

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 9, 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.

Ms. Cameron Winton, Director of the Growing Deep Ministry of the Woodlawn United Methodist 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 prepared.**

The Regular Minutes of December 12, 2013 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 Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Mayor Oberst	Aye

#### CONSENT AGENDA

***ITEM 1 CONFIRMING PENSION BOARD MEMBERS. The General Employees', Police Officers' and Firefighters' Pension Boards met December 5, 2013. At that meeting, the fifth member of each Board was selected and must be confirmed by the City Council. The following Employees were unanimously selected to serve another four year term: Tommy Pate for the General, Ron Crowson for the Police, and David Jordan for the Firefighters. STAFF RECOMMENDS confirmation.***

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

#### REGULAR AGENDA

**1. ITEM NO. 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD.** Mayor Oberst introduced Mr. Nathanel Somech 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 Nathanel with gift cards donated by local businesses.

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**2. ITEM NO. 2 RESOLUTION 14-22, CANCELLATION OF REID'S COURT DEVELOPMENT AGREEMENT.** Ms. Myers read Resolution 14-22 by title. Mr. Leonard explained that the Development Agreement was approved under the old Land Development Code which had significantly more allowable building heights. This Development Agreement was a height limitation tool because of the close proximity to the Summerwood subdivision and would be used to locate the taller buildings further away from the subdivision. However, with the new Land Development Code, those areas closest to Summerwood would have very similar regulations in the Development Agreement, but changes would be more significant 132' away from the rear of Summerwood. Under the Development Agreement, there could be significant height at that distance, up to a thirty story building. With the new LDC, the entire property would be limited to 45' height so this change would offer better height protection and better compatibility with Summerwood.

The Mayor said the owner requested that the City cancel the Development Agreement and Staff recommended approval. Mr. Leonard replied affirmatively. Mayor Oberst asked if there were any questions or comments from the Council members or audience. There were none. **Councilwoman Strange made the motion to approve Resolution 14-22. 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:**

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

**3. ITEM NO. 3\* RESOLUTION 14-25, DESIGN UPDATE, ATKINS TASK ORDER 16, SUPPLEMENTAL AGREEMENT 10, FRONT BEACH ROAD SEGMENT 2.** Mayor Oberst said this item noted was one in which the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Mr. Sale read Resolution 14-25 by title.

Mr. John Alaghemand gave a short presentation concerning the Front Beach Road Segment 2 Right-of-Way project. He said the 2014 Near Term Work Program had Segment 2 as its first priority, resuming land acquisitions and final design efforts. The construction documents were also prepared for a possible start in 2015. The final design had been completed in 2009, and now an update was required to bring the plans up to the latest standards. He highlighted the Scope of Services included in this latest Task, such as evaluating the right-of-way acquisitions and temporary easements which were expensive items and time-consuming. As part of the update, Staff would revisit the initial takes to see which could be eliminated and some locations he had already considered eliminating. Mr. Alaghemand added that the proposed traffic signal at Churchwell Drive and Front Beach Road would probably be eliminated because now it did not meet the traffic pattern and flow requirement.

For the Richard Jackson Blvd. right-of-way take, Staff had proposed to take 8' to 10' on each side of the roadway. He said they were considering eliminating some of those takes in the redesign, especially on the east side of the roadway.

The funds for this Task Order were included in this year's Budget and Staff recommended approval. When the project was last discussed in the budget process, Mr. Alaghemand said the overall project cost was Seventeen Million Dollars. Since that time, unit prices were reduced so the current cost would be approximately Fourteen Million, Two Hundred Thousand Dollars. He explained how this reduction would occur, such as eliminating the traffic signal or the ITS, along with reduced landscaping and lighting. The roadway cost estimate was reduced from \$10,534,945 to \$8,613,500. Staff reduced the Gulf Power estimate and although some takes were to be eliminated, the right-of-way estimate remained at \$3,000,000 in case of potential litigation.

For 2014, Mr. Alaghemand said \$3,400,000 was included in this year's Budget. He anticipated about \$5,700,000 could be allocated in FY 2015, leaving about \$5,113,500 for a deficit. He continued that after the update, there may be more savings. He said, if feasible, plans might be to advertise and have the project ready to let October 1, 2014. Mr. Alaghemand continued that for a more accurate number, the City may have to go through the bidding process and hopefully by budget-time, he would have exact numbers for the construction for Council's consideration.

Councilwoman Strange asked Mr. Alaghemand to identify the portion of Front Beach Road for Segment 2. Mr. Alaghemand replied from South Thomas Drive at Circle K to Richard Jackson Boulevard, about 1.1 miles. He added that most property owners along the roadway were receptive, realizing that this improvement would be beneficial to them although they may lose some parking.

