

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 January 23, 2014.

ROLL  
MAYOR GAYLE F. OBERST

COUNCILORS:  
JOHN REICHARD  
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 2:00 P.M., with Councilman Reichard, Councilwoman Strange and Councilman Curry, the City Manager, City Clerk and City Attorney present. Mayor Oberst explained that Councilman Russell was ill.

Pastor Robert Lydick of the Christ Our Savior Lutheran 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. Mr. Gisbert asked to add *Final Order and Finding of Facts for La Borgata* to the Agenda as well as move Consent Agenda Item #4, *Resolution 14-31, Spring Break 2014 Mutual Aid* to the Regular Agenda. The Mayor asked if there were any objections to these changes; there were none. **By general consent, the Agenda was accepted as amended.**

No Minutes were presented for consideration.

#### CONSENT AGENDA

**1 RESOLUTION 14-26, 2014 MARDI GRAS AT THE BEACH BOURBON STREET PARTY AND PARADE.** *“A Resolution authorizing temporary closing of portions of L. C. Hilton Jr. Drive and Pier Park Drive to permit the Mardi Gras At The Beach Bourbon Street Party on February 28 and March 1, 2014; authorizing temporary closure of portions of Front Beach Road on Saturday, March 1, 2014, to permit the Mardi Gras At The Beach parade; and providing an immediately effective date.”*

**2 RESOLUTION 14-27, STORMWATER DEPARTMENT DEERE 450J BULLDOZER CANOPY TRACTOR PURCHASE.** *“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 Nortrax, Inc., relating to the purchase of a Deere 450J Bulldozer Canopy Tractor, in the total amount of \$89,163.80, in substantially the form of the quote attached and presented to the Council today dated January 9, 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.”*

**3 RESOLUTION 14-28, POLLING PLACE AGREEMENT.** *“BE IT RESOLVED that the appropriate Officers of the City are authorized to execute and deliver on behalf of the City that certain Polling Place Agreement between the City and the Bay County Supervisor of Elections, relating to the use of the City’s Frank Brown Park Community Building for the City municipal Super Tuesday election on April 22, 2014, in substantially the form attached and presented to the Council today, draft dated 10/3/11, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such Agreement shall be conclusive evidence of such approval.”*

**4 RESOLUTION 14-31, SPRING BREAK 2014 MUTUAL AID.** Moved to Regular Agenda.

Ms. White presented the amended Consent Agenda by title. **Councilwoman Strange made the motion to approve the Consent Agenda. Second was by Councilman Curry.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**REGULAR AGENDA**

**1 ITEM NO. 1 SCHEDULE APPEAL HEARING DATE/TIME FOR MOPED/SCOOTER CONDITIONAL USE AT 10908 FRONT BEACH ROAD.** Mr. Leonard said Staff had received an appeal to the Planning Board's denial of the moped/scooter Conditional Use request. He suggested February 13<sup>th</sup> at 4:30 P.M. prior to the regularly scheduled Council meeting. Ms. Myers confirmed that the notice could be placed in the News Herald in sufficient time. The Mayor asked if there were any objections to this date and time; there were none.

**2. ITEM NO. 2 ORDINANCE 1294, AMENDING NUISANCE ABATEMENT CODE, 3<sup>RD</sup> READING, PUBLIC HEARING AND ADOPTION.** Mayor Oberst opened the Public Hearing at 2:07 P.M. Mr. Sale said the only changes to the Ordinance since the last meeting were the revisions directed by Council during that meeting, to provide that Appeals would come to the City Council instead of the Planning Board and clarification that the City Manager would issue the Order, not the City Inspector. Mr. Sale then read Ordinance 1294 by title. The Mayor asked if there were any questions or comments. There were none. **Councilman Curry made the motion to approve Ordinance 1294. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

The Public Hearing was closed at 2:13 P.M.

**3. ITEM NO. 3 ORDINANCE 1295, PORTABLE CHEMICAL TOILETS, 2<sup>ND</sup> READING, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 2:13 P.M. Mr. Sale read Ordinance 1295 by title and explained that notice required that a Third Reading and Public Hearing occur on February 13<sup>th</sup>. Councilwoman Strange said she thought the regulations were long past due. The Mayor asked if there were any further questions or comments. There were none. **Councilwoman Strange the motion to approve Ordinance 1295. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

The Public Hearing was closed at 2:15 P.M.

