

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 November 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.

Pastor Ramon Duvall of the Beachside Fellowship 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. Hearing none, the **Agenda was accepted as presented.**

The Minutes of the Regular Meeting of October 9, 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 ORDER #01-VA-15 AND FINDING OF FACTS FOR THE ORDER OF THE PLANNING BOARD DENYING A FRONT YARD SETBACK VARIANCE APPLICATION REQUEST BY JASON OAKES FOR PROPERTIES LOCATED AT 15007 AND 15010 FRONT BEACH ROAD. After receiving testimony and reviewing the exhibits produced during the Hearing on October 23, 2014, the City Council orders that the captioned request is DENIED and the decision of the Planning Board is AFFIRMED.

2 "NATIONAL PEARL HARBOR REMEMBRANCE DAY IN PANAMA CITY BEACH" PROCLAMATION. "A Proclamation designating December 7, 2014 as "National Pearl Harbor Remembrance Day in PCB" and directing that the flags be lowered to half-staff on that date in honor of those who died as a result of their service at Pearl Harbor.

3 RESOLUTION 15-16, NEW YEAR'S EVE STREET PARTY, BALL DROP AND ROAD CLOSURES. "A Resolution of the City of Panama City Beach related to the New Year's Eve Street Party event; authorizing a ball drop; authorizing road closures within Pier Park on December 30-31, 2014 for the Event's Street Party; and providing an immediately effective date."

4 RESOLUTION 15-22, BIDS- JOHN DEERE TRACTOR & FLEX WING PURCHASE. Staff solicited bids for the purchase of one 2014 John Deere 5100E Tractor and HX15 Flex Wing Accessory. One bid was received from Beard Equipment Company in the amount of \$65,152.28. Bid Tab is attached. STAFF RECOMMENDS that the Council authorize the City Manager to purchase one John Deere 5100E Tractor with HX15 Flex Wing accessory from Beard Equipment Company in the amount of \$65,152.28. Staff allocated funds in the FY 2014-

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2015 Budget to purchase this tractor for our Street Department Crew. **“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 Beard Equipment Company, relating to the purchase of one John Deere 5100E Tractor and one HX15 Flex Wing Accessory, in the total amount of \$65,152.28, 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 15-23, BIDS- 2015-2016 CONSERVATION PARK PRESCRIBED FIRE SERVICES. Since the completion of the City’s wastewater effluent-to-wetlands project and the formation of the Conservation Park in 2011, staff has been working to implement a site management plan and continue mitigation work required by the FDEP for impacts to wetlands. The objective of the plan is to restore the mosaic of natural communities within the Park to mimic historic habitats that existed prior to the recent silviculture (tree farming) use. The plan calls for prescribed burns to reduce dense understory brush, improve habitat for wildlife and to provide improved conditions for longleaf pine, native grasses and wildflowers to return. Burns are to be performed annually, with various tracts within the Park burned at approximately three year intervals. In 2012, the City contracted for the initial two years of services and a new two year contract is needed to continue the effort. Attachments to this memorandum shows Park areas scheduled for prescribed fire over the next two years.

A prescribed fire services bid document was prepared by the City’s consultant, Tetra Tech, Inc., covering the next two years of services. The base bid includes unit prices for services based on a per-acre price and hourly personnel/equipment rates for additional work beyond that included in the per-acre rates. The work was publically advertised and two bids were submitted by the deadline. A copy of the bid tabulation is attached for review. The low base bid was submitted by Attack One Fire Management Services, Inc. in the estimated amount of \$58,443.53 for the per-acre rate portion of the project. The final cost can change based on actual acreage burned since some fires will be expected to carry into wetlands. Fire carryover is desirable under the right weather conditions and final acreage burn payments will be determined for each section as it is completed. Since the additional costs for hourly rate component of work can be significant over the term of the agreement, an allowance for that component of the agreement must be included. In addition, the unit costs are provided in the event services are needed to cut fire breaks and prepare tracts for a safe burn, or for wildfire suppression.

STAFF has reviewed the bids and **RECOMMENDS** the City Council award the work to Attack One Fire Management Services, Inc. based on the per acre bid amounts, with an additional approximately \$25,000 in funds for providing as-needed additional work based on contract unit prices. STAFF concurs and **RECOMMENDS APPROVAL** for a total not-to-exceed contract amount of \$85,000 for the two year term. **“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 Attack One Fire Management Services, Inc., relating to prescribed fire services in the Conservation Park, in an amount not to exceed \$85,000, 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 RESOLUTION 15-24, BIDS-2015 CONSERVATION PARK LONGLEAF/WIREGRASS SEEDLING PLANTING. For the past 3 years, staff has been working to implement the site management plan for the Conservation Park. The City has entered into contracts with companies to harvest most of the planted slash pine and to conduct prescribed burns in preparation for replanting longleaf pine and wiregrass. The first 83,000 longleaf seedlings were planted at the Park in early 2012. In February of this year, the City Council authorized staff to contract with the state Division of Forestry nursery to grow 63,000 longleaf pine seedlings and 50,000 wiregrass seedlings for delivery in January 2015. The City now requires the services of a specialized contractor to hand plant those seedlings within a short period of time after delivery.

