’s Civic Club wanted to make a presentation to the Fire Department at the first of the meeting. There were no objections to the changes. **With nothing further, the Agenda was accepted as amended.**

#### CONSENT AGENDA

**1 “CLEAN-UP, PAINT-UP AND FIX-UP MONTH” PROCLAMATION. “A Proclamation saluting and encouraging aesthetic efforts by proclaiming March 2016, as “Clean-Up, Paint-Up and Fix-Up Month” in Panama City Beach.”**

**2 REVISION OF THE CITY MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. All Departments have been asked to update their audit lists for surplus/obsolete equipment/vehicles/etc. These items are to be removed from the Master Audit List. STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List.**

**3 RESOLUTION 16-58, UTILITY DEPARTMENT FLEET VEHICLE PURCHASE. Staff allocated funds in the FY 2015-2016 Water and Wastewater Utilities Budget to purchase several service vehicles. All but one of the vehicle purchases were publically bid and awarded a few months ago. Staff deferred acquiring one until a determination was made concerning whether the type of vehicle would be changed. At this time, Staff desires to purchase one additional 2016 short wheelbase cargo van from Hub City Ford, piggybacking on a previous Utility Fleet Vehicle Bid the City received on March 18, 2015. Attached is a copy of that bid tabulation and a letter from Hub City Ford agreeing to match the original bid amount. STAFF RECOMMENDS that the Council authorize the City Manager to purchase the vehicle from Hub City Ford in the amount of \$20,799.**

*This fleet purchase is budgeted and the proposed vehicle cost is below the budgeted amount. If approved by the Council, a purchase order will be issued and delivery is expected within 20 weeks. "A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF A SHORT WHEELBASE CARGO VAN FOR THE UTILITIES DEPARTMENT IN THE BASIC AMOUNT OF \$20,799."*

**4 RESOLUTION 16-59, MSA TASK ORDER 5 TETRA TECH, CONSERVATION PARK BIOLOGICAL MONITORING. Moved to Regular Agenda as 7A.**

Ms. Fowler read the Amended Consent Agenda. Mayor Oberst invited public comment: there was none. **Councilman Curry made the motion to approve the Amended Consent Agenda. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

**REGULAR AGENDA**

**1 ITEM NO. 1 AIRPORT BOARD REPORT.** Mr. Till Bruett and Mr. Del Lee, the City's two Board representatives, gave an indepth update on the Airport Authority and Airport statistics for the yearend. Mr. Bruett reported adding two new airlines to their roster and explained about the worldwide competition.

**1A ADD-ON WOMEN'S CIVIC CLUB OF PCB PRESENTATION.** Mayor Oberst invited representatives from the Women's Civic Club and Fire Chief John Daly to the podium to accept a Two Thousand Dollar (\$2,000) donation for smoke alarms from the Women's Civic Club of Panama City Beach. Representatives of the Civic Club were President Connie Peterson, Treasurer Cheri Leistner, past president Nan VandenBerg, and member Barbara Vecumba. Chief Daly thanked the ladies on the Department's behalf and said a few words about the smoke alarm program supported by the Civic Club. Mayor Oberst, a longstanding member of the Civic Club, also thanked the ladies on behalf of the City.

**2 ITEM NO. 2 RESOLUTION 16-57, RE-AWARD OCEAN REEF OUTFALL IMPROVEMENTS CONTRACT.** Ms. Myers read Resolution 16-57 by title and explained that the original contractor was unable to sign the contract awarded at the last meeting, so Staff contacted the second bidder. The Mayor asked if there were any questions or comments. There were none. **Councilman Russell made the motion to approve Resolution 16-57. Second was by Councilman Reichard.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**3 ITEM NO. 3 2<sup>ND</sup> AMENDMENT TO THE TOWNE OF SEAHAVEN DEVELOPMENT AGREEMENT, PUBLIC HEARING.** The Public Hearing was opened at 2:23 P.M. Ms. Myers gave a brief background and introduction to this Development Agreement. The Development Agreement approved September 2005 was for ten (10) years. In 2013, the Council approved an extension of this Development Agreement to sync with expiration of the Development of Regional Impact (DRI) Development Order. However, this extension was never executed. Therefore, this matter was before Council again to request the extension to sync with the expiration of the DRI Development Order which was scheduled to expire in 2023. The proposal asked to extend the Development Agreement to 2031 or the expiration of the DRI DO whichever occurred first. Ms. Myers said the other substantive change new to Council dealt with who was a developer and subject to the development obligations under the Development Agreement. Members of the Association of the Origins Condominium and unit owners were not developers. She asked the Council for their Jennings Disclosures.

