

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, conducted on March 13, 2014.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:

JOHN REICHARD

RICK RUSSELL

JOSIE STRANGE

KEITH CURRY

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

HOLLY J. WHITE

CITY ATTORNEY:

DOUG SALE

Mayor Oberst called the meeting to order at 6:00 P.M., with all the Council, the City Manager, City Clerk and City Attorney present. Mayor Oberst gave the invocation and led the pledge of allegiance.

The Mayor asked if there were any additions or deletions to the Agenda. Mr. Sale asked if the Council would change Item #4 "*Resolution 14-40, Amended and Restated PIPA*" to a discussion and potential conceptual approval of the Agreement rather than the adoption of the Resolution as several questions had been raised about the exhibits. Now only drafts were ready and the City Manager felt by the March 27th meeting the final exhibits should be ready. He said during the CDD meeting earlier today, the Board of Supervisors approved the Agreement. He explained that one of the Council members also asked for an opportunity to discuss the proposed Agreement in detail with him. He asked, since there was momentum going on this matter, that the Council consider conceptual approval. In response to a question from Councilman Curry about defining "conceptual", Mr. Sale asked to explain fully when they reached Item #4. There were no objections.

Mr. Gisbert also asked for Item #15 "*Risk and Contract Manager Job Description*" to be noted as a discussion item. There were no objections. With nothing further, **the Agenda was accepted as amended.**

The Regular Minutes of February 27, 2014 were **read and approved as written per motion by Councilwoman Strange. Second was by Councilman Russell and the motion passed by unanimous roll call vote recorded as follows:**

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

CONSENT AGENDA

1 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.*

2 RESOLUTION 14-45, BIDS- POINT ROYAL WATER SYSTEM IMPROVEMENTS. *Staff budgeted funds this year to replace the City's potable water distribution system within the Point Royal subdivision. The 64 lot subdivision is located off of Magnolia Beach Road on the east end of the City utility service area. A majority of the lots were platted over 50 years ago and most of the water system pipes are made of an asbestos-cement material which is no longer used in potable water service. Staff has been implementing a long term plan to replace these types of piping systems with modern PVC pipe material water distribution systems. Preble-Rish, Inc. is the City's engineering consultant for the project and completed all design and permitting necessary to bid the construction work.*

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The project was publically advertised in February. Seven (7) bidders responded with sealed bids by the required date and time and each bid was publicly opened on March 5th beginning at 3:15 PM. After reviewing the bid documents, Preble-Rish recommends that the Base Bid be awarded to the low bidder, Gulf Coast Utility Contractors, LLC for a total contract amount of \$244,900.00. The consultant's recommendation, bid tabulation and draft construction agreement are attached for review. STAFF concurs with the award recommendation and further RECOMMENDS approval by Council. The bids are within the project budget and Council approved fiscal year budget for the water system. "BE IT RESOLVED that the appropriate Officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and Gulf Coast Utility Contractors, LLC relating to the Point Royal Water System Improvements, in the base amount of \$244,900, for the replacement of the City's potable water distribution system, in substantially the form presented to the Council today, draft dated March 7, 2014, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such Agreement shall be conclusive evidence of such approval".

Ms. White presented the Consent Agenda by title. **Councilman Curry made the motion to approve the Consent Agenda. Second was by Councilwoman Strange.** The Mayor called for comments and 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

REGULAR AGENDA

1. ITEM NO. 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD. Mayor Oberst introduced Mr. R. J. Fuller and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated him. Mr. Ryan Roberts presented R. J. with a gift card donated by a local business.

2 ITEM NO. 2 "GIRL SCOUT WEEK" PROCLAMATION AND PRESENTATION. Mayor Oberst read the Proclamation which declared the week of March 9-15, 2014 as "Girl Scout Week". She invited Ms. Melinda Hall and two young ladies, Logan and Savannah, to the podium to accept the Proclamation on behalf of the beach's Girl Scouts. Ms. Hall said the beach now had four active troops and the young ladies displayed their badges. The audience responded with applause.