A tree planting bid document was prepared by the City’s consultant, Tetra Tech, Inc. The bid includes requested proposals based on a per-acre unit price assuming either 258 longleaf seedlings or 2,723 wiregrass seedlings per acre in the areas shown on the attached exhibits. The work was publically advertised and bid packages were also sent out electronically to at least eight companies known to perform the requested work. Only one bid was submitted by the deadline. A copy of the bid tabulation is attached for review. The sole bid was submitted

by Superior Forestry Services, Inc. in the amount of \$288.00 per 1,000 seedlings for hand planting longleaf pine and \$219.00 per 1,000 seedlings for hand planting wiregrass. Attached is a draft agreement between the City and with Superior, with a not to exceed total cost of \$29,000.00 at the bid unit price. **STAFF RECOMMENDS Council APPROVAL** and authorization to contract with Superior Forestry Services for the work. They were the contractor for the initial 2012 seedling planting effort. **“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 Superior Forestry Services, Inc., relating to the hand planting of 61,920 containerized longleaf pine seedlings and 49,014 containerized wiregrass seedlings necessary to accomplish the second phase of site restoration at the Conservation Park, in a total amount not to exceed \$29,000, in substantially the form attached and presented to the Council today, draft dated November 6, 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.”

7 RESOLUTION 15-25, ENGINEERING SERVICES- EDGEWATER LIFT STATION #9 REPLACEMENT. Wastewater Lift Station #9, located in the parking area south of Front Beach Road and just east of the Edgewater condominiums, is one of four master lift stations that collect and re-pump raw wastewater from large areas of the City utility service area. Approximately 20% of the total sewer flow to the City wastewater treatment plant passes through this station and its reliable performance is critical to the utility system operation. The station is nearly 22 years old, and most components have reached the end of their service life. It is also located in the area being re-developed under the CRA Segment 2 Front Beach Road Project.

Staff has budgeted the replacement costs and negotiated an additional task order to the existing wastewater Master Services Agreement with Baskerville-Donovan, Inc. for the engineering design, permitting and inspection services on this project. A copy is attached for reference. The total fee for services is \$189,800.00. Staff has reviewed the proposal and finds the requested fee to be in line with the work effort. **STAFF further RECOMMENDS** that the City Council approve the engineering task and authorize the City Manager to execute the attached Notice To Proceed. The total estimated construction cost of this project is approximately \$1,500,000 and 85% of the costs will be paid with existing cash reserves, with the balance from existing sewer impact fees. Work will be coordinated with the CRA roadway project and staff estimates it will take approximately 16 months to complete planning, design, permitting and construction. **“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 Task Order No. 1 to the April 8, 2014 Master Services Agreement between the City and Baskerville-Donovan, Inc., in a total amount of \$189,800, for the engineering design, permitting and inspection services related to Edgewater Lift Station No. 9 Replacement, in substantially the form attached and presented to the Council today, draft dated November 6, 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.”

8 RESOLUTION 15-26, ENGINEERING SERVICES- WATER SYSTEM HYDRAULIC MODEL. Staff budgets utility funds every year to continue the City’s capital program to improve the potable water system so the City will be able to improve service to current customers and accommodate future growth. Preble-Rish, Inc. was contracted to develop a computer model of the City system in 2000 to aid in long term planning and the last major update was performed in 2011. Significant growth is now starting to occur in the City’s utility service area and staff desires to have the computer model updated to reflect current and proposed conditions. This will greatly improve the ability of staff to evaluate and determine the most cost effective improvement locations since the current City system is very complex with over 300 miles of water distribution pipe. The model will also be helpful for running simulations of future scenarios involving the upcoming Bay-Walton Sector Plan, allowing staff to plan the positioning of primary water transmission mains. Preble-Rish, Inc. has provided a proposal to City staff in the amount of \$27,365 to complete the modeling update effort. A copy is attached for reference. **STAFF** has reviewed the proposal, finds the requested fee is in line with the work effort, and **RECOMMENDS APPROVAL** of the task and attached Notice to Proceed for Task Order No. 1 under the General Water & Sewer & Reclaimed Utility Master Services Agreement with Preble-Rish, Inc. **“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 Task Order No. 1 to the City’s Master Services Agreement with Preble-Rish, Inc., relating to the General Water & Wastewater & Reclaimed Utility Engineering Services, in a total amount of \$27,365 for professional services for updating the City’s computer model of its potable water

system, in substantially the form attached and presented to the Council today, draft dated November 6, 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.”