Councilman Curry asked Mr. Alaghemand if the funds noted for FY2014 and FY2015 were net of Debt Service. Mr. Alaghemand replied affirmatively and the fund deficit would have to be committed but two years of project may not result with that amount of deficit. There were no further questions or comments. **Councilwoman Strange made the motion to approve Resolution 14-25. 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:**

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

**A copy of the powerpoint presentation for Segment 2 is attached to and becomes a permanent part of these Minutes.**

**4. ITEM NO. 4 ORDINANCE 1293, CAPITAL IMPROVEMENT SCHEDULE UPDATE, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Mayor Oberst opened the Public Hearing at 6:24 P.M. Mr. Sale read Ordinance 1293 by title. The Mayor asked if there were any questions or comments. There were none. **Councilwoman Strange made the motion to approve Ordinance 1293. 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:**

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

The Mayor closed the Public Hearing at 6:25 P.M.

**5. ITEM NO. 5 ORDINANCE 1294, AMENDING NUISANCE ABATEMENT CODE, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION (THIRD READING RECOMMENDED).** Mayor Oberst opened the Public Hearing at 6:25 P.M. Mr. Sale said he would recommend that this Ordinance have a Third Reading and asked if the Council would strike the adoption at this time. There were no objections. Mr. Sale then read Ordinance 1294 by title and summarized the three major components of the changes.

First, there would be a number of procedural and administrative changes and additions to update the Ordinance. The existing Code was quite old and most of the changes were covered at the last meeting and more were added during the review. Mr. Sale identified additional definitions of a nuisance borrowed from some more modern Codes. While the City may say these instances constituted a nuisance, if the owner did not agree, a judge would have to decide. Staff recommended that any extension of time to comply would come to the City Council as opposed to the Planning Board.

The second category of changes was the authorization of collection by special assessment. Mr. Sale said the changes clarified the language on what would be included in the lien, the physical costs of abating the nuisance, and the expert fees. The change introduced an alternative method to collect the costs by levying a special assessment and collecting that assessment through the uniform method specified in Florida Statutes that allowed the City to put that assessment on the tax rolls. New language was added that in provisions of this Ordinance were in addition to all of the rights and remedies that the City had under common law and State Statutes. Mr. Sale said this language was to show the City's legislative intent that this would be an alternative use when needed.

Councilwoman Strange asked Mr. Sale about "final appeal to the Circuit Court" if all efforts had been exhausted at the Planning Board, would this remain going to the Planning Board or be changed to the City Council. Mr. Sale said that language referred to the determination of a

nuisance, and if the Council wanted that determination to come to Council, it could certainly be changed. In the existing Ordinance, the Planning Board heard the appeal and bypassed the Council whether there was a nuisance. Mr. Sale continued that by going to the Planning Board on the question whether there was a nuisance, then when the question of how to collect the costs plus assessments arose, this would be the Council's first look at the situation. He said he did not feel strongly either way, as a legal matter. The current change would be once the abatement process started and the owner pulled a permit to either repair or demolish the building, then the owner would come to Council to ask for more time. Mr. Sale said the question now would be if the Council wanted to consider whether something was a nuisance or not. Staff determined a building was a nuisance, whether with or without expert testimony, and issued an Order to abate the nuisance. The question then would be who would hear the appeal. The Mayor said bypassing the Council completely concerned her because they were the people answerable to the public. Councilman Russell agreed and said he felt it should come before them. Councilwoman Strange agreed. Mr. Sale said he would make that change. He said this would effectively eliminate the Planning Board's role in the process.

For the third area, the most significant substantive change was the limit of the City's ability to order that a building, once determined a nuisance, be demolished. The City had limited itself to issue a demolition order only when the cost of repair exceeded 50% of the value of the building after repair. It was a somewhat difficult threshold to establish because there were many variables in what would determine that value. He elaborated. Staff asked Mr. Randy Chandler, an expert appraiser, to come to the meeting and Mr. Sale asked the Council to remember that the most important thing when considering the 50% rule was the fact that it had already been determined that the structure was a nuisance through inspections by Staff and possibly support of independent experts.

This proposed Ordinance recommended that the threshold be lowered to 50% of the assessed value on the tax record because that was a known quantity, applied across the entire City by someone else and anyone could examine those rolls. Mr. Sale said it was his recommendation that the City set a low standard on when the City could only order demolition because under this proposed Ordinance it was very clear that the property owner always has the right to abate the nuisance by repairing the building. The property owner may choose to repair the building completely and return it to occupancy, or might choose to mothball the building after making it safe and structurally sound, meeting code.