3 ITEM NO. 3 AMERICAN CANCER SOCIETY MAKING STRIDES REQUEST. Mr. Gisbert said the American Cancer Society wished to use Aaron Bessant Park for a Relay For Life event. The reason this was brought to Council was that the Park normally closed at 11:00 P.M. and this event would run from 6 P.M. on Friday through 6 A.M. Saturday. Mayor Oberst said the City had approved this event in the past and Mr. Gisbert said it had previously been held at Arnold High School. The event organizers this year hoped to use Aaron Bessant Park to walk the interior path, not the one closer to the soccer fields. They also asked to use the sound system for low level background music and the stage lighting for ambient light for the walkers. Mr. Gisbert said he saw this as a soft use and not obtrusive, and if anyone had issues about the sound, it would be lowered. Councilman Reichard said he was concerned about the sound but felt it had been addressed, and that this was a great event. Councilwoman Strange questioned the 8 P.M. to noon time noted on the flyer, and Ms. Welgum said from the audience that the additional time was for cleanup from the event. The Mayor invited Ms. Welgum to the podium.

Ms. Carey Welgum, Relay For Life specialist for Bay County, said she managed the three events in the County. She explained that her organization provided various services and the fundraising goal for this event. She said she appreciated the use of Aaron Bessant park.

Councilman Reichard made the motion to permit the use of Aaron Bessant Park for the event. Second was by Councilwoman Strange. The Mayor called for comments and 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

4 ITEM NO. 4 RESOLUTION 14-40, AMENDED AND RESTATED PIPA-DISCUSSION. Mr. Sale said the reason he asked for support for the general direction of this matter and instructions for Staff to continue was that with the CDD's approval (and they would issue the bonds) their bankers this morning were engaged in soliciting proposals to do the loan. The changes proposed to the PIPA did not fundamentally change the economics of the Agreement. He continued that the City's commitment of taxes to the Pier Park area were not increased and the City's obligations under the Amended PIPA were clarified. None of the obligations of the CDD were diminished by the new Agreement. Mr. Sale's memo explained that the PIPA was developed before the project was known and one of the purposes of this Amendment was to remove all of the alternatives and replace the nested formula that determined how much the City would pay for the streets and stormwater with a very specific simple amortization of the debt. The existing PIPA set forth the parameters which allowed the CDD without the City's consent to do the refinancing but Staff took the opportunity to work with the CCD to make it better for both parties. This amended Agreement would pave the way for the CDD to refinance at a much lower rate because so much of the original PIPA had things which were now history. The Amended PIPA also eliminated the requirement that the City hold the tax money for a three year cycle and allowed putting the money directly in the CDD's hands which would save money for everyone. As a consequence of that change, the CDD agreed to share a substantial portion of that savings with the City and more specifically described in the PIPA. Lastly, if the refinancing occurred, and Mr. Sale said they anticipated it would be because of the success of Pier Park, the interest rate would be substantially lower. Mr. Sale said none of these savings would benefit the City until 2021 because the subordinated notes were to be paid by those monies until 2021. He elaborated. He said if current trends continued, tax revenues received from Pier Park would be significantly more than the City originally anticipated. Mr. Sale said it was all good news.

In response to Councilman Curry's question about conceptual approval, Mr. Sale said the City not being opposed to removing the early-on alternative provisions and streamlining the cash flow so that the CDD could receive the monies on a real-time basis were the general principles. The actual terms could be tweaked and this new Agreement was much simpler than the original Agreement. He said it would be helpful to the bankers if the City was comfortable with what he had described and supported the concept with a Resolution to be brought back in two weeks for adoption.

Mayor Oberst said the PIPA was originally an Agreement with the St. Joe Company, and then later Simon Properties that brought about the Pier Park development. Mr. Sale explained that the CDD was a special purpose unit of local government and able to build and maintain roads. In the case of Pier Park, they issued the bonds, built the horizontal infrastructure, and then conveyed the infrastructure to the City. The CDD maintained them. The City paid the taxes collected in Pier Park over to the CDD to help pay the bonds. In addition, the City formed a Community Redevelopment Agency with tax increment whose taxes were paid to the City and then paid to the CDD for the bonds.