9 RESOLUTION 15-27, ENGINEERING SERVICES- WEST BAY LIFT STATION & FORCE MAIN PROJECT. *The West Bay community, located 4 miles north of the City, is within the City’s water/sewer franchise area and staff has been working towards providing potable water service to the community for several years. That effort is largely complete and staff has now budgeted funds in the current fiscal year budget to begin providing the basic infrastructure needed for residents and businesses to obtain municipal sewer service. That will require a sewer lift station to be constructed, with an approximately 4 mile long force main installed down SR 79 to connect to an existing City main near Panama City Beach Pkwy. The primary project expense will be due to be the extremely long distance to make the sewer connection and the total project cost is estimated at approximately \$1,450,000.*

Staff has negotiated a Task Order to the existing General Water, Wastewater and Reclaimed Utility Master Services Agreement with Baskerville-Donovan, Inc. for the surveying, engineering design, permitting and inspection services for this project. A copy is attached for reference. The total estimated fee for services including surveys and construction administration is \$201,300. The design portion of this fee amount is based on standard engineering fee curves for the current estimated scope of work and associated cost. STAFF has reviewed the proposal, finds the fee is in line with the scope of work, and RECOMMENDS that the Council approve the engineering task and accompanying Notice to Proceed form. If approved, the project should be substantially complete and operational in approximately one year. “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 Task Order No. 1 to the City’s Master Services Agreement with Baskerville-Donovan, Inc., relating to the general water and sewer and reclaimed utility engineering services, in a total amount not to exceed \$201,300, for professional surveying, engineering design, permitting, and inspection services related to construction of a lift station and force main to serve West Bay, in substantially the form attached and presented to the Council today, draft dated November 6, 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. The Mayor asked for comments from the Council. Hearing none, **Councilwoman Strange made the motion to approve the Consent Agenda. Second was by Councilman Russell. 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 Ms. Cadence Goeden and presented her with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated her. Mr. Ryan Roberts presented Cadence with a gift card donated by a local business. The audience responded with applause.
- 2. ITEM NO. 2 INTRODUCTION OF NEW CIVIL SERVICE BOARD MEMBER BILL MONTFORT.** Mayor Oberst said the Civil Service Board had a long-serving member who decided not to serve again and that the City was fortunate that Mr. Bill Montfort had volunteered to serve on the Board. She invited him to the podium to be introduced to the Council and audience. The audience responded with applause.
- 3. ITEM NO. 3 FIRST RESPONDER HONOREE, POLICE LT. JAMEY WRIGHT.** The Mayor also announced that each year, the community recognized our First Responders from all over Bay County with a luncheon and certain members were honored for different phases of service. This year, Police Lt. Jamey Wright was honored for his service. She

invited Lt. Wright to the podium as she added that he was our first SRO and was involved with the community more than merely being a police officer. The audience responded with applause.

4. ITEM NO. 4 ORDINANCE 1314-R, AMENDING NOVEMBER AND DECEMBER REGULAR MEETING DATES, 2ND READING, PUBLIC HEARING AND ADOPTION. The Mayor opened the Public Hearing at 6:13 P.M. Mr. Sale read Ordinance 1314-R by title. Mayor Oberst explained that this change was approved on the Referendum. She asked if there were any questions or comments and there were none. **Councilwoman Strange made the motion to approve Ordinance 1314-R. 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

The Public Hearing was closed at 6:14 P.M.

5. ITEM NO. 5 ORDINANCE 1317, VEHICLE SIGNS, 1ST READING. Mr. Sale read Ordinance 1317 by title. Mr. Leonard explained that the Planning Board recommended approval of the Ordinance which was to govern the non-commercial vehicular message signs by the same regulation as the commercial vehicular message signs. Ms. Myers had no additional comments. The Mayor asked if there were any questions or comments; there were none. **Councilwoman Strange made the motion to approve Ordinance 1317. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

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

6. ITEM NO. 6 ORDINANCE 1322, SANDY BEACH SPECIAL EVENTS, 2ND READING, PUBLIC HEARING CONTINUED, AND ADOPTION. The Mayor said this was a continuation of the Public Hearing opened October 23, 2014. Mr. Sale read Ordinance 1322 by title and explained this proposed Ordinance was the same one considered at the Workshop yesterday except the black, blue and red piece had been incorporated into the draft and new language in Section 4-24 detailing one event over 10,000 people with no limit. Mr. Gisbert said it had been a productive Workshop yesterday and he appreciated the audience comments and suggestions as there had been some confusion over the free events and the idea of a corporate village. He said Staff recommended Ordinance 1322 be adopted as written and allow introduction of a new Ordinance which would single out a large free event and the idea of a corporate village.

Mayor Oberst said the present version of the Ordinance could be adopted without starting over. She asked the Council members if they wanted to hear more details about the other Ordinance before voting. Councilwoman Strange said Ordinance 1322 stood on its own. The Mayor asked if there was anyone in the audience who wished to speak about Ordinance 1322.

Mr. Russell Kinslow, 2210 Hammock Square, asked if the Holiday Inn Resort with its speakers and DJ facing east on the pool deck and the Days Inn with its speakers and DJ facing south angled toward the pool would both be in the safe harbor. Mr. Gisbert replied yes.

With nothing further, Councilman Curry made the motion to approve Ordinance 1322. 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

The Public Hearing was closed at 6:20 P.M.

7. **ADD-ON. ORDINANCE 1336, BEACH EVENTS SPECIAL EXCEPTIONS.** Mr. Gisbert distributed copies of the new Ordinance and explained that a single event which had occurred in the past with a good track record basically would follow the same rules as the previous Ordinance with the exception of the fence that would run parallel to the water line. He explained how the fences would run instead to the water's edge and preclude any east-west access. He said in this use, the event must be free and no coolers allowed. Another provision was that the Council would be required to approve blocking the east-west access, similar to a road closure after receiving the Police and City Manager approvals. He said this might prove a value to the community in order for that section of the beach to be closed. Mr. Sale said this would be an option for the promoter.

