

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 March 10, 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 6:00 P.M. with all of the Council, the City Manager, City Clerk and Assistant City Attorney present.

Pastor John Woodrow of the Gulfview United Methodist Church gave the invocation and Mayor Oberst led the pledge of allegiance.

The Minutes of the January 28, 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:**

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

The Mayor asked if there were any additions or deletions to the Agenda. Mr. Gisbert asked to move Item No. 7, "*Future Hospital Based Emergency Service Center at the Beach*" to the front of the Agenda in consideration of the speaker, Dr. Frank Merritt. There were no objections. **With nothing further, the Agenda was accepted as amended.**

CONSENT AGENDA

There were no Consent Items.

REGULAR AGENDA

1 ITEM NO. 7 FUTURE HOSPITAL BASED EMERGENCY SERVICE CENTER AT THE BEACH. Mr. Gisbert introduced Dr. Frank Merritt, M.D. and distributed information about the new fully functioning E.R. which would be built on the beach. Dr. Merritt explained the advantages of having the E.R. on the beach available for immediate treatment, thus allowing the ambulances to go back into service quicker. He explained the multiplying effect of having the personnel and available ambulances on the island, and this would only be the start. He discussed the future goals of Bay Medical and ancillary services.

2 ITEM NO. 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD. Mayor Oberst introduced Mr. Asa Johnson and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated him. Ms. Amber Brown, member of the Club, presented him with a gift card donated by a local business.

3 ITEM NO. 2 "NATIONAL BOYS & GIRLS CLUB WEEK" PROCLAMATION AND PRESENTATION. Mayor Oberst invited Mr. J. C. Schwab to the podium to accept the Proclamation declaring March 7 through March 12, 2016 as "National Boys and Girls Club Week". She said the City supported the Boys and Girls Club physically and financially. The audience responded with applause.

4 **ITEM NO. 3 BOYS & GIRLS CLUB ANNUAL REPORT.** Mr. Schwab presented the annual report for the Boys & Girls Club. He spoke of the educational programs, tutors for the kids and they helped the kids do their homework prior to being picked up by their parents in order to allow more family-time. Mr. Schwab complimented Mr. Ponek and the Staff of Frank Brown Park for all their assistance.

5 **ITEM NO. 4 NEW JOB DESCRIPTION FIRE LIEUTENANT/PARAMEDIC AND REVISED JOB DESCRIPTION FIRE LIEUTENANT/EMT, APPROVALS.** Mr. Gisbert explained that this was an update, in that the job description had not changed. When the City did the Pay Plan Study, the positions were there but the City was paying an incentive pay for Paramedic and EMT. This was cleanup with building in the salary for the positions, and he continued that he would present more job descriptions for the Water Department at the next meeting. The Mayor asked if there were any questions and there were none. **Councilwoman Strange made the motion to accept the job descriptions. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

6 **ITEM NO. 5 RESOLUTION 16-60, 2ND AMENDMENT TO THE TOWNE OF SEAHAVEN DEVELOPMENT AGREEMENT, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 6:27 P.M. Ms. Myers read Resolution 16-60 and explained the two changes made today so the draft was dated March 10th. An objection to the Amendment from Clark Partington was before each Council member which raised some concerns about a title issue in the Development Agreement. In addition to those two changes, she created a new Exhibit which was the list of known non-developer owners as of last week. Ms. Myers confirmed that the developer sent out the neighborhood notice to everyone within 300' and her office published the Public Hearing notice twice in the News Herald. The Council members gave their Jennings Disclosures.

Mr. Bob Apgar, attorney for the Seahaven owners, said the Agreement was ready for approval and offered to answer any questions. The Mayor asked if there were any questions for Mr. Apgar and there were none.

Mr. Lee Strayhan, attorney for the Origin Homeowners Association, said they filed the objection to the Amendment as the owners were concerned about BR North LLC being reflected as an owner without the documentation of conveyance. He questioned removal of Seahaven Phase I LLC as having an interest in the property and requested a more detailed explanation for clarity. He reported development rights being assigned to a lender who had foreclosed on the Origin condominium and questioned if the proper party brought this to the Council. He questioned if the citizens would benefit for the Development Agreement to coincide with the DRI, continuing this Development Agreement for another fifteen years when only a small portion of the original development was constructed. The Mayor asked if there were any questions.

Councilman Reichard commented that within the last ten years, there had been a number of projects along Front Beach Road which had been put on hold due to the severe downturn of the economy. He said he did not see the non-activity as relevant, unusual or unfair. Mr. Strayhan said he understood Councilman Reichard's reasoning but that one distinction was that this would impact a major development.

Mr. Apgar spoke of development rights versus developer rights, those rights that an owner had when a development was completed. He said as more units were sold, there was an orderly transfer of control. The litigation had no bearing on the development rights that was referenced in the Development Agreement. Mr. Apgar said there was no conflict. He added that the Development Agreement did not create development rights as it dealt with the infrastructure provided to the development authorized in the DRI Development Order. He spoke of the definition of non-developer owners who had no desire to pay for the infrastructure for the rest of the project. He said they were also asking for an extension of not 15 years but the number of years to make the Development Agreement expire at the same time as the DRI Development Order, which was August 2024.

Mr. Neel Bennett said they had noticed the change, met with several Summerwood residents and received several calls from Origin owners who were excited about the rebirth of the Seahaven extension and ready to move forward. He said Seahaven had Two Hundred Eighty-Eight (288) units with Ninety (90) controlled by one family out of New York. Mr. Bennett said the rest of the owners were in favor of extending the development as they had bought into the project thinking it was more than one unit. As far as future development, it was their intention to go forward and continue the project.