The Mayor said for the past few years, Mr. Sale, Ms. White and both City Managers had worked to streamline and bring the PIPA down to more common sense language, removed the vague and planned items and inserted the reality. In that process, there was a request to refinance the bonds. This new PIPA would allow for the refinancing.

Mr. Gisbert displayed the old PIPA, a folder approximately 3 inches thick, and said the new PIPA would be about 44 pages. The original was dreams and now that the work was done, simplifying the PIPA would make the economics easier.

Councilman Curry said he agreed with the concept but was concerned with other aspects and asked Mr. Sale to explain how this would increase the City's contribution. Mr. Sale said the original PIPA had ceilings on how much of the infrastructure debt the City would put its taxes behind. There were three limits and he elaborated. Because the CDD did not finish the beachfront

improvements, they gave the City the leftover money and the City finished the beachfront, which meant that the CDD did not reach one of the thresholds. By taking the beachfront improvements out of the formula, this reduced the amount of debt service the City would pay. The other entities did not anticipate the prepayment of the bonds from 30 Million Dollars to 20 Million Dollars which was a huge benefit to the City. Staff recommended that the difference be split which led to the City's contribution increase, by about 2%. He said the other benefits outweighed the increase.

Councilman Reichard said this was a partnership between the City and the Simon Company which had been very successful. He congratulated Staff for this endeavor. Mr. Sale said with the original PIPA this limitation was only one of several outlined which would limit how much money the City would put into the project. No one contemplated the beachfront not being built and that was the reason the split was proposed. **Councilman Reichard made the motion for the Council's conceptual approval subject to bringing the final Agreement back for final approval, and asking Staff to bring back documentation at the next City Council meeting. Second was by Councilman Russell.** The Mayor called for comments and 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 Mayor said Mr. Sale, Ms. Myers, Ms. White and Staff had spent hours and hours working on this matter, and it was wonderful to reach this point and for the City to come out as well as we have in this Agreement.

5. ITEM NO. 5 RESOLUTION 14-42, BUDGET AMENDMENT #10 FOR PUBLIC EDUCATION REGARDING REFERNDUM QUESTIONS, PUBLIC HEARING.

Mayor Oberst opened the Public Hearing at 6:35 P.M. Mr. Sale read Resolution 14-42 by title and read the recitals in their entirety. Ms. White said the Five Thousand Dollars (\$5,000) was discussed at the last Council meeting for Mr. Gisbert to use for public awareness and the other Three Thousand Five Hundred Dollars (\$3,500) was added for extra election costs not originally budgeted. All funds would come out of contingency. The Mayor asked if there were any questions for Mr. Gisbert, Ms. White or Mr. Sale.

Councilman Reichard said the draft information was very understandable and acceptable to him. The Mayor asked if there were any comments from the audience. Hearing none, **Councilman Russell made the motion to approve the Resolution 14-42. Second was by Councilman Reichard.** The Mayor called for comments and 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 6:38 P.M.

6. ITEM NO. 6 RESOLUTION 14-44, BUDGET AMENDMENT #13 FOR BAY COUNTY INTERLOCAL AGREEMENT FOR LEAVE NO TRACE, PUBLIC HEARING.

The Mayor opened the Public Hearing at 6:38 P.M. Mr. Sale read Resolution 14-44 by title and explained that simply the City Manager and County Manager exercised the extension clause of the original Agreement. The City had not budgeted the receipt or the expenditure of these funds because it had not been extended at budget time. The Mayor asked if there were any questions or comments. Mr. Gisbert said thanked the Council for considering this as the Leave No Trace program last year did a wonderful job, and these funds allowed a beach patrol on the sand to educate people on the Leave No Trace as well as beach safety. These officers rode on the beach in the evenings and mornings to educate the public about tents, and as a last means, removed tents, chairs, coolers, etc. The Mayor asked if there were any further comments. There were none.

Councilwoman Strange made the motion to approve the Resolution 14-44. Second was by Councilman Curry. The Mayor called for comments and 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 6:40 P.M.