Mr. Gisbert said the other exception would be for the corporate village, an anomaly which tended to spread out the crowd as opposed to concentrating the kids. One provision creating the village feel was its having three components, three stages or three tents, or a combination of them. He added that this corporate village would have to include the ability to walk freely into the village area. The issue there would be how to determine the number of security personnel to assign to the area, and Mr. Gisbert explained the two ways in which the number could be determined. The stage itself was limited to 2' high, 400 square feet, and a security guard to monitor and control at all times. Lastly because this Ordinance was all year long, the turtle season was captured and the fence installations would have to follow FDEP regulations.

Mayor Oberst asked Mr. Gisbert if this was Staff's recommendation to approve in order to take care of the two special considerations from yesterday's Workshop. Mr. Gisbert replied affirmatively. Councilwoman Strange said her concern was the number of events which could close the beach east/west. Mr. Sale said that was the special exception for a free concert and the Council must find by Resolution that the closing of the beach to east/west pedestrian traffic during the event served a public purpose for the same or similar reasons as the Council may approve closing a public street for an event. Councilman Reichard said the pedestrian traffic was blocked east to west unless they walked in the water and Mr. Sale said the condition was that the promoter would supply City Staff a credible and feasible plan to provide the functional equivalent of a fence by securing each side. He agreed that it would be difficult for normal pedestrian traffic to go past the event. In this provision, the promoter had to provide access for east/west travel for emergency vehicles, but not for pedestrians. Councilwoman Strange asked about turtle season. Mr. Gisbert said these corporate events do not occur during turtle season, but even if they did, the Council could not grant permission for the event.

Councilman Curry asked if this would be spot legislation as it seemed the corrections were made for one type of event. Mr. Gisbert said this Ordinance provided the ability for this type event for other people and did to a degree tailor itself to a current event. He added that it was crafted in this manner per the information received during yesterday's Workshop. Mr. Sale said the original Ordinances adopted tonight were patterned more toward the typical events held at Sharkey's and particular events were used as patterns to draft these Ordinances. As a legal point, Mr. Sale said that closing the road was merely a metaphor and that the Council would not be closing the beach but rather suspending an Ordinance to allow the promoter to have the event.

Councilman Curry asked if Ordinance 1322 would prohibit the free event next year. Mr. Gisbert replied no but in the promoter's and performer's eyes, maybe.

Councilman Reichard said he was glad to see the language which dealt with corporate sponsors. He was concerned that pedestrians would be "roadblocked" from portions of the beach. He felt it was in the best interest to have some sort of emergency vehicle lane which would also allow pedestrians. Councilman Russell said he felt this would be at the discretion of the security personnel to allow pedestrians to walk through the event. Mr. Gisbert said this would not prevent someone from walking through the event as the fences would have entry gates. It would be up to the promoter to provide the credible plan to show the ability for pedestrians to cross the event. The request had been not to have a fence along the water. Councilman Russell asked what did it matter if the pedestrians walking through the event were counted as part of the event. Mr. Gisbert said the pedestrians would be in the event once they walked through one side until they exited out the other side. Councilwoman Strange said her question was why the fence was to the water's edge if pedestrians would be allowed to go through the event and how long would the beach section be closed. Mr. Sale responded that as a policy matter, all of these Ordinances required a limited number of people, one person per seven square feet of area, in order to maintain control. This number would set the number of police, EMS, and people. He said if the fence was not at the water's edge, how could it be determined when the event reached that maximum number. He said if there was no fence, which was requested by Mr. Sparkman yesterday, then logically the alternative would be to run the eastern and western fences to the water's edge and have control at the access points.

Mr. Sparkman said that he had security at his events and they would control access for alcoholic beverages, specifically coolers. Regarding the fence at the water's edge, realistically the fence would not go down there without driving pilings into the wet sand. If a pedestrian felt threatened about the event, his security would escort them through the crowd from one side to the other. Mr. Gisbert displayed the aerial photo from the event two years ago which depicted that it would have been difficult traveling past the crowd whether there was a fence or not as the crowd reached into the water. Mr. Sparkman agreed that the crowd reached to the water's edge but no one was being blocked from walking past the event. Councilwoman Strange asked what would occur if the free event was already at capacity and a pedestrian walked to merely walk through the event. Mr. Sparkman said they would escort anyone from one side to another.

Mayor Oberst said it would be the responsibility of the promoter to secure the perimeter of the event, maintain the number of people, and provide sufficient security for the size of the event. She asked Mr. Sale about the language relating to closing the beach or if it could be removed. Mr. Sale said that would be related to whether the City would enforce the one person per seven square feet, and if the event was full, what would happen about the pedestrians. Councilwoman Strange said she did not like the wording about closing the beach. Mr. Sale said he would use "restrict" or "impair access" but the ultimate policy question would be when the City required the promoter to count a large event, and when the capacity was reached, not allow anyone else into the area.