Councilwoman Strange asked what other cities did in these circumstances. Mr. Sale replied that 50% was the typical rule and Tallahassee had 50% of the assessed value. He said Florida had little caselaw in these circumstances compared with other states.

Mayor Oberst said these changes would permit the City to ask the property owner to either demolish the building or repair the building. Mr. Sale said yes and regarding the 50%, if the repairs cost more than 50% of the value on the tax rolls, all the City could order was demolition of the building. This would then shift the conversation to either repair the building or demolish it. If the repairs were at 30%, for instance, the City could not order the structure demolished, only repaired.

Councilwoman Strange asked if there was a time limit for the repairs if the owner elected that option. Mr. Sale said the proposed Ordinance required that the owner must pull the permit and commence repairs diligently and continuously to their conclusion. If the repairs stopped, the City could demolish the building including any work started by the repairs.

Councilman Reichard said continuously working to complete the building could merely be one person doing the work. Mr. Gisbert said this proposed Ordinance also authorized monitoring the work to ensure it was reasonable. Councilman Reichard questioned reasonable and Councilwoman Strange said that was rather broad. Mr. Sale said the idea of commencing and diligently pursuing the remedial efforts was frequently used in the private sector. The proposed language required a time line with milestones for the remedial efforts when the permit was pulled. If the City Manager determined the work was not good enough, the owner would have ten days to fix the structure or appeal to the Council. If it reached the Council at this point, an expert familiar with construction would be needed to advise the Council if the City Manager was right.

Mr. Randy Chandler, full-time appraiser, introduced himself and detailed his credentials and experience in these matters. He said he had worked on the CRA projects, testified before the Governor and Cabinet regarding State-land acquisitions and appraisal methodology, and had extensive reading of numerous Land Development Codes which gave him a good background to comment on what the City was trying to accomplish.

Mr. Sale asked Mr. Chandler to explain the reasonable options available to the City. Mr. Chandler said the criteria in which to demolish a building in various LDCs were typically three alternatives. One was 50% of the value of the property after repaired; Mr. Chandler said he did not like that option because the City would be required to get an appraisal to determine the value of the property and it would be fairly subjective to value an old worn-out building that would not represent the highest and best use of the land as if it was repaired. He said two appraisers could disagree tremendously. That option would be last on his list. The second alternative would be a percent of the assessed value of the building. Mr. Chandler said that would be a fairly low threshold because the assessed value of the structure would be the depreciated value as it sat worn out. He said this was a readily available number that the City and owner knew. He continued that the proposed Code did not require the owner to make the building an operating business, only structurally safe and sound. He said this alternative would be fairly reasonable and objective. The third alternative, 50% of replacement cost, would handicap the City because it was a larger number before reaching the threshold. If the Code did not allow an owner to mothball the building, Mr. Chandler said he would favor that criteria. He said what Mr. Sale had written was fair and reasonable.

Mr. Sale stated that the City Code had always provided the right of the owner to repair the structure. Based on Mr. Chandler's view and advice on his preference, the replacement value was a higher standard for the City to order demolition. That replacement value amount was an easier number to obtain compared to the value after repair. They ultimately decided that the proposed Ordinance needed to emphasize the right for the owner to repair the structure. With the low threshold, the City could not tell the owner to repair the building completely and that this language would work from many perspectives.

Councilman Reichard said he was concerned about shortening the abatement closure from two years to three months. Mr. Sale responded that until last year, two years were used because everyone believed cities had the home rule power to make their nuisance abatement lien a prime mortgage on the property. This would allow the owner time to abate the nuisance because the City was in top place and would be paid. When the court ruled that the cities did not have the home rule power, Mr. Sale said he thought to shorten the period to foreclose the property if necessary.

Councilman Reichard expressed concern for the property owner who may be in hard times and trying to save his property. Mr. Sale said the language would establish an assessment program to place these nuisance abatement liens on the tax bills to have the priority of taxes. He said he did not feel strongly about the three months, maybe an overreaction, and asked Mr. Chandler to comment.

Mr. Chandler said even if the assessment process was used as the vehicle to collect the money, the payment would still be delayed because a certificate would be sold and redeemed at some future time if the taxes were not paid. He said if the Council wanted to amend the three months into a longer period, that would not be unreasonable. Mr. Sale added that Ms. Myers had dealt with Code work for the past few years using this system, and she reminded that this would not require the City to foreclose within that time period but only authorized the City to do so.

Councilman Reichard asked how one owner could be given two years and another only three months and how this could be explained. Mr. Sale said that would be difficult if the circumstances were the same. Ms. Myers said that it may be a distinction without a difference because the City had never foreclosed on a demolition lien or code enforcement lien. She added that the three month process would make it consistent with the City's ability to foreclose on a code enforcement lien. Councilman Reichard asked Mr. Sale if he thought the three months was reasonable. Mr. Sale replied yes, that it was the time period used for code enforcement. Mr. Chandler added that in the case of demolition, the lien would take longer because it would not be filed until after the work was done, possibly another three to six months.