Mr. Strayhan said he felt the distinctions were of no substance. He spoke of semantics and questioned how the public would know the proper parties. Ms. Myers said the Local Government Development Agreement Act defined a developer, which was her reason for developing a new category of non-developer owners. She said she felt comfortable saying that unit owners were not developers and not intended to undertake development of the land.

Councilwoman Strange asked if the Council's decision would affect the lawsuit. Ms. Myers said she felt the Council's action would not be relevant to the lawsuit.

Mr. Leonard said this was purely a Council action and Staff had no objections since it would make the expiration date of the Development Agreement the same as the DRI Development Order and make the two documents consistent. He confirmed to Councilman Curry that he did not feel approval of the Amendment would affect the health, safety and welfare of the residents. Ms. Myers agreed and said she had also asked for a title opinion.

Councilwoman Strange asked about performance standards and Mr. Leonard explained about Ordinance 1276 which made six projects approved prior to the LDC better conform to the new rules. However, this would not affect the DRI Development Order or the Towne of Seahaven Development Agreement because the DRI allowed for regulations in place at that time to be frozen in order to do a phased development. The Mayor asked if there were any further questions or comments from the Council or audience; there were none. **Councilman Russell made the motion to approve Resolution 16-60. Second was by Councilman Curry.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 7:05 P.M.

7 ITEM NO. 6 RESOLUTION 16-61, BUDGET AMENDMENT #16 FOR COLONY CLUB EXIT ROAD CONSTRUCTION, PUBLIC HEARING. The Mayor opened the Public Hearing at 7:05 P.M. Ms. Myers read Resolution 16-61 by title. The Mayor asked if there were any questions or comments; there were none. **Councilman Russell made the motion to approve Resolution 16-61. Second was by Councilwoman Strange.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

Councilman Russell said as a resident of Colony Club, he thanked the City Council for approving the funding for the exit road from Colony Club to Nautilus. Councilman Reichard said this approval also assumed the gift of the land from the St. Joe Company. Mr. Casto said the St. Joe Company had agreed to give the City the right-of-way for the road but that there would be fees for mitigation, approximately Fifty Thousand Dollars. The cost of the roadway initial estimate was the Eight Hundred Thousand Dollars and he felt they would fall within that budget. He said Staff hoped to have the plans at 100% within two to three weeks to let for bids. The Public Hearing was closed at 7:11 P.M.

8 ITEM NO. 8 CITY MANAGER UPDATE. Mr. Gisbert said he planned for the Water Department job descriptions to be presented to Council soon. He explained that Ms. Bridgette Cohen, Water Department Supervisor, was retiring soon and her current duties were for two individuals who had left in the past. He said Staff planned to bring back to Council two separate job descriptions. He reminded everyone of the definition of "after dark" since it was now

Spring Break and explained how the time could be determined. He stated that insurance for the scooters was being checked and that medallions should be ready shortly. He said Staff asked Careersource to come to the City and help with people looking for work.

FLOOR ITEMS

ITEM 1 SCOOTERS. Mr. Mathew Bush said he understood January 1st was the enforcement date for insurance. He encouraged the City to be fair by requiring every company to provide insurance and not merely issue citations if no insurance was provided. He wanted all the companies to play by the same rules. Mayor Oberst said Mr. Gisbert would check into that issue.

Ms. Colleen Swab said many of the Spring Break laws had hindered the scooter businesses. She spoke of many folks not renting scooters because of no overnight rentals. She said her business was struggling. She spoke of the heavy law enforcement presence. She spoke of closing early due to "after dark", and Councilman Reichard explained about checking the navy website to determine the daily time. Ms. Swab questioned with the low number of people here, could the rentals be allowed until 9:00 P.M. She asked the Council to reconsider as it was difficult at this time.

ITEM 2 SPRING BREAK. Mr. Jim Musicaro said the laws passed last year were decimating people's income. He said members of the hospitality industry were not making money and planned to leave. He said the laws had been a huge mistake.

Mr. Jacob Lassiter reported his losses so far this Spring Break. He called the laws arbitrary and questioned Mr. Gisbert if March revenue paid for itself. Mr. Gisbert explained budgeting, and the average spending. Mr. Lassiter requested that the Council rescind the alcohol ban and allow the extension of premises.

Mr. Christopher Salava spoke of the laws enacted by the Council without the vote of the people.

Mr. Bradley McCorum asked what was planned for next year to rebuild business. Mayor Oberst said the TDC was working on several things. Mr. McCorum said the City needed more tourist things.

Ms. Melissa Maestro spoke about working three jobs and that her family did not deserve this abuse. She spoke of not having money for her kids. She said families could not come in March.

ITEM 3 HORSESHOW. Mr. Clant Seay distributed materials and suggested the City make a statement for 2017. He spoke of protests being focused on the horseshow, not the City. He spoke at length.

Councilwoman Strange asked if the show had already been approved for 2017, and Mr. Gisbert said no.

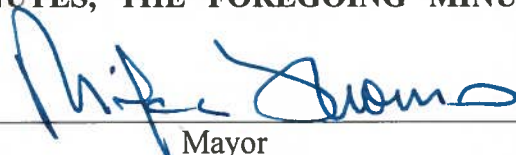
ANNOUNCEMENTS

Mayor Oberst announced that Early Voting would continue through March 12th with the Primary on March 15th. She announced that the Oatfield Center at the Lyndell Center was having their ten year anniversary on March 17th and everyone was invited. She announced the Doggie Easter Egg Hunt would be held at Frank Brown Park on March 26th. She announced the political forums would be held April 5th at Edgewater and April 7th in this Chamber for the City elections.

With nothing further, the meeting was adjourned at 7:48 P.M.


READ AND APPROVED this 28th 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:



Deputy City Clerk

Regular Meeting
March 10, 2016