**4. ITEM NO. 4 ORDINANCE 1296, VEHICLES FOR HIRE, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Mayor Oberst opened the Public Hearing at 2:15 P.M. Ms. Myers read Ordinance 1296 by title and explained that there had been a few changes since the last time the Council reviewed the proposed Ordinance. At the request of the local companies, the

inspection exemption was removed for new vehicles. She also amended the definition of taxicab to lower the number of carried passengers to six or less, again at the request of the industry. Regarding appearance requirements, the taxicab companies asked for the option of placing the name of the company on the windows. Chief Whitman asked the Council to consider changing the insurance policy limits which now were \$100,000/ \$300,000/ \$500,000. Ms. Myers said she understood that the companies requested that the \$500,000 be reduced to a \$300,000 maximum combined single incident or its equivalent. She said she had not changed the Ordinance until the Council decided.

Mayor Oberst asked if the changes already made were substantial. Ms. Myers replied that they did not change the purpose of the Ordinance and would not require a Third Reading for adoption.

Councilman Curry said some of the resorts used shuttles to carry their guests back and forth to the airport and asked if they would be covered under this Ordinance. Ms. Myers said this Ordinance would apply if the shuttles accepted compensation, tips or gratuities. If the shuttles were a free service for the hotel guests, they would not be considered a vehicle for hire. Chief Whitman said he had contacted some of the resorts who advised that they told their shuttle drivers not to accept tips because that was part of the business. Councilwoman Strange asked if the shuttles from the resorts could pick up other people and Chief Whitman replied they could only carry their guests to and from the airport.

Councilwoman Strange asked about the insurance reduction from \$500,000 to \$300,000 and asked what, if any, ramifications this would have for the City. Chief Whitman said State Statutes required \$100,000/ \$300,000 and \$50,000, and it might put these companies out of business if they tried to obtain a \$500,000 umbrella. Ms. Myers added that her reasoning for the \$500,000 was that it only applied to the larger vehicles, the limousines and shuttles that carried seven or more people, in order to provide more protection to the public. Councilman Reichard said it might be better to have the \$500,000 for the larger vehicles carrying more people. He questioned the cost of the \$500,000 coverage as compared to the \$300,000. Chief Whitman said he spoke with one of the owners today who said the coverage would be almost thirty times more expensive to carry the \$500,000.

Mr. Brandon Mathson said he had talked with the Chief this morning about the Florida Statute that governed leased vehicles rather than vehicles for hire and \$500,000 was for a leased vehicle. He said his insurance agent had questioned if he wanted to obtain a quote for the \$500,000 because it would be much more expensive. In further review of the State Statutes, he said they mandated \$100,000/ \$300,000 and \$50,000 as a minimum. Mr. Mathson continued that he carried \$125,000/\$300,000/ \$50,000 for his cars which was generally what most of the other companies on the beach carried. He added that Mr. Wilson had contacted his agent who said no one had ever approached her to claim over the \$300,000. Any additional coverage over the \$300,000 would be an exponential cost and most of the local companies were struggling now. He explained the usual hours of operation with most of the companies only running about twelve hours per day.

Mr. Sale asked Mr. Mathson about the different rates between private vehicles and commercial vehicles. Mr. Mathson replied that there was a huge cost difference and that all of his vehicles were commercially insured. Mr. Sale said the State would allow the Council under home rule powers to legislate the regulation of vehicles for hire, apart from the State Statutes. This would be a policy question and Ms. Myers concurred. She said the \$500,000 had been used for the vehicles that carried a larger number of passengers and that amount was not based on the Statute. In response to the Mayor's question concerning the Statute amounts, Mr. Sale said the State set a minimum for everyone. Ms. Myers added that the City's previous requirements were \$125,000/\$250,000 and \$50,000. Councilwoman Strange said she did not want to put anyone out of business.

Mayor Oberst asked Ms. Myers if she wanted a decision about the \$500,000 as to whether to leave the figure as written or amend it to match the Statute. Ms. Myers said the \$500,000 was specific to high-volume vehicles and not related to the Statute. If the Council did not like the increase, it could be removed. She elaborated.

Councilman Reichard asked Mr. Mathson if each insured vehicle cost Six Thousand Dollars per year. Mr. Mathson said that was about the going rate which would cover the minimum. Mr. Sale asked if he knew the rate for a \$500,000 single limit for a high occupancy vehicle. Mr. Mathson said he had not received a quote but he understood it would be very high. Mr. Sale said there were two classifications in the City's existing Codes, with vehicles carrying six or less and those carrying seven or more. Those vehicles carrying six or less deferred to State Statutes which would be basically the \$300,000. That would be the Six Thousand Dollars per year.