7. ITEM NO. 7 ORDINANCE 1302, PROHIBIT ALCOHOL AT THE CITY-OWNED PONDS AND STORMWATER PONDS, 1ST READING. Mr. Sale read Ordinance 1302 by title and directed attention to the number of recitals in the Ordinance. The Mayor asked if there were any questions or comments. There were none. **Councilman Reichard made the motion to approve the Ordinance 1302. Second was by Councilman Russell.** The Mayor called for comments and 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

8. ITEM NO. 8 ORDINANCE 1303, PUBLIC CONGESTION ON BEACH ACCESSES, 1ST READING. Mr. Sale read Ordinance 1303 by title and explained this Ordinance contained a number of recitals pertaining to the reason for this regulatory scheme. The Mayor asked if there were any questions or comments.

Councilman Reichard questioned #12 about signs and said the biggest violators of this Ordinance were the City, County and State governments. On each access, there were seven or eight signs, and in some places, the signs were centered on the pole which made them extend into the walkway. He said the flag warning system, the Leave No Trace signs, the rip current signs, etc., were all posted. Mr. Gisbert said this Ordinance was meant to prohibit others from placing advertisements on the beach accesses. However, he agreed that an effort could be made to streamline the informational signs to be more visually appealing. Councilman Reichard said it appeared very congested with all of the informational signs. Discussion ensued. Councilman Reichard said he agreed with the Ordinance but felt the City was the biggest violator. The Mayor asked if he wanted to direct the City Manager to work with the Public Works Director to see about streamlining the signs. Councilman Reichard said that was a good suggestion in order to see if some of the signs could be incorporated.

Mr. Bill Buskell, Pineapple Willy's, agreed that the signs needed to be updated.

Councilman Reichard asked if this Ordinance should be passed with the understanding that the City Manager would look into consolidating the signs. The Mayor said this Ordinance did not deal with the signs posted by the City but rather what the public or property owners posted on the accesses. Mr. Sale said, while there was a blanket exception for the City, Staff could be more precise with the wording of that item. He said this would not be a change to the fundamental purpose of the Ordinance nor retard the adoption of the Ordinance so that the Council could proceed tonight and Staff would bring back suggested tweaks to the wording. None would change the material intent of the Ordinance. The Mayor added that the State of Florida furnished some of those signs and they could not be consolidated. She said the City Manager could review the signage outside of this Ordinance. Mr. Gisbert suggested possibly a message board could be installed for all of the informational signs and would bring ideas back for Council consideration.

Councilman Curry said he liked the Ordinance as written since the feedback he had received from the community involved vagrants and activities around the walkways. He said he viewed this Ordinance as a cleanup of those activities. With nothing further, **Councilwoman Strange made the motion to approve the Ordinance 1303. Second was by Councilman Curry.** The Mayor called for comments and 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

9 ITEM NO. 9 ORDINANCE 1304, LDC GRANDFATHERING, 1ST READING. Mr. Sale read Ordinance 1304 by title and explained the changes in their entirety but clarified that these changes did not change what was in the LDC nor what had been occurring. Some of the changes were technical clarifications, procedural changes, all new items, clarification of the Quasi-Judicial Hearings and Appeals, etc. He asked if there were any questions.

Councilman Reichard asked Mr. Sale about the Council determining if someone was adversely affected due to stress. Mr. Sale said he did not believe psychological health concerns were directly protected by the LDC. He continued that over time, the Council would develop common law on how the Council would view these issues. There were case laws concerning adversely affected parties. One rule of thumb already established was that anyone within 300' could be an adversely affected party. Councilwoman Strange asked if there was a list of criteria. Mr. Sale said there were only two criteria at present, that the party claimed to have an interest protected by the LDC that was adversely affected and although their interest may be shared by others in the community, they were affected more than other people. Councilman Reichard said he questioned being emotionally affected and Mr. Sale responded that if it was a noise interest, that might be an adverse effect. The Mayor said the Council was already doing so during the Hearings as no one could testify who the Council deemed was not adversely affected. Mr. Sale said this change would relieve Staff from having to make that decision and it should have been in the Code originally. Staff could make a recommendation but it was not for them to make that decision. The Mayor asked if there were any other questions or comments; there were none. **Councilman Curry made the motion to approve the Ordinance 1304. Second was by Councilwoman Strange.** The Mayor called for comments and 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