Councilwoman Strange asked if the properties would not have been eyesores for a long time. Mr. Sale said that this Ordinance and nuisance abatement process dealt with safety hazards, not aesthetics.

Councilman Curry added that he liked the change from twenty-four months to three months because it would get the owners' attention. Councilwoman Strange agreed. Councilman Reichard said starting with the three months looked better. The Mayor asked if there were any further questions or comments. There were none.

**Councilwoman Strange made the motion to approve Ordinance 1294 with the changes as discussed. 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:**

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

**Councilwoman Strange made the motion to continue the Public Hearing concerning the adoption of Ordinance 1294 until 2 P.M. on January 23, 2014. 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:**

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

The Public Hearing was closed at 7:13 P.M.

**6. ITEM NO. 6 AMENDING VARIANCE CRITERIA-DISCUSSION.** Mr. Leonard said that lately the Planning Board had discussed the eight criteria for variance requests. Any applicant would have to meet those criteria and show that circumstances were unique to that property. He said regularly there were instances where the property owner had requested a minor setback which did not seem to have an adverse impact on the adjacent property owners but the request would not fit into the eight criteria in order to be approved for a hardship variance. The Planning Board was considering different ideas and wanted to see if the Council would consider adding new language to give the Planning Board the ability to consider certain setback variances. Mr. Leonard said if the Council wanted to further consider this matter, he could work with legal staff to see if this new language would be possible.

Mayor Oberst asked how the Planning Board now would grant a variance. Mr. Sale responded it would have to be a hardship. He said he had discussed this matter with Mr. Leonard and gave an example of a small porch being added to a home. The adjacent neighbors said it would not be a problem and the Planning Board said that they wanted to grant the variance but could not because there was nothing unique about this property. Mr. Sale questioned whether the Ordinance might need some flexibility in those instances where there was no appreciable diminishing of light and air, and the neighbors consented.

Mayor Oberst asked why have the setback rule when it could be arbitrarily ignored because the neighbors did not care. Mr. Sale said there would have to be an independent finding by the City, and he was not sure if light and air were the only criteria. Mr. Leonard said many times, this instance occurred in older subdivisions with renovations taking an older building and updating it, but because the original building was built many years ago, there were not enough setbacks to do the desired improvements. Mr. Sale said these instances were not a hardship.

Councilwoman Strange asked how many variance requests would be in this category. Mr. Leonard said maybe ten per year. Councilman Reichard said if this was changed, there might be more requests.

Councilman Curry asked if the eight criteria were not sufficient. Mr. Sale said all of those cases were hardships, not a result of something done by the owner. He said the Planning Board stretched to find something unique about a property in the other instances, a natural way in the real world. The Mayor suggested setbacks could be 18' to 20', based on justification. Mr. Sale replied that the Council could not have it where if it made no difference, the action could be taken. He said there must be criteria.

Councilman Curry asked Mr. Leonard if the Planning Board was looking for a "catch-all", that if the request did not meet the existing eight criteria, that a number 9 could be used. Mr. Leonard said not necessarily, because the eight criteria gave the Planning Board an easy way to say no. The ninth criteria might be a way to say yes when it met other criteria, such as not affecting the neighbors and no one complained. Councilman Curry said with the new LDC, the City was trying to get control and with these changes, it was difficult to say no to an owner. He questioned if this would be going backwards. Mr. Leonard said he did not think so and in reality, he was not sure it would make a difference as every community had this same problem. He asked the Council if they would consider dealing with the situations straight on rather than stretching the definition of hardship to fit the situation. Mr. Sale said the problem with blurring the line would

be if the City ever received a case where it mattered, the line would not be there because it had been blurred so many times. He said that he would not recommend adopting a number 9 that if the variance request did not make a difference that it could be approved. Mr. Sale said the City must have standards.

Mr. Ed Benjamin, resident of South Wells and Planning Board member, said he was a believer in rules and regulations and that the eight criteria were good. On the last two Variance requests, he had voted no because there was no hardship. He said the Planning Board was looking for another option to approve something in the cases where there was essentially no harm, no foul and no hardship.

Mr. Sale said unfortunately, the City could not do a “no harm, no foul” criteria because if that was the case, the setback could not be supported in the first place. The setbacks must be enforced unless there were specific criteria where they could be reduced. Staff could work on that at the Council’s direction.

Councilwoman Strange said if it was not broke, don’t fix it.