Councilman Curry asked about the risk to the City using the lower rate. Mr. Sale said the City could always be sued but would not be liable for insufficient insurance. In this case, the City would be copying the State required minimum, and if the proposed Ordinance was adopted as presented, the City would be providing additional protection for the high occupancy vehicles. The question would be how much of a financial burden would this impose on the companies with high occupancy vehicles.

The Mayor said the issue now would be whether to pass the Ordinance as prepared and direct staff to bring back further figures, or continue the Public Hearing until the next regularly scheduled meeting. Councilwoman Strange said it would be almost Spring Break by that time. Chief Whitman said he would contact other owners for input from their underwriters. This would give a baseline for the \$500,000. Ms. Myers said if a new Ordinance was prepared, two Readings would be required but amending this one section to the proposed Ordinance would not require restarting the process. Councilman Reichard said his concern was the higher number of fares could result in the potential for a higher number in legal actions. **Councilman Reichard made the motion to continue the Public Hearing on Ordinance 1296 until 6:00 P.M. February 13, 2014, in order to research the rates. Second was by Councilman Curry.** The Mayor called for further comments.

Mr. Mathson said some of the companies had already obtained their insurance for the year and he was in the process of obtaining his now. He said all of his vehicles were the high occupancy vehicles. He continued that the State Statutes had been researched and that the State found that the rates were sufficient. Mayor Oberst asked if Mr. Mathson was saying that he needed to obtain his insurance before February 13<sup>th</sup>. Mr. Mathson said his agent should be in the process now of setting up coverage for his vehicles. Mr. Sale said he suspected that the agents could bind the lower limit now and increase the coverage later if necessary. Mr. Mathson discussed losing their 25% deposit if unable to obtain the higher insurance and confirmed that he had not received a quote for the cost of the \$500,000 insurance. Lengthy discussion ensued concerning the insurance limits and the State Statute. Mr. Sale asked for a few minutes to research the Statutes but reminded that whatever the Statute required was not relevant except to persuade the Council on the policy question.

Mr. Justin Wilson, 211 Kimberly Drive, said the companies had been using the \$300,000 which was the coverage required by the airport. He recommended following the State Statutes. He said he paid over Six Thousand Dollars per month for insurance during the summer and anticipated it would increase several thousand dollars if the rates were raised.

Councilwoman Strange asked why the current rates could not be used until after Spring Break and then address any changes. Councilman Curry said that would expose the City to the greatest risk. Councilwoman Strange said the greatest risk would be the companies going out of business and leaving visitors without service. She said if “not broken, don’t fix it.”

Mr. Mathson said both Chief Whitman and Sgt. Heath had worked very hard on this issue and only the insurance issue was a problem. He encouraged the Council to approve the Ordinance with the exception of that one item.

Councilman Reichard questioned the pricing for the \$500,000 coverage as no one had supplied figures. He said the Council should hear a second opinion as to cost and that was his reason for continuing the Hearing. He said his motion remained to continue the Hearing until the 13<sup>th</sup>. He said it sounded like the other Councilors were leaning toward keeping the coverage at \$300,000. He said the Council did not want to see the companies hindered when going into Spring Break. Councilwoman Strange said the first set of Spring Break visitors would come February 15<sup>th</sup> so another two weeks would be very close to that time. Chief Whitman confirmed that these were Canadian visitors who used buses or taxis or walked everywhere.

Councilman Curry said his second stood on the motion because he did not believe two weeks would hurt anyone and he did not want the Council to make a hurried decision. Councilman Reichard confirmed that his motion stood.

Mr. Mathson said his previous comments about the insurance rates being thirty times his current policy was erroneous because he was comparing his personal insurance rates instead of his company rates. Mr. Sale asked Mr. Wilson if the airport required \$300,000 per incident coverage and Mr. Wilson replied affirmatively. Mr. Sale said that one option would be to specify \$300,000 single limit coverage. Mr. Mathson said that amount was already carried by his company for the high occupancy vehicles. With no further comments, **the motion failed by equal roll call vote of those present recorded as follows:**

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

Mayor Oberst explained her “Nay” vote in that she felt the Council would be boxing the companies into a corner and cost them a lot of money if they had to change coverage. She wanted to work out a solution so that the local companies could proceed and then the Council could return to talk about the insurance issue at a future date.