10. ITEM NO. 10 ORDINANCE 1305, FIREFIGHTERS' PENSION PLAN AMENDMENT REGARDING FINANCES AND FUND MANAGEMENT, 1ST READING. Mr. Sale read Ordinance 1305 by title. Ms. White explained that this Ordinance and the next two Ordinances dealt with the ability of the Trust Funds to invest in various assets. She said the Boards have an Investment Manager as well as someone who checked the Investment Manager so the Boards were comfortable with these changes. She stated that all three Pension Boards considered these proposed Ordinances at the last meeting, and would vote on them subject to Council's actions and confirmed that there was no actuarial impact on the plans as a result of these changes. The Mayor asked if there were any questions or comments; there were none. **Councilman Reichard made the motion to approve Ordinance 1305. Second was by Councilman Russell.** The Mayor called for comments and 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

11. ITEM NO. 11 ORDINANCE 1306, GENERAL EMPLOYEES' PENSION PLAN AMENDMENT REGARDING FINANCES AND FUND MANAGEMENT, 1ST READING. Mr. Sale read Ordinance 1306 by title. Ms. White said it was the same explanation as the prior Ordinance. The Mayor asked if there were any questions or comments. There were none. **Councilwoman Strange made the motion to approve Ordinance 1306. Second was by**

Councilman Curry. The Mayor called for comments and 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

12. ITEM NO. 12 ORDINANCE 1307, POLICE OFFICERS' PENSION PLAN AMENDMENT REGARDING FINANCES AND FUND MANAGEMENT, 1ST READING. Mr. Sale read Ordinance 1307 by title. Ms. White said it was the same explanation as the two prior Ordinances. The Mayor asked if there were any questions or comments. There were none. **Councilman Russell made the motion to approve Ordinance 1307. Second was by Councilwoman Strange.** The Mayor called for comments and 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

13. ITEM NO. 13 ORDINANCE 1308, LDC AMENDMENT REGARDING POSTING BONDS, 1ST READING. Mr. Sale read Ordinance 1308 by title. He explained that the LDC had standards for the subdivision of land and those were unchanged. A Plat was required to subdivide land in more than a few parcels. The LDC had procedures to approve a plat but in his opinion did not adequately recognize the distinction between a plat which proposed to dedicate horizontal infrastructures to the public and a plat which did not. With a plat which dedicated no horizontal infrastructure or had private streets, the City as a ministerial matter was obligated to approve the plat if it met the Florida Statutes and the LDC standards. However, if the plat proposed to dedicate improvements, the City had a policy that the improvements would have to already exist and acceptable to the City or that the developer post security for completing the improvements and enter into an agreement to complete the improvements. Mr. Sale said this proposed Ordinance merely clarified those actions in a variety of places and attempted to make it clear. This proposed Ordinance also stated that if the plat had dedication of infrastructure not completed, in addition of security in the form of cash or Letter of Credit, the developer could post a surety bond with a licensed Florida insurer. Staff recommended approval after checking with other cities which used bonds.

Mayor Oberst asked if this specified who would post the bond. Mr. Sale clarified the bond was from the developer who was supposed to build the infrastructure and wanted the plat approved with the promise that they would be built. Mr. Sale said the developer would sign the Agreement with the City to complete the improvements. He explained that this bond was not like a construction bond that the City would look to the bonding company to finish. This was more like a cash bond. In response to Councilman Reichard's question about bankruptcy, Mr. Sale said that was the purpose behind having a surety as protection against bankruptcy, the same as a Letter of Credit or cash. Councilman Reichard asked if there was an order of who would be paid first from the bond. Mr. Sale said this would be a separate arrangement between the City and the surety company. He continued that the next item was a plat where the developer proposed to use a surety bond, and even though this Ordinance was not finally adopted, as a pending Ordinance the Council would be authorized to proceed with consideration of the plat if the Ordinance was approved. The Mayor asked if there were any other questions or comments. There were none. **Councilman Russell made the motion to approve Ordinance 1308. Second was by Councilman Curry.** The Mayor called for comments and 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