Ms. Clair Pease, Planning Board member, asked Mr. Leonard to give one example of a variance request that did not meet the definition of a hardship but yet made no sense to deny. Mr. Leonard gave an example of a recent variance request. Ms. Pease said it was complicated, and although it was not a hardship, it did not make any sense to deny the request.

The Mayor said common sense meant the City must have criteria. She asked the other Council members for their opinion. Councilwoman Strange said the regulations in place were fine and having this addition would open the gates. The Mayor said if the owner did not agree with the Planning Board Order, the appeal would then come to the Council. Mr. Sale said the Council would work with the same rules, the eight criteria. He continued that the central issue was what was unique about that particular piece of property that would justify the variance approval. Over time, as the Planning Board heard the requests and developed a history of rulings, there may be some common law approaches which could be developed. Councilman Curry said he concurred with Councilwoman Strange.

The Mayor said she thought the general consensus from the Council was to leave the criteria as written.

**7. ITEM NO. 7 ORDINANCE 1295, PORTABLE CHEMICAL TOILETS, DISCUSSION.** Mr. Leonard said this would be new language to regulate port-a-potties to make it clear that they would only be temporary bathroom facilities for Special Events, Spring Break, Community Events or active construction projects. In no case should a portable chemical toilet be used for a permanent or long-term sanitary facility for residential or commercial uses or as a secondary sanitary facility on existing developed premises.

Councilwoman Strange asked if these toilets were supposed to be fenced. Mr. Leonard said they could not be visible by a pedestrian on the Tourist Corridor or standing on the sandy beach. During active construction, they must be screened and faced away from the street. Ms. Myers said the screening standards were incorporated into the new Ordinance. Councilwoman Strange said she liked the idea. Mr. Sale asked the Council if they liked the proposed Ordinance and wanted to consider a First Reading. Councilwoman Strange said yes.

Mr. Sale, after conferring with Chief Whitman, said there would be two changes to the draft. He added the word “complete” to the weekly time frames for Spring Break and leaving “Community Events” in the Ordinance.

Mayor Oberst said the Council understood that there would be circumstances when the temporary facilities would be needed during events but it was not necessary for them to be used all of the time in lieu of permanent bathrooms. Mr. Sale read the revised Ordinance 1295 by title. **Councilman Curry made the motion to approve Ordinance 1295. 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:**

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

**8. ITEM NO. 8 ORDINANCE 1296, VEHICLES FOR HIRE, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1296 by title and said this was at the request of Chief Whitman. The substantive changes were to the existing definitions of taxicab and limousine and adding shuttles.

Traditionally, definitions had been based on the number of passengers and this would substantively change that to describe the vehicle for hire by the nature of how the rates were charged, such as taxicabs by meters, limousines by the hour, and shuttles by a flat rate per person. The permit requirements were enhanced to more specifically state application requirements and require vehicle inspections with vehicle safety and equipment standards. She said this proposed Ordinance also authorized the Council to set the rates. She asked Chief Whitman if he had anything to add. Chief Whitman said no and that she had done a great job.

Councilman Reichard asked if Staff had received input from the taxicab companies when preparing this Ordinance. Ms. Myers said she did not. However, she received a book of recommended changes from Chief Whitman which relied on Ordinances from surrounding jurisdictions. Chief Whitman added that he had spoken with a few of the companies last year after receiving complaints of fly-by-night taxicab companies coming here. He said this Ordinance was mainly to protect the established year-round businesses, as well as the community and visitors who used the taxis. Some of the issues brought to his attention were shuttles that advertised that they were free but accepted tips. He also received complaints about out-of-state taxis that came for only three months, took advantage of the Spring Breakers, and left. Other concerns were taxis charging different rates throughout the City. He added that Sgt. Heath did a great job in researching these aspects for him. Chief Whitman said he attempted to make it fair for the year-round companies and protect their customers, our visitors and residents. Mr. Gisbert said he also appreciated the efforts of Chief Whitman and Sgt. Heath in putting this information together.

Councilwoman Strange asked about setting the rates and if it would be controversial to set a flat rate. Chief Whitman said that would be a policy decision by Council; meters in the cabs were a good measurement. Some of the owners were in the audience and they could speak to this issue. He continued that he thought a maximum flat rate was fair and the companies could charge less if they wanted. He elaborated. Mr. Gisbert said this proposed Ordinance only gave the Council the ability to set rates. Ms. Myers said Sgt. Heath had proposed a rate schedule and she thought it would be easier for Council to establish and change those rates by Resolution. She said she would submit that rate schedule for consideration at Council's direction. Councilwoman Strange said she would like to see those rates.