The Council members made their Jennings Disclosures.

Attorney Bob Apgar, representative for the owners of Seahaven, said he agreed with Ms. Myers about her legal analysis and description. He said he was available for any questions.

Mr. Leonard said this document meant to make the expiration date of the Development Agreement sync with the expiration date of the DRI Development Order in 2023. If the DRI DO was extended by State extension which had occurred in the past or if another request in front of the Council in the future, it would move forward just as a Development Agreement extension. Both documents had authority over the development of the property and were consistent with each other. Mr. Leonard said Staff had no objections to the proposal as written. The Mayor asked if there were any questions and there were none.

Mayor Oberst asked if anyone in the audience wished to speak in opposition. There was no response. Ms. Myers said this Amendment required two Public Hearings so the Council could move to have the second Public Hearing at the next meeting. **Councilman Reichard made the motion to have the second Public Hearing at the first meeting in March. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 2:30 P.M.

**4 ITEM NO. 4 FIRE RESCUE RESERVE RESPONDER JOB DESCRIPTION.** Ms. Fowler said Chief Daly and Deputy Chief Couch wanted to start a Fire Rescue Reserve Responder program, similar to the Beach Police Auxiliary program. At the last meeting, the Council approved the Department being able to move forward in advertising for applicants, with the job description to be considered for approval at this meeting. The funds were approved in this year's budget and the information was included in the Agenda Packet. Mayor Oberst said this would allow additional help for the summer and possibly spring. Mr. Gisbert said this would also allow additional help during Special Events, larger parades, numerous teams at the Park, etc. **Councilman Russell made the motion to approve the job description. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**5 ITEM NO. 5 UTILITY REVENUE BONDS, SERIES 2009, REFUNDING OPPORTUNITY.** Mr. Gisbert said Mr. Jay Glover contacted the City about the opportunity to refund this bond. Staff discussed and Mr. Glover presented a memo with three options to save the City substantial dollars by refunding the bond. Mr. Gisbert said Option 3 was recommended by Staff and he explained briefly all three options. With Option 3, the loan would be bought down by Two Million Dollars and would in turn keep the fee lower than in Option 2. Councilman Reichard asked where the Two Million Dollars would originate. Mr. Gisbert said from the Utility Fund Reserves.

Mayor Oberst asked how much money would be saved by using Option 3. Ms. White replied that, over the long run, the City would save about Five Million Dollars gross. She said about 2.5 Million Dollars were not callable now, and would be paid off in 2016, 2017, 2018, and 2019. At that point, the reserve required to main on the bonds would not be necessary, and if a bank loan, the reserve component would not be needed. In 2019, 1.8 Million Dollars would be freed in the Utility Funds Reserve. Basically, the Two Million Dollars would be recovered in the next four years. Ms. White explained callable bonds. Councilman Curry and Councilman Reichard discussed callable bonds and who had the option of calling the bonds. Discussion ensued concerning the different kinds of bonds. Councilman Reichard said he thought it was a great idea. Councilman Curry agreed and said his only concern was the long maturity and suggested two paths to obtain a better deal. Ms. White said Staff would look at possible increased costs of public offerings and the rate differential between the public and private sector. She said the costs of public offerings were much greater and required significantly more staff work. Councilman Curry said the bonds refunded in 2013 were different than these bonds and Ms.