14. ITEM NO. 14 PLAT APPROVAL WHISPER DUNES PHASE 2A, ORDER #03-PL-14, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 7:12 P.M. Mr. Sale explained that this was a Quasi-Judicial Hearing and said the Council should make the Jennings Disclosures. Councilman Reichard said he was familiar with the property and had spoken with no one. Councilman Russell said he was familiar with the property and had spoken with no one. Mayor Oberst said she was familiar with the property and had spoken with Staff. Councilwoman Strange said she was familiar with the property and had spoken with no one. Councilman Curry said he was familiar with the property and had spoken with no one.

Mr. Sale asked if there was anyone in the audience who opposed adoption of the plat. There was no response. He said the only two witnesses who would testify would be the City Planner and City Engineer, who were sworn.

Mr. Leonard testified that this Hearing was properly noticed under the LDC regulations and that the property was entirely in the City limits. He confirmed that the subdivision of this land complied with the substantive requirements of the LDC and was compatible with the City's Comp Plan.

Mr. Shortt testified that the subdivision of land complied with the City's regulations for subdivisions under his jurisdiction. He confirmed that the plat proposed to dedicate improvements to the City and those improvements were still under construction. He testified that those construction plans had been approved. Mr. Shortt said the developer proposed a completion Agreement and the terms and conditions were acceptable. A bond for 110% of the estimated improvements costs had also been provided. Mr. Sale asked if the plat contained a dead-end road which was intended to continue into the next phase but there was no platted cul-de-sac at the end of the road. Mr. Shortt replied affirmatively and explained that the developer had already dedicated a temporary right-of-way that attached to where the next plat would be and the additional right-of-way was sufficient to allow cars to turn around if the next phase was not built. He continued that twenty-one lots were in this plat with sixty-three lots under one improvements contract for the entire subdivision so he did not anticipate the next phase not happening. When the next phase was completed, the dedication would revoke itself not requiring any action by the City.

Mr. Sale advised that the face of the plat contained the appropriate title certificate, appropriate surveyor's certificate, and that he had approved the form of the completion agreement and security and the form of the cul-de-sac. The plat was entered into evidence for the record. The Mayor asked if there were any questions. Hearing none, she asked if the bond was from the developer. Mr. Shortt confirmed that the bond was from the developer and that the plat in hand was the same plat received from the developer. The Mayor asked if there were any adversely affected parties who wished to speak and there were none. **Councilman Reichard made the motion to accept the plat. Second was by Councilwoman Strange.** The Mayor called for comments and 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 7:18 P.M.

15. ITEM NO. 15 RISK AND CONTRACT MANAGER JOB DESCRIPTION-DISCUSSION. Mr. Gisbert said a job description had been created and that there had been some questions from Council members so he thought this would be a good opportunity to receive more comments. The Mayor said this was a position that had been in the budget for a number of years and Staff would like to fill the position but the actual job duties were not yet finalized. The Mayor asked for comments.

Councilwoman Strange said she thought this new person should be cross-trained in Ms. Stroud's payroll duties and Ms. White's budgeting duties. Councilman Russell said for the last few years, the State auditors had suggested that Ms. White needed help and he agreed as Ms. White was always in her office and that if the Council was able to get her some help, to find someone who could multi-task. He suggested maybe some of these duties could be out-sourced to someone who did contract work.

Councilman Reichard said at their last discussion, he thought Ms. White had said she would prefer a Human Resources person as opposed to an accounting person, and that finding someone who was both Risk Management and Accounting would be difficult. Councilwoman Strange said she thought the City Clerk should have an assistant to run payroll and the budget if ever anything happened to Ms. White. Unfortunately, the City's accountants could not step in to assist because they do the City's audit, according to Ms. White. She suggested the title to the new position could be Assistant City Clerk/payroll.