Mayor Oberst said she understood that if the promoter elected not to have a fence at the water's edge and security at each east/west side, when the event reached its maximum size if a pedestrian came up to the side, the question then would be 1) turn the pedestrian away from passing through, 2) escort the pedestrian through the event, or 3) have the pedestrian walk in the water past the event. Mr. Sale he could add the language that the promoter was to have a credible plan to escort pedestrians to the other side of the event if it had reached maximum capacity. The Mayor said that language was needed and Councilwoman Strange concurred. Mr. Sparkman said that made sense. Councilman Reichard said he thought that was a good idea. The Mayor asked if there were any further comments.

Mr. Neel Bennett, 15238 Front Beach Road, said this was good with private industry and government working together. He said Mr. Sparkman's Luke Bryan free event was good and good for Panama City Beach. He said the Sheriff's five original suggestions for Spring Break were not right for Panama City Beach and the things that the Council were doing now was right for the beach. With nothing further, **Councilman Reichard made the motion to approve Ordinance 1336. Second was by Councilman Russell.** The Mayor called for comments.

Mr. Jim McGuire, Oxford Alabama, asked about the fence on State property and if State approval was required. Mr. Sparkman said he would have to obtain permits from FDEP for the fence and any walkways at the dunes. Discussion ensued concerning language in the City's Ordinance requiring the promoter to obtain FDEP approval and the Mayor said that language was not in any of the City's Ordinances. Mr. McGuire said he was concerned about stepping into the water to go around a fence.

Mr. Tyler Isaacs, 655 Gravel Switch Road, Gravel Switch, KY, asked if he met all of the City's regulations if he would be considered the same as local promoters. Mr. Gisbert said he would need to submit a credible plan and property owner approval, and as long as he met the qualifications, there would be no prejudice against him.

Councilman Curry said the City and Staff had worked on this subject since Spring Break, thousands of hours and workshops. He said he had met with the City Manager at 6 A.M. and nothing had been discussed about a new Ordinance. He said he felt it disingenuous for the City Manager and City Attorney to want the Council to make a policy decision on so little data. With no further comments, **the motion passed by majority roll call vote recorded as follows:**

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

8. ITEM NO. 7 ORDINANCE 1323, FIREFIGHTERS' PENSION PLAN ORDINANCE, AMENDING MEMBER CONTRIBUTIONS, 2ND READING, PUBLIC HEARING AND ADOPTION. The Mayor opened the Public Hearing at 7:07 P.M. Mr. Sale read Ordinance 1323 by title. Mr. Gisbert explained that the State provided Excess Premium taxes which would be used to reduce the Member's Contributions. The Mayor asked if there were any comments. Ms. White said this Ordinance was prepared by Mr. Lee Dehner, the City's Pension attorney, and approved by the Firefighters' Pension Board. **Councilwoman Strange made the motion to approve Ordinance 1323. 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 7:09 P.M.

9. ITEM NO. 8 ORDINANCE 1324, AMENDING LDC NOTICE REQUIREMENTS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 7:09 P.M. Mr. Sale read Ordinance 1324 by title. Mr. Leonard said the Planning Board recommended approval and he explained it would change the mailing requirements for Public Hearings before the Planning Board from returned receipt to merely certified mailings. He said if a condominium was within the radius of the property, the applicant would have to send the notice to every owner which could be very expensive. This change would match the County on their mailouts. The Engineering Department would also be responsible for the notices concerning plats. The Mayor asked if there were any questions or comments and there were none. **Councilwoman Strange made the motion to approve Ordinance 1324. Second was by Councilman Curry. 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 7:10 P.M.

10. ITEM NO. 9 ORDINANCE 1326, CAPITAL IMPROVEMENTS SCHEDULE UPDATE, 1ST READING. Mr. Sale read Ordinance 1326 by title. Mr. Leonard explained that the Planning Board recommended approval and this was the annual update for the Capital Improvement Schedule to the Comprehensive Plan. All local governments in the State were required to do the annual update and although these were not all of the Capital Improvements of the City, these were the ones required for a level of service standard established in the Comp Plan, such as streets, sewer, water, drainage, or Parks & Recreation. Per State requirements, it also referenced the FDOT Work Program, the Regional Water Supply Plan from the Water Management District, and the School District Work Plan. The Mayor asked if there were any questions.

Councilwoman Strange asked Mr. Leonard about the West Bay Parkway. Mr. Leonard responded that it was a proposed State roadway and part of the TPO long range plan. He said the State had not yet determined the alignment. The Mayor added that the City would not be paying anything toward this roadway. **Councilwoman Strange made the motion to approve Ordinance 1326. 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

11. ITEM NO. 10 RESOLUTION 15-15, BEACH CLUB MOTEL ASBESTOS ABATEMENT, DEMOLITION AND CLEARING OF PROPERTIES CONTRACT. Mr. Sale read Resolution 15-15 by title. Councilwoman Strange asked if there would be a lien placed against the property for the work. Mr. Alaghemand replied yes, after the motel was demolished and the land cleared. He said the City would pay for all work at this time, including attorney fees, and would then lien the property. Councilman Curry said it would be an assessment, not a lien. Mr. Sale said the City may do both since this was the first project under the assessment program. Councilwoman Strange asked if the owner had responded to the City; Mr. Alaghemand responded that the owner responded with opposition to the City's actions. He said the owners were not cooperating.