Councilman Reichard asked if the rate structure would have maximum rates so that the free market would have flexibility. Chief Whitman replied affirmatively, and anything under that amount could be charged. Councilman Curry said that was more palatable. At the Mayor's request to identify the changes, Ms. Myers said this Ordinance would now regulate shuttles and vehicles for hire which did not accept compensation but did accept tips. The taxicabs that came during Spring Break would be captured by this Ordinance and would have to apply for vehicle and drivers' permits and be inspected, just like all of the other companies who operated in the City.

Regarding inspections, Chief Whitman explained that this new regulation would be for the safety of the equipment and appearance. He elaborated. New regulations were that the vehicles had to be registered in the State and the signs must be permanent on the vehicles, not merely a magnet. He said now the driver must supply a three year driving record from their home state if coming from another state.

Councilman Russell asked if there was a minimum size for the lettering on the vehicle. Ms. Myers replied yes but that was not changed with this Ordinance.

Councilwoman Strange said the vehicles would be required to come to the Station for the inspection. Chief Whitman replied affirmatively. Councilwoman Strange questioned if the vehicle had less than the 10,000 miles but yet missing some of the equipment. Chief Whitman replied that usually if the taxi was brand new, it would be well maintained. If an officer saw the vehicle on the road missing a bumper or with mechanical failure, it could be reported to the Department and the vehicle brought in for inspection.

The Mayor said this Ordinance would not prohibit a City sanctioned event where the promoter arranged transportation from offsite parking to the event or limit who could respond to requests for proposals and obtain bids. Chief Whitman said that part of the current Ordinance was not changed. This would not affect big busses.

Mr. Brandon Mathson, owner of Emerald Taxi and Shuttle, thanked the Chief and Sgt. Heath for working on these changes and added that it was important about no rental or leased vehicles. He explained about the current loophole in the Ordinance allowing rental vehicles to be used during Spring Break. Mr. Mathson said amending this portion of the Ordinance would be especially helpful by requiring the vehicles to be in the name of the business. He suggested taking it a step further and requiring the vehicle to be titled in the name of the business.



Regarding taxicab meters, Mr. Mathson said all of his vehicles were shuttles so that provision would not apply to his business. He said Spring Break was the only reason, in his opinion, why the beach had a taxi industry. There was not much business in the summer or winter but Spring Break allowed the companies the funds to operate all year. Regarding meters during Spring Break, a van with a meter may pick up fares at one nightclub, go to numerous destinations, and during the route, pick up or drop off more fares. Mr. Mathson said that was the reason why the operators used a flat rate. He said he thought the meters were a great idea and the fare schedule could be modified as necessary over time. However, he was concerned about implementing the meter requirement this year because none of the vehicles at this time had the equipment and doubted they could be installed by Spring Break. He continued that during other times, he thought meters would be fine.

Mr. Mathson said he had read the proposed Ordinance and supported the changes. Regarding inspections, he said he was 100% in favor from a safety standpoint because he was on the road as well as his drivers. Regarding appearances, he said a lot of the companies did not have the best-looking vehicles but to require the vehicles to be in mint condition would be nearly impossible because of the cost. Mr. Mathson supported major cosmetic damages be repaired.

Mr. Justin Wilson, 211 Kimberly Drive, thanked Chief Whitman and Sgt. Heath for drafting these rules which would protect the locals year-round. Regarding the taxicab rates, he recommended being in line with Panama City's rates. Mr. Gisbert said the rates were not specified in this Ordinance. Ms. Myers explained that the Ordinance merely authorized the Council to set the rates.

Sgt. Heath explained that the rates used last year by the taxis were not in the City Ordinances. Each owner said that they had used Panama City's rates. Regarding inspections, he said the City would not be looking for perfect vehicles but rather unsafe vehicles with magnetic signs. He said a majority of the vehicles were professional looking. Sgt. Heath continued that the permanent signs were to protect the local companies against the out-of-town companies using leased vehicles coming in with magnetic signs. He said the rates used last year seemed to work, especially for the limousines. The ultimate goal was to have vehicles which represented the City look professional. He continued that the owners brought the ideas to him.

Mr. Wilson said the trip logs would be an issue. Mayor Oberst asked if the logs were carried by the drivers, and Chief Whitman replied that the logs were kept in the vehicles. Councilwoman Strange asked if a new driver for the vehicle would use the same log as the previous driver, and the Chief replied affirmatively. Ms. Myers said this was not a change to the current Ordinance, merely moving the regulation to another place. Mr. Wilson said his issue was that the drivers turned in the logs every night, and it would be costly to copy them and return the logs to the cars. He said he was not in favor of this regulation but agreed with the reasoning behind the requirement. He added that the out-of-town buses should follow the same rules, with inspections and drivers with background checks. Mr. Wilson added that limousines at the airport were allowed to use magnets in case a celebrity wanted to be incognito. He said for the most part, he was in favor of the proposed Ordinance and thanked the Chief and Sgt. Heath for their work. He said these rules had been needed for a long time.