Councilman Reichard said he thought no one would be better qualified to say what skills were needed than Mr. Gisbert and Ms. White, especially now that the City was self-insured and the risk seemingly had increased due to going self-insured. He said the City needed someone who could actively monitor these issues on a day-to-day basis. He said he trusted the City Manager and City Clerk to draft the job description for someone to do the duties that needed to be done.

Councilman Curry asked Ms. White if she was performing most of these duties herself. She replied yes, as was Mr. Gisbert. Councilman Curry asked Mr. Gisbert if a portion of his time involved non-City Manager duties and he replied a good portion of his time involved these duties. Councilman Curry asked Ms. White if it was her recommendation that this job description would be a person who would be the best fit for Staff. Ms. White said yes and that some of the budgeting function could be moved to this position as well which would be very helpful to her. Councilman Curry said someone with a Business Administration or Public Administration degree would have some accounting classes and budgeting. Mr. Gisbert said there would be some broad definitions of capabilities so that this person could share some of Mr. White's data entry and activities.

Mayor Oberst said she would like Staff to "think out of the box" and reminded that it had been discussed about setting up a contract database. She said a database to collect the 1% Gross Sales tax was also needed. She said most companies that set up databases did not necessarily have someone on staff that was technically-oriented, so she wondered if the City could have a contract person for a year to set up databases and train our employees to maintain them. The advantage would be that the City would not have to pay benefits and once the job was finished, that person would leave. Mayor Oberst said she thought many of these duties now were not being done and the insurance and risk management was important. However, when reviewing the job description, there were only two duties that she thought were not Human Resources. She said she did not believe the City needed a full-time Human Resources person when the City already had full-time payroll and full-time Civil Service. She suggested maybe two people and Councilman Russell suggested two part-time people. He said he thought the position may not be full-time once some of the duties were done. Councilwoman Strange said a part-time person would save money. Councilman Reichard said the issue would be finding someone with this expertise who would be willing to work part-time.

Councilman Curry said he agreed with "thinking outside of the box". However, he was disappointed on the City paying Ninety-Seven Thousand Dollars to an outside contractor to develop the City's new website, and it had been two years and he had not yet seen the finished product. He said he liked this new position and having someone on Staff who could get the jobs done.

Councilman Reichard suggested the City could try this for a year and then reevaluate and modify the job description as necessary. The Mayor replied that it was harder when the position was Civil Service with a specific job description. The Mayor asked Mr. Gisbert to work on the proposed job description and bring back to the Council. Mr. Gisbert said he would do so.

Councilman Reichard asked where the part-time people would be found, maybe such as Bay Solutions. The Mayor said she thought with the unemployment rate, there may be retired accountants who wanted to work part-time. Councilwoman Strange said there were many people looking for part-time positions.

16. ITEM NO. 16 PRESENTATION. Councilwoman Strange said she was proud to present this item to the City Manager. There had been sixteen employees who participated in the Run For The Redfish, and their signed runner numbers had been framed and she asked that it be displayed in the Council Chambers. Mr. Gisbert said this would proudly be hung in the new Police Department once finished.

FLOOR ITEMS

ITEM 1 ALCOHOL ISSUES. Mr. Bill Buskell, Pineapple Willy's, said there had been some issues which had bothered him for a long time. The Florida Responsible Vendors Act was something instituted by the State to train all bartenders and employees of clubs and bars. He said

thousands of dollars were spent in teaching employees how to serve alcohol to people and stop service if there was too much drinking. Mr. Buskell said during Spring Break there was irresponsible alcohol vending, where free alcohol was given away on a card for hours, binge drinking, driving while intoxicated, etc. He said it was the responsibility of the bar owners to monitor the drinking. Mr. Buskell asked for the Council's support as he planned to go to Tallahassee and talk to the head of Alcohol, Beverages and Tobacco and ask why there was not an amendment to fine clubs for irresponsible distribution of alcohol. He gave kudos to the Police Department and Fire Department for their control during the recent concert, controlling six thousand people after turning away another four thousand people. He said he felt it was the State's responsibility to control the bar owners who were irresponsible in serving free beer and planned to ask for an amendment to the law where the bars could be fined just as heavily as if a minor was served.