The Mayor said the low bidder was D. H. Griffin and it was Staff's recommendation for approval. Mr. Gisbert said Staff had worked with this contractor successfully in the past. The Mayor asked if there were any further questions or discussion.

Councilman Russell said these projects had started in 2009 and twenty-three commercial properties were listed as nuisances, the first being Surfside Villas which were demolished. Since then, only three remained to be demolished. He said these actions had done a lot for the beach. **Councilman Curry made the motion to approve Resolution 15-15. 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

12. ITEM NO. 11* RESOLUTION 15-17, GULF POWER UNDERGROUND CONVERSION AGREEMENT, FRONT BEACH ROAD SEGMENT 2. Mayor Oberst said this item noted with an asterisk was one in which the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Mr. Sale read Resolution 15-17 by title. Mr. Alaghemand explained that the City had worked with Gulf Power previously on several other projects and had developed a formula to calculate their fee for the conversion. The City engaged Mr. Shef Wright, attorney, who reviewed the data and confirmed that their fee was consistent with the process. Mr. Alaghemand said payment would be in three installments, with the first (50%) as the Notice to Proceed was issued, and the remaining balance in two payments at midpoint of construction and the balance upon completion. He added that Staff recommended approval.

Councilman Curry disclosed that his company, Enterprise, had a large contract with Gulf Power and he would not benefit monetarily with this association. After conferring with the City attorneys, they advised that it should not be a conflict of interest. With nothing further, **Councilman Reichard made the motion to approve Resolution 15-17. Second was by Councilwoman Strange.** The Mayor called for further 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

13. ITEM NO. 12 RESOLUTION 15-18, DISSOLUTION OF SAFE KIDS SPECIAL REVENUE FUND AND BUDGET AMENDMENT #4, PUBLIC HEARING. The Mayor opened the Public Hearing at 7:21 P.M. Mr. Sale read Resolution 15-18 by title. Ms. White explained that the Safe Kids Fund was established for FDOT grants for bicycle and child safety seats. Those grants had reached the end of their terms and no more money was available, so there was no need for this Fund. She said the Department would continue with the Child Safety Seat program but it would run through the Fire Department and the General Fund, and the source of revenue would no longer meet the definition of a Special Revenue Fund under GASB54. She said this was more of a housekeeping issue. In response to Councilwoman Strange as to the amount of funds, Ms. White replied about Twelve Hundred Dollars and a few assets which would be transferred to the General Fund as well. With nothing further, **Councilwoman Strange made the motion to approve Resolution 15-18. 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 7:23 P.M.

14. ITEM NO. 13* RESOLUTION 15-19, LONG BEACH RESORT MANAGEMENT RIGHT-OF-WAY REAL ESTATE SALES CONTRACT, FRONT BEACH ROAD, SEGMENT 2. Mayor Oberst said Items #13, #14, and #15 were CRA items and the City Council would also function as the Panama City Beach Community Redevelopment Agency and voting as both. Mr. Sale read Resolution 15-19 by title. Mr. Alaghemand said this was part of the Front Beach Road Segment 2 Right-of-Way acquisition, and he identified this

portion of the property in front of the Long Beach Resort. He said this was a willing property owner for the right-of-way need and included an additional incentive amount. He said Staff recommended approval. Mr. Gisbert said this substantial parcel would provide one of the trolley stops. With nothing further, **Councilman Curry made the motion to approve Resolution 15-19. 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

15. ITEM NO. 14* RESOLUTION 15-20, EDGEWATER BEACH RESORT RIGHT-OF-WAY REAL ESTATE SALES CONTRACT, FRONT BEACH ROAD SEGMENT 2. The Mayor said a revised copy of the Resolution was before each Councilor which merely added the address of the property to the Resolution. Mr. Sale read the revised Resolution 15-20 by title. Mr. Alaghemand explained that this was the same process as the previous parcel with a willing property owner and additional incentive. He identified the property and said Staff recommended approval. **Councilwoman Strange made the motion to approve Resolution 15-20. 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

16. ITEM NO. 15* RESOLUTION 15-21, TOTE HOLDINGS (TOMMY COOLEY) RIGHT-OF-WAY REAL ESTATE SALES CONTRACT, FRONT BEACH ROAD SEGMENT 2. Mr. Sale read Resolution 15-21 by title. Mr. Alaghemand explained this was the Waffle House property and had a willing seller. He identified the location of the property and the incentive. He said Staff recommended approval and added that the temporary construction easements were included for all three properties. Councilman Reichard asked about the location and Mr. Alaghemand said part of the property still needed included the Chevron station and hopefully, that property would be coming to Council in the near future. Once this was completed, it would be all of the property acquisitions necessary for the project, except for the Hilton property that was being finalized as well. **Councilman Reichard made the motion to approve Resolution 15-21. Second was by Councilman Russell.** The Mayor called for further comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