Councilwoman Strange asked about the out-of-town vehicles and how they would be identified. Chief Whitman said the other drivers would let the Department know or if one of the Officers saw the vehicles picking up a fare within City limits. If the vehicle was dropping off a fare in the City, there was nothing the Department could do. Regarding permitting, Councilwoman Strange commended Sgt. Heath for the good job getting the vehicles and scooters in and out.

Mayor Oberst asked if it would be possible to require event promoters bringing in buses to have their drivers certified by the Department and buses permitted. Ms. Myers said that would not be in this Ordinance but there was the opportunity for that regulation in another Ordinance. She said another section of Chapter 24 related to tour buses and trams, and she recommended to avoid delaying this proposed Ordinance that this issue be treated separately and she could bring something for Council's consideration at the next meeting. By general consensus, the Council agreed and the Mayor said this would solve the concern by the local companies.

The Mayor questioned if the companies could have these changes done by Spring Break. Chief Whitman said it would be difficult by this Spring Break as no one in the area already had meters in the vehicles. He said it would take time to have the meters installed in the vehicles. Ms. Myers reminded that only taxis were required to have meters.

Councilwoman Strange said she liked the idea of the vehicles in the company name. Ms. Myers said right now, the regulation was that the title would be in the name of the owner or company. She said this would allow a private person to assume the business risk personally. This individual would also have to follow all of the other regulations.

Councilman Russell said he agreed with Sgt. Heath in that this would give the City a foundation which could be tweaked as needed. This would be a good first step in the right direction. With nothing further, **Councilwoman Strange made the motion to approve Ordinance 1296. 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:**

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

**9. ITEM NO. 9 RESOLUTION 14-24, CALLING FOR A PUBLIC HEARING ON THE CITY'S INTENT TO USE THE UNIFORM METHOD FOR COLLECTING SERIES OF NON- AD VALOREM ASSESSMENTS.** Mr. Sale read Resolution 14-24 and explained that this was another aspect of the Nuisance Abatement Assessment program. This Resolution only approved the form of the notice that would be published in the News Herald. This required the City to describe the geographic area in which assessments might be levied, the Front Beach Road CRA area. The adoption of this Resolution would not require the City to adopt the Resolution formally evidencing the City's intent to use the non-ad valorem method. The Public Hearing would be held February 13<sup>th</sup> at 6:00 P.M. Mr. Sale reminded that the City did not have to use the method even if the Resolution was adopted on February 13<sup>th</sup> but if the Council did not do the steps in this order, the Council would not have the option of levying the assessment.

Councilwoman Strange said this assessment would not affect the residents. Mr. Sale confirmed that this assessment would only potentially affect property within the Front Beach Road CRA. This would allow the City to have an assessment roll come July if the abatements were not paid, and when certified to the Tax Collector, those assessments would be placed on the tax roll just like stormwater. It would be passed to the owner of that property where the nuisance was located, not all of the residents. He said he understood that this assessment would only be used for major nuisances. Mr. Gisbert said the City would continue to use its current tools for minor nuisances. The Mayor asked for comments; there were none.

**Councilman Russell made the motion to approve Resolution 14-24. 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:**

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

#### ANNOUNCEMENTS

**ITEM 1 BIRTHDAY.** Vice-Mayor Reichard announced that today was Ms. Clair Pease's birthday and all wished her a Happy Birthday.

With nothing further, the meeting was adjourned at 8:30 P.M.

READ AND APPROVED this 13th of February, 2014.