Mr. Buskell said he had not seen a City under such good control as had been in the last two weeks. He said the job was commendable in how well they controlled such a mass of people. He said he would come to each Council member to ask for their support, and hoped next year the kids would be able to drink responsibly, have a good time, and not have binge drinking. He also suggested Wal-Mart being controlled in selling kegs.

Mayor Oberst said Mr. Buskell had made a lot of difference in this community and most people did not know his generous contributions toward various causes and people and the Council appreciated his efforts. She asked Mr. Sale for his thoughts. Mr. Sale said Mr. Buskell was correct in that it was the State's responsibility. If he had specific proposals, Mr. Sale said he would be glad to help. Mr. Buskell said when he approached Tallahassee, he wanted to be able to say he had the support of the City Council. The Mayor said Mr. Sale could draft a Resolution of support and then Council adopt it as the City of Panama City Beach.

Councilwoman Strange said she thought it was a great start and she commended Mr. Buskell for his thoughts and stance.

Councilman Reichard asked Mr. Buskell the chances of the bar owners getting together and self-regulating this issue. Mr. Buskell said that would not happen.

Mayor Oberst asked Chief Whitman how many ABT officers were on the beach now. Chief Whitman said there were six locals but starting tonight, the additional twenty extra mutual aid officers would be on duty. He said they would be scattered on the beach, in the clubs, spot checking restaurants, and cruising the condos for big parties.

Councilman Curry said he had been in a meeting recently with a Pensacola promoter who was discussing the pop-up clubs, and when someone suggested he bring that type venue to the beach for Spring Break, he replied no that the beach did not tolerate that type activity. He thanked Chief Whitman for his efforts. Mr. Gisbert added that there was undercover work through the Bay County Sheriffs as well as the Beach Police undercover officers. He added that all officers were working extra shifts, staggered shifts, for better control.

Councilman Reichard said there was also another untapped resource, the private security officers. Mr. Gisbert said he had been out with the Police who had visited with some of the security officers and shared cell phone numbers with the assurance that if they called the Beach Police, we would respond. The Mayor said the Chief had offered to all resorts that the Department would hold a training session before Spring Break to advise what their security guards could and could not do. Chief Whitman said he had a CAM meeting next week and he did training at some of the bigger resorts. Some condos did not want their help.

ITEM 2 BANNER. Mayor Oberst said the Council had received a number of phone calls and emails about the offensive banner flying over the beach. She said this was not the first year. She said the flight was controlled by the FAA and the banner language was covered by the Freedom of Speech. She said they can request not to fly over Frank Brown Park or the elementary schools. This year, they did change the message on the banner and altered their flight pattern to not fly over places with little children.

ANNOUNCEMENTS

ITEM 1 PLANNING BOARD. The Mayor reminded that the City had a vacancy on the Planning Board and any City resident who wished to apply should do so by noon, March 19th.

ITEM 2 FRANK BROWN PARK. The Mayor said Frank Brown Park would hold an Easter Egg Hunt on April 19th and the Kid's Fishing Rodeo was scheduled for April 26th. She said the City was proud of both free events. Flyers were on the table.

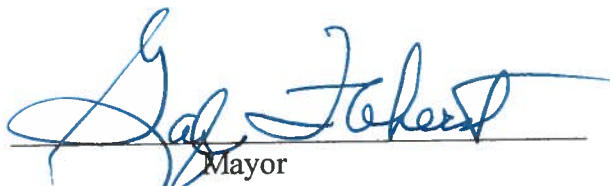
Regular Meeting
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ITEM 3 APPEAL HEARING. The Mayor said the City Council would hear an Appeal on March 27th at 12:30 P.M., concerning a moped/scooter business.

With nothing further, the meeting was adjourned at 7:50 P.M.


READ AND APPROVED this 27th of March, 2014.

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