17. ITEM NO. 16 CITY CLERK JOB DESCRIPTION-DISCUSSION/APPROVAL. Mr. Gisbert said during the Budget meetings discussion had ensued concerning hiring a City Clerk to relieve those activities from the City's Financial Officer and add the risk management responsibilities to the new City Clerk position. The Mayor asked if there were any comments concerning the new job description. Councilman Russell said it looked ambitious. The Mayor said the Council must approve any job description before hiring. With nothing further, **Councilman Curry made the motion to approve the City Clerk job description. Second was by Councilman Russell.** The Mayor called for comments. Councilman Reichard asked Ms. White her thoughts and she responded that she thought it was a wonderful idea, in that this job description captured the areas in which the City needed help. **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

18. ITEM NO. 17 POLICE NETWORK ENGINEER/FORENSIC INVESTIGATOR JOB DESCRIPTION- DISCUSSION/APPROVAL. Mr. Gisbert said there was an employee in the Police Department who had obtained considerable education both before and during his employment and who helped the City greatly in the IT field. He had completed several training programs, the last being a Federal training program paid via a grant for approximately Eighty Thousand Dollars. This latest training was to specialize in forensic evidence within computers. Mr. Gisbert said the City did not have that type of job description within the Department and clarified that this was not a proposal to add additional personnel. The Mayor asked if there were any questions; there were none. **Councilman Russell made the motion to approve the new 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:**

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

19. ITEM NO. 18 BEACH BOULEVARD. Councilman Russell said he had received several calls from residents on Beach Boulevard concerning a new home with a wooden walkway from the pool deck across the dunes to the Gulf. It was permitted by FDEP and the homeowner followed all of the regulations. After the nearby residents called, he and Mr. Leonard visited the site and spoke to one nearby neighbor. Councilman Russell said it was unsightly in its setting although it was a pretty walkway. He said Beach Boulevard was unique in that the road had beach accesses about every two lots, and everyone who built there had an access near the door to their house. He suggested that this might be something for Ms. Myers to review and see if there was a way to prohibit those owners from building walkways to the Gulf. He said if the other owners built similar walkways and a hurricane hit, there would be a lot of debris. Councilman Russell said this was Beach Access 31.

Ms. Myers said the City could regulate some actions but she was not sure the City would be able to prohibit everything.

The Mayor said it was a nice walkway and Councilwoman Strange agreed it was very nice. The Mayor continued that someone standing on the City's beach access would not be able to see over that private walkway to the water or sun. Councilwoman Strange said it was overkill for such a large walkway when the beach access was next door. Councilman Russell said he was concerned what it would look like if everyone built their own personal walkway, side by side, all the way down the beach.

Councilman Reichard said that site previously had been one large motel and separated into large lots for rental homes. However, he objected because he believed this would infringe on the property owner's rights to build a walkway to the Gulf. He questioned if the existing walkways would be grandfathered.

The Mayor asked if anyone else objected to Ms. Myers looking into this matter. There were no other objections.

FLOOR ITEMS

ITEM 1 Mr. Mike Thomas, resident of 148 Heather Drive, said the County had been working with the State regarding redoing the SR 79 intersection and he thought it would occur next year, allowing another lane. He said he thought the Council had already decided to build the Loop Road which would alleviate more of the traffic congestion. He said he considered this as the first segment of the Back Back Beach Road and it was terribly important to this entire area. He said he thought St. Joe had agreed to donate the land and engineering, and then with Impact Fees and Concurrency Fees, the City would be able to complete the roadway. He asked if the Council planned to do the road as he thought it was needed.

Councilman Reichard said he was not aware the road had been delayed or postponed. Mr. Thomas said he had been advised a few days ago that the Council had voted to postpone the matter. He asked when the community could expect the process to move forward. Councilwoman

Strange said everyone knew the Back Back Beach Road would be built because of the traffic congestion, but there were other areas of the beach that needed entrances onto the Parkway, such as Colony Club, and she thought the Council was concentrating on those issues more. She said although traffic was congested at our section of the beach, it was more congested and dangerous there.

Councilman Curry said the Council had voted to have more traffic studies because the Council did not have the data. He said he understood that the project was moving forward while doing the studies. Mr. Gisbert replied that Staff was looking at more data for the Loop Road, and in the meantime, the subject of Colony Club had occurred and there might be some alternate routes for Colony Club. He said today, the Mayor, Mr. Alaghemand and he had met with Mr. Tommy Barfield of FDOT, and discussion had been on the Parkway, Front Beach Road, SR 79, and many options and opportunities to help FDOT. He said there may be options to do assessments in one location and opportunities to share funds for traffic impacts. No information has been finalized to allow direction for either of the projects but Staff was still working on both projects. Mr. Gisbert continued that he was meeting with Mr. Gonzales of St Joe and those projects and several others will be discussed. He said they were still moving forward.