White concurred, that the 2013 bonds were backed by the Tax Increment Revenue and these were backed by the full strength and creditworthiness of the Utility system, and much easier to market than the 2013 bonds. Ms. White said if the Council approved, Staff would put out a Request for Proposal and see the response from banks and then the municipal market to see both directions. With no further discussion, **Councilman Curry made the motion to approve Option 3. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

Mayor Oberst reminded that the Council had the Three Minute Speaking Rule, and if anyone wished to address the Council to complete the forms on the table.

**6 ITEM NO. 6 CLANT SEAY PRESENTATION.** Mr. Seay gave a ten minute presentation concerning animal abuse of the horses. He mentioned the Twenty-Five Thousand Dollar (\$25,000) contribution of taxpayer funds given to the horse show. He said he believed that the TDC/CVB was not provided information when they were asked for contributions to the show. Mr. Seay said the Gulf Coast Celebration had given a total of only Twelve Thousand Dollars (\$12,000) to the community over five years. He reported information from a veterinarian about the animal cruelty. His presentation included photos of different types of horses and violations against the horse shows. He asked the Council to consider the welfare of the horses and void the contract with the Gulf Coast Charity Celebration for the horse show this year.

Councilwoman Strange asked how Mr. Seay became involved in this issue. He said this was a hot topic and people became involved from all over the country. He said he was available for any questions. Mayor Oberst invited the opposing viewpoint to the podium.

**7 ITEM NO. 7 MICHAEL INMAN AND BILL YOUNG PRESENTATION.** Mr. Bill Young, President of the Walking Horse Trainers Association, distributed exhibits to the Council members. He said most of what the Council had heard were half-truths and misrepresentations. He explained each Exhibit, mentioning inspections during the horse shows, pictures of colts with the gait in question, and that a "Big Lick" class did not exist. He stated some of the pictures shown were horses which no longer competed. Mr. Young invited everyone to the horse show starting April 21<sup>st</sup> and also to visit the stalls in the mornings to see how the animals were treated.

Mr. Inman spoke of each horse being inspected before and after the show horse going into the ring, a maximum of twenty-five inspections per showing. He said this was a lawful activity, regulated, with protocols followed to the letter. Mayor Oberst asked if there were any questions and there were none.

Councilwoman Strange said she understood that this event was already approved for this year. Mr. Gisbert responded yes, many months ago. She said it could change next year and Mr. Gisbert replied that the Council could change it in the future. Councilman Curry said it was a year-to-year contract. There were no further comments.

**8 ITEM NO. 7A RESOLUTION 16-59, MSA TASK ORDER 5 TETRA TECH, CONSERVATION PARK BIOLOGICAL MONITORING.** Councilman Curry asked Mr. Shortt if the standards had been increased or if it changed this year. Mr. Shortt said this Task Order was almost identical to previous years as far as the permitting. He said the initial inspection will be sometime this year with both the Corps and DEP. He said the site must reach a certain threshold before DEP and the Corps would not require continued monitoring. Mr. Shortt said this was the fifth monitoring, and hopefully in a year or two, the site would meet all of the thresholds and release the City from future monitoring. Councilman Curry said the City was the only municipality in the County who did not pump our wastewater into the Bay. Mr. Shortt agreed and added that Lynn Haven had a limited reclaimed system. Councilman Curry said great job. Ms. Myers read Resolution 16-59 by title. **Councilwoman Strange made the motion to approve Resolution 16-59. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**9 ITEM NO. 8 CITY MANAGER UPDATE.** Mr. Gisbert stated that all of the wood chips had been removed by the citizens, and that there had been enough interest so that the wood chips had been restocked and available for the citizens. Councilman Russell said the wood chips were beautiful. Mr. Gisbert gave kudos to Staff in that the Conservation Park was more pristine, a natural ecosystem of a pine prairie and native grasses. He mentioned the bats and the wood duck boxes.

Mr. Gisbert said Staff was actively working with the St. Joe Company for access to four acres for a passive parking lot. He said it could not be in the existing Conservation Park because of the rules and regulations about creating an impervious area. He said when he visited the Park this weekend, the cars were lined both sides of the roadway, about ¼ mile. He said the Park was being used extensively by visitors and residents alike. He reminded that the Park was free to visit.