Mr. Sale asked the Council to clarify if they wanted to increase the limits for the higher occupancy vehicles and if they wanted to change to a \$300,000 single limit from \$100,000/\$300,000/\$50,000. The Mayor said the Council could pass the Ordinance and direct Staff to come back with research about the limits. Ms. Myers said if the Council did not want to pass the Ordinance with the limits as presented, it could be changed to not affect the liability section so that the existing limits and rates would remain in place until further research which would not include the \$500,000. She confirmed that the City currently had \$125,000/\$250,000/\$50,000.

The Mayor asked if the motion would be to follow the State Statutes because the City’s was different. Councilwoman Strange asked Mr. Mathson and Mr. Wilson if they could go by the State Statutes. Mr. Mathson said they already use that coverage. **Councilwoman Strange made the motion to go by the State Statutes.** Mr. Sale explained the changes to the proposed Ordinance and read the new language which would incorporate verbatim the Statute. Mayor Oberst asked if this would be fair to the industry and allow them to operate during Spring Break with the understanding that if the City chose to amend the Ordinance, Staff could look into the issue and bring information to the Council in order to change the law via two Readings. Ms. Myers replied yes. Councilman Reichard questioned the industry working under a cloud in that the law could be changed at any time. He said it seemed the intent of the Council now was not to pursue the \$500,000 limit as vigorously as when the discussion began. Councilman Curry said until Staff did the due diligence and recommended that the \$500,000 was the best protection for the people. Mayor Oberst thanked the companies for working with the Chief and Sgt. Heath in this matter, as well as Ms. Myers in bringing this Ordinance up to date. **Second was by Councilman Reichard.** The Mayor called for further comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

The Public Hearing was closed at 3:08 P.M.

**5. ITEM NO. 5 RESOLUTION 14-29, VEHICLES FOR HIRE RATES.** Ms. Myers read Resolution 14-29 by title and said she understood these were the rates charged by Panama City and Bay County, with the exception of Item #4, a cleanup fee. She said the cleanup fee came at the request of the industry and Chief Whitman. The Mayor asked Ms. Myers if the City had established rates for vehicles for hire and Ms. Myers replied that the City had no rate schedule.

Councilman Curry questioned the minimum rate for limousines and that the City would be setting a market price for a limo. Ms. Myers replied affirmatively. Councilman Curry said this concerned him as he thought the market place should set the minimum rates. Ms. Myers said she understood that the hourly rates for limousines were substantially higher and if the Council wanted to set the maximum rates, that might make more sense in order to protect the public. Councilwoman Strange asked if she had spoken with the limousine industry and Ms. Myers replied that she had not.

Councilman Reichard said he thought municipalities governing taxi rates were to prevent the unlicensed "gypsy cabs". He said this would be a step to make it more difficult for those type vehicles to operate. Ms. Myers and Chief Whitman said that was correct. The Chief said Staff was trying to establish limits in order to make the companies play within the rules.

Councilwoman Strange said she thought it was backwards in that the rates should be the maximum charges. Councilman Curry said if the intent of this Resolution was to protect the citizens, then the maximum should be used and let the market place set the rates. Councilman Reichard suggested prices might be different for limousine passengers when one set was a rowdy wedding party as opposed to mourners in a funeral procession.

Mr. Sale asked the Chief if these limousine rates were the same as Panama City. Chief Whitman said he believed so, in order to be consistent. Ms. Myers said Panama City had maximum rates for taxis and minimum rates for limousines. She continued that the Council was not required to set any rates for limousines.

Councilman Curry asked Chief Whitman how many complaints he had received concerning rate gauging on limousines. The Chief replied that he could not recall any complaints on limos. The most complaints were for taxis and shuttles. Ms. Myers said she had not set any rates for shuttles because some services did not charge per person, only accepted tips.

Mayor Oberst asked the Council if Staff should look at limousine rates and come back at the next meeting. She asked Ms. Myers if there was a hurry. Ms. Myers recommended having these rates in place by the next meeting so that the taxicab rates and cleanup fee were in place, and giving the companies more than only two days in order to change their rate cards would be beneficial. Councilwoman Strange suggested removing the limousine rates. Ms. Myers said that could be amended. Mr. Sale confirmed that Panama City provided minimum rates for limousines as an hourly rate and shuttle rates were on a per person basis. Regarding shuttles, Ms. Myers said she did not know what to recommend for a maximum rate. Councilman Strange said it seemed to be most important to get the taxi rates in place and Chief Whitman replied affirmatively.