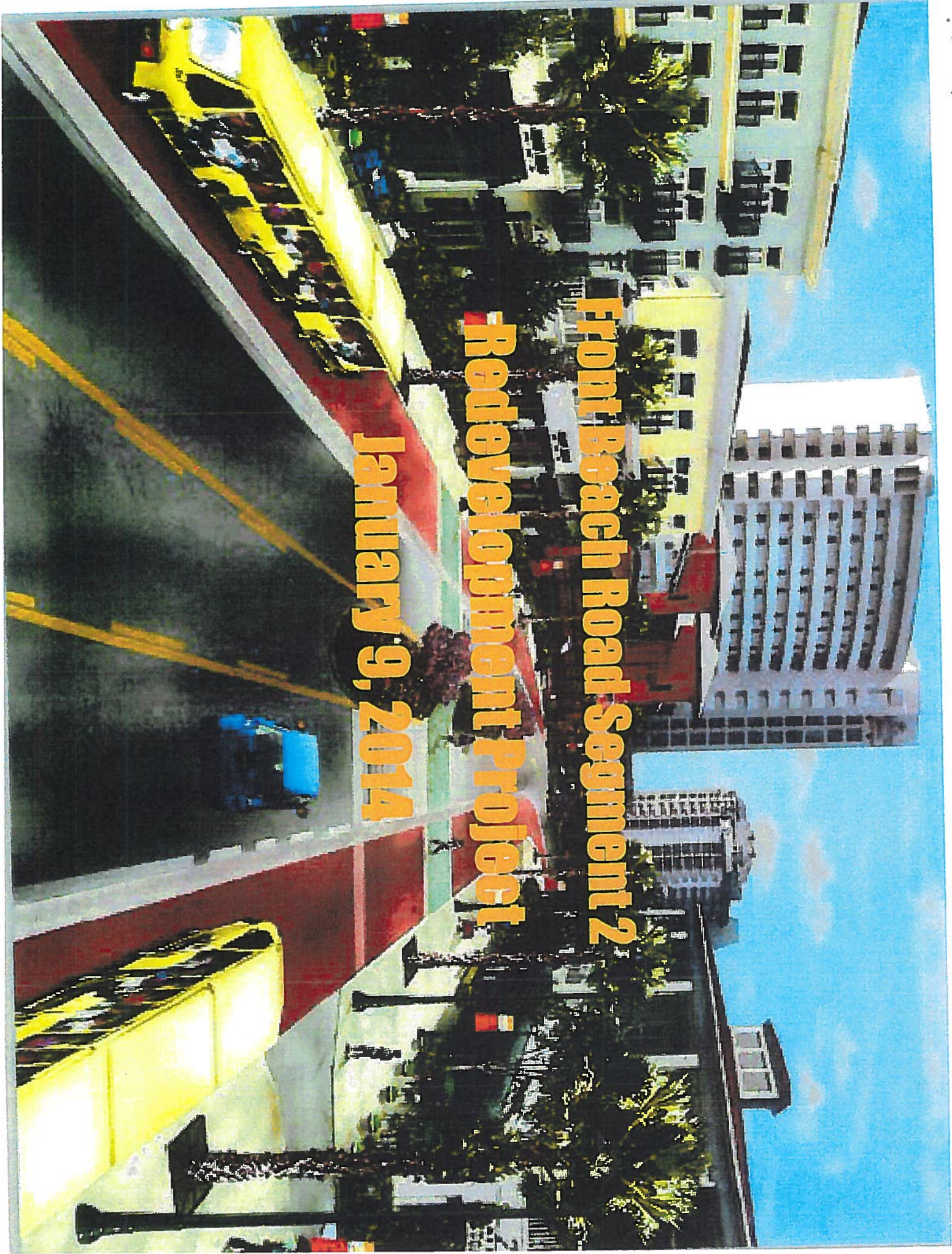
**IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.**

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Regular Meeting  
January 9, 2014



**Front Beach Road Segment 2  
Redevelopment Project**

**January 9, 2014**

## Front Beach Road Segment 2

### **FY 2014 CRA Near Term Work Plan:**

➤ **On August 8, 2013 the Council Authorized execution of the FY 2014 CRA Near Term Work Plan**

➤ **Priority # 1 in the Plan is FBR Road Seg 2 Redevelopment Project :**

- **Resume land acquisition and final design efforts and Plan for construction of the Project in fiscal year 2015**

## Front Beach Road Segment 2

- **Final design for the Front Beach Rd Seg 2 was substantially completed in January 2010**
- **Additional professional services are required to update plans and construction documents to the latest FDOT design standards**

## Front Beach Road Segment 2 – Scope of Services

- Evaluate right of way acquisitions and temporary construction easements needs
- Evaluate the need for a traffic signal at Churchwell
- Revise the design for R. Jackson near FBR
- Update all plans to the latest FDOT Standards
- Finalize Utility Plans
- Obtain all Permits
- Prepare Specifications and Bid Documents

## Front Beach Road Segment 2

- **ATKINS' proposed Lump Sum fee for the additional engineering services is in the amount of \$118,602**
- **Funds are included in the Fiscal Year 2014 Budget for this task order**
- **Staff has reviewed the Scope of Services and negotiated the proposed fee and recommends Approval**

## Front Beach Road Seg 2 - Cost Analysis

	Previous Estimate	Current Estimate
Improvements		
Roadway	\$5,325,536	\$4,475,500
Signalization	\$354,205	\$199,100
Signing & Markings	\$153,197	\$153,200
Lighting	\$1,163,938	\$821,500
Landscapes	\