Mr. Gisbert said if the weather continued as now, an additional burn would be held Monday at the Park. He explained the burn was natural and how it helped the Park.

Mr. Gisbert said Spring Break was soon, and one of the Ordinances involved scooters. He said the City allowed ample time for the companies to provide the vests, pamphlets, and the insurance. He said the City will be actively enforcing the vests and insurance effective March 1<sup>st</sup>. Mr. Gisbert reminded that City had an active lawsuit involving the insurance and Counsel advised there were risks by the City enforcing the insurance. He continued that if the insurance was not enforced against the company that did not have the insurance, that it was a risk against the companies providing the insurance. He said it was in the City's best interest to enforce the insurance clause starting March 1<sup>st</sup>.

Regarding the TDC, he was working in conjunction with them concerning lifeguards and the Leave No Trace. He said he could bring back more details in future meetings. The TDC was also taking the initiative on the artificial reefs and he had attended several meetings. Bay County also had a draft artificial reef plan involving inshore reefs.

Mr. Gisbert said the improvements in Frank Brown Park were doing well.

**ANNOUNCEMENTS**

Mayor Oberst announced the TPO were hosting on March 1<sup>st</sup> two long-range Transportation Plan public workshops, one in Lynn Haven and the other at A. D. Harris. Flyers were on the table.

On March 17<sup>th</sup> at 5:30 P.M., the Lyndell Senior Center was hosting their 10<sup>th</sup> Anniversary celebration and invited everyone.

**FLOOR ITEM**

Ms. Colleen Swab, California Cycles, stated that her company had insurance with a fleet policy. She said her motorcycles were registered in June last year. Mr. Gisbert asked if the scooters were insured according to the City's Ordinance and Ms. Swab said yes.

**ADD-ON**

Councilman Russell reminded that the City was building a road out of Colony Club and the property had been purchased. He said the property was being cleared and the lift station in process of being moved so that the road could be constructed. He said the engineering was being done for the new road, and in order to secure funds to make sure the road could be built, he asked for a motion to earmark Eight Hundred Thousand Dollars (\$800,000) out of the Contingency Fund to take the road to Nautilus. He said many of the residents in Colony Club were concerned about the Participating Paving program discussed at a previous meeting.

Councilman Reichard said the Colony Club road had not yet been approved, only the engineering. He said in the past, when he had asked for earmarks, he had been advised it could only be done in the Utility Fund. He said he thought this motion was premature.

Councilwoman Strange asked if the Council could vote for approval as the road was needed. She said she received phone calls every day about the matter.

Councilman Russell said the estimates had been in the Eight Hundred Thousand Dollar range and he thought it would be sufficient to do the road to Nautilus. Councilman Reichard emphasized this was one quarter of the City's reserves to do the road. Councilman Russell reminded that this was a safety issue. Councilwoman Strange said the Council needed to move forward on the issue. In response to the question from Mayor Oberst, Ms. Myers replied that a Budget Amendment would need to be brought back to the next meeting to earmark the funds. **Councilman Russell made the motion to do a Budget Amendment to move Eight Hundred Thousand Dollars (\$800,000) from Contingency Funds. Second was by Councilwoman Strange.** Councilman Reichard said he was confused as he had been told numerous times that funds could not be earmarked in such a fashion. Mayor Oberst said this Council could earmark the funds and the next City Council could reverse the decision. She said the motion was to do a Budget Amendment. If the new Council in July received the estimate and the cost was higher, there was no harm and the funds could be returned to Contingency. Councilman Reichard questioned if this was an issue which should wait for the new Council. Councilwoman Strange said if the new Council members did not agree with the action, the funds could be moved back to Contingency. With no further comments, **the motion passed by majority roll call vote recorded as follows:**

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

Mayor Oberst said Ms. White would prepare the Budget Amendment and bring to the next Council meeting.

With nothing further, the meeting was adjourned at 3:30 P.M.

READ AND APPROVED this 14th of April, 2016.

**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