**Councilman Strange made the motion to approve Resolution 14-29 after removing Section 2 involving limousines.** She said she did not want to get in the companies' business but also did not want the fares to be gauged. She agreed the taxis should be addressed. **Second was by Councilman Reichard.** The Mayor called for comments. Councilwoman Strange said the Council could address shuttle rates at a later date and the Mayor replied that some shuttle services were free. Ms. Myers said if the Council was inclined to set rates, it would probably be a not-to-exceed rate or a per person rate. She said it concerned her that the not-to-exceed rate might be more appropriate at some periods than others.

Mr. Gisbert said Panama City had limousines in their Code with the requirement that rates be posted and he liked that portion of their Code. He said the Council might like to consider that provision. Mayor Oberst asked Councilwoman Strange if she wanted to revise her motion to include Section 2(a). Councilwoman Strange said yes. The Mayor asked Councilman Reichard if he wanted to amend his second and he replied yes. **Mayor Oberst said Councilwoman Strange amended her motion to approve Resolution 14-29 excluding Section 2(b). Second was by Councilman Reichard.** Councilman Reichard asked about Section 2(a) including the word "trip". Mr. Gisbert said Staff was attempting to mirror Panama City's language which seemed to work. The mayor asked if Staff agreed with the Resolution as amended. Ms. Myers and Chief Whitman said yes. With nothing further, **the motion passed by majority roll call vote of those present recorded as follows:**

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

**6. ITEM NO. 6 UPDATED PARKS AND RECREATION ORGANIZATIONAL CHARTS AND JOB DESCRIPTIONS.** Mr. Jim Ponek said he was attempting to reorganize Parks and Recreation, with the Pier, Aquatic Center and Beach Operations now under the umbrella of Parks & Recreation. He said in the reorganization, the Pier and Beach Operations were now the Beach and Aquatics Division. Recreation now was separated into four segments and a new Parks & Facilities Maintenance Division was created. As a department, Staff now had been cross-training to prevent overtime when someone was out. Mr. Ponek said in the past that overtime had been heavy and he anticipated that this would cease with these changes. He recommended that the Council approve the reorganization, job titles and updated job descriptions.

Mayor Oberst asked Mr. Ponek if all of the employees were aware of the changes. Mr. Ponek replied affirmatively and that all of the affected employees signed an approval letter acknowledging that no promotions or raises were involved, only a change in the titles more appropriate to today's standards. He elaborated on the flow chart and the restructuring to make the work flow better. In response to the Mayor if these changes had been presented to the Civil Service Board, Mr. Ponek replied yes, as well as the City Attorney and City Manager. Mr. Gisbert confirmed that he had reviewed the changes and recommended approval. The Mayor asked if there were any questions.

Councilwoman Strange said the cross-training was a good thing. Mr. Ponek replied that even with a great staff, it was a challenge when someone was gone and this cross-training would help. Mr. Gisbert commended Mr. Ponek for this endeavor with the mindset to be prepared with cross-training and being able to focus the money where it was needed. With no further comments, **Councilman Curry made the motion to approve the organizational chart and revised job descriptions as presented. Second was by Councilman Reichard.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**7. ITEM NO. 7 ORDINANCE 1297, UPDATING CHAPTER 9, ELECTIONS, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1297 by title and explained that this would make the Chapter consistent with the Charter. She said a lot of these tasks were already being done as a matter of practice by the Supervisor of Elections. She explained the updates.

Mayor Oberst asked why the description of the Wards was removed. Ms. Myers explained that they were already described in the Charter, and it was dangerous to have the information in two places.

Councilman Curry asked Ms. Myers about the distance of signs from the entrance. She explained that portion of the Code was not being amended by this proposed Ordinance. Councilman Curry said that distance was noted in the Candidates' Handbook from the SOE. She said she would check into the Handbook and make that correction. With nothing further, **Councilwoman Strange made the motion to approve Ordinance 1297. Second was by Councilman Curry.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**8. ITEM NO. 8 FIRST QUARTER FY2014 GENERAL FUND UPDATE.** Ms. White explained that these graphs showed the eight key revenue accounts in the General Fund. She explained the graphs for the Local Option Fuel Taxes, Franchise Fees Electricity, Utility Taxes Electricity, Local Communications Services Taxes, Building Permits, Business Tax Receipts, State Revenue Sharing, and ½ Cent Sales Tax. She explained the Local Option Fuel

Taxes were the only revenue account that was down and explained the reasons why. Regarding the Business Tax Receipts, the revenue was up nicely for the first three months of this Fiscal Year and if maintained during the upcoming months, it should be considerably ahead of the budget. Ms. White said these eight revenue accounts comprised a substantial portion of the total General Fund revenue, with October and November up and December up slightly. She said it was a good start for this year and anticipated giving an update at the end of every quarter.