Mr. Thomas said he understood the concern about Colony Club as that had been the concern for all Council members for the last twenty years. He said when the building boom stopped, the City had hoped to tie into the County parcel to the east and exit at Clara. He said he thought another traffic signal at Colony Club would be a horrible idea. He suggested that the Colony Club issue was separate from the Loop Road issue, and both were necessary. He said he thought the process was further along as he thought most of traffic studies had been done. Mr. Gisbert said a traffic study was completed in 2007 but it was out of date and did not take into account recent revisions. He said the Loop Road would have its greatest benefit when it made the connection to Nautilus. He reminded that this would be a step process and hopefully, this segment would be the catalyst for the next segment. He reminded that FDOT worked at a different pace than the City. Mr. Thomas said he had hoped that the City would move quicker than FDOT.

Councilman Reichard said he agreed with Mr. Thomas in that the Colony Club situation should not be tied into the Loop Road, and be perceived as an "either/or" situation. The funding options for the two projects were two entirely different things and both could happen at the same time.

Councilman Russell said the Colony Club entrance was something that all of the Council members had considered for the last few years. He said he had discussed the issue with the City Manager many times and the last few alternatives mentioned by Mr. Gisbert seemed more economically feasible than what had been discussed in the past. He said estimates from a contractor had been \$350,000 to \$400,000 to build another exit. Mr. Gisbert said the conversations in the past had been to extend Fairway to the east and connect to Clara and that connection would be about 2,400 feet and would require land acquisition with possible business damages to complicate the sales. He said he had spoken with two of the property owners and the purchases would come with substantial prices. He elaborated.

Councilman Russell said Colony Club was one of the older subdivisions in the City and unfortunately was built with only one way in and out. He said it seemed the City was close to a solution for the traffic situation. Mr. Gisbert said a traffic light at Fairway would be detrimental to the Parkway traffic flow and Councilman Russell agreed, saying he understood FDOT would not allow a light at that location. Mr. Gisbert continued that during conversations today, FDOT looked at the traffic light at Nautilus in a favorable manner, saying it would help not to have an extra traffic light and instead flow to an existing intersection.

Mr. Phil Chester, resident of 233 Moonlight Bay Drive, announced that the Employee softball team was playing in the championship game Tuesday night. He said they played with class and sportsmanship and the City Council should be proud of the players.

Mayor Oberst said she knew that the Colony Club situation had been an issue for over fifteen years. She said if that subdivision was being built today, it would never be built with only one ingress/egress. She said it was a concern for the Council and the City had made a commitment to the people on Moonlight Bay several years ago that no additional traffic would be allowed into that subdivision because the people to the east wanted to exit through Moonlight Bay.

She said when the gated community and the homes behind it were being built, in retrospect, the City Council should not have allowed them to build without putting in another street. She assured Mr. Chester that the Council would do what they could and would put together a good package. Personally, she agreed with Mr. Thomas in that a Back Back Beach Road had been discussed for twenty years and hopefully would see more movement in that project. She said that was a great thing for the community, not merely the visitors. She added that the Parkway was on the MPO's plan for six-laning but it may take another five to ten years before it was done.

Regular Meeting
November 13, 2014

20. ITEM NO. 19 CITY MANAGER UPDATE. Mr. Gisbert reported updates from the FDOT meeting, in that the State had acquired funding to expand SR 79 up to I-10 and let two projects for SR 77 to I-10. He said FDOT had put a lot of funds into NW Florida which would benefit Bay County in wonderful ways. He elaborated. The Mayor added that Mr. Barfield was very complimentary of Bay County and he had stressed that their concern was not merely the beach but all of Bay County. She said the City would work with the County and the State representatives.

ANNOUNCEMENTS

ITEM 1 BIRTHDAY. Mayor Oberst announced that today was Chief Whitman's birthday and everyone wished him a Happy Birthday. She added that he and the City Manager had worked tirelessly for months on Spring Break and that the Council and City appreciated their efforts.

ITEM 2 JOHN MUIR TRAIL RIBBON CUTTING. The Mayor announced that the ribbon cutting and grand opening for the new John Muir Trail in the Conservation Park would be held Saturday, November 22nd at 10 A.M., and everyone was invited.

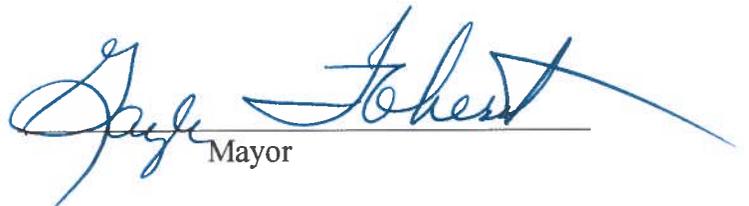
ITEM 3 2ND NOVEMBER MEETING. The Mayor announced that due to the Thanksgiving holidays, the November 27th meeting would not be held. She said the next meeting would be December 11 at 6 P.M. with no second meeting in December due to the Christmas holidays.

ITEM 4 CHRISTMAS TREE LIGHTING. The City's 35th annual Christmas Tree Lighting event was scheduled for Monday, December 1st at 6:30 P.M. at Frank Brown Park and invited everyone.

With nothing further, the Mayor wished everyone a Merry Christmas and adjourned the meeting at 8:00 P.M.

READ AND APPROVED this 8th of January, 2015.

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



Mayor

ATTEST:



Deputy City Clerk