**9. ITEM NO. 9 FINAL ORDER AND FINDING OF FACTS, LA BORGATA (KELLY STREET) AMENDED PUD.** Mr. Sale said if the Council was comfortable with the material, this would be merely approving the form of the Final Order. He reminded that the Council had already made the substantive decision and the form should track the lengthy discussions held during the Hearings. The Mayor asked for comments. Mr. Sale added that Staff had presented the form to Mr. Hughes who had no comment and Mr. Forehand who disagreed with the result. **Councilwoman Strange made the motion to approve the form of the Final Order and Finding of Facts for La Borgata. Second was by Councilman Curry.** The Mayor called for comments and there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**10. ITEM NO. 10 RESOLUTION 14-31, SPRING BREAK 2014 MUTUAL AID.** Mr. Sale read Resolution 14-31 by title. Chief Whitman explained that this matter involved the mutual aid relating to the Bay County Sheriff, Panama City, Florida Highway Patrol, and Alcohol Beverage Tobacco officers during Spring Break. Traditionally, the Chief budgeted funds to bring in the additional officers and some were housed at the Navy Base each March. This year, after a change in personnel at the Navy Base, the rooms usually allotted for the FHP & ABT officers would not be available as the Base was bringing in some Navy personnel. Instead of rooms at the Navy Base for \$59.00 per night, the only rooms that the Department was able to secure would be in town at the Holiday Inn Select at One Hundred Nineteen Dollars (\$119.00) per night, increasing the budget from One Hundred Five Thousand Dollars to One Hundred Twenty-Six Thousand Dollars (\$105,000-\$126,000). He said a Budget Amendment for Twenty-One Thousand Dollars (\$21,000) would be needed.

Councilman Reichard asked how many rooms were needed for the officers. The Chief said twelve rooms for twenty-eight days but he could not find secure rooms on the beach during Spring Break. He said this was the same plan as last year but now the officers would have to be in normal motel rooms in Panama City rather than on the Navy Base. The Chief explained that three Staff members spent days contacting the various motels to check secure accommodations but were unable to locate anything on the beach.

Ms. White explained that she would have to prepare a Budget Amendment for the extra funds, out of contingency. Chief Whitman said this year's budget was at bare minimum due to the new building which was the reason his budgeted amount this year for the mutual aid was the same as last year. Ms. White said, given the fact that revenue looked good for these first three months, that she had no heartburn over this extra amount coming out of reserves. Councilwoman Strange said the City had to have those extra officers. Ms. White explained that the One Hundred Five Thousand Dollars (\$105,000) had been budgeted but had recommended to the Chief that the item be removed from Consent in order for the Council to discuss the extra funds, and if the Council approved, she would be able to bring a Budget Amendment to the next meeting. **Councilwoman Strange made the motion to approve Resolution 14-31, not to exceed One Hundred Thirty Thousand Dollars (\$130,000). Second was by Councilman Curry.** The Mayor called for comments. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

Regular Meeting  
January 23, 2014



**FLOOR ITEMS**

**ITEM 1      USE OF SPRING BREAK FINES.** Mr. David Kenney asked about the Forty Thousand Dollar (\$40,000) housing cost for the Mutual Aid and if there were other options rather than individual rooms at the Holiday Inn. He asked if some of the Spring Break fines could be directed to assist with some of these costs. Mr. Sale replied unfortunately not, that the State parceled out the fines to different places and different funds for specific legitimate purposes. Mr. Kenney said that One Hundred Twenty-Six Thousand Dollars could better go toward City streets. The Mayor said she appreciated his thoughts and the City policy has been to increase law enforcement during Spring Break.

Chief Whitman added that the fines could only be used for training. He added that the City would not pay the salary of the outside officers, only provide housing. The Chief explained the four groups of officers coming to aid the City and the different costs, as well as their different enforcement functions. Chief Whitman said the City only had fifty-four sworn law enforcement officers on three shifts and during Spring Break, there may be One Hundred to Two Hundred Thousand people on the beach.

With nothing further, the meeting was adjourned at 3:55 P.M.

READ AND APPROVED this 13th of February, 2014.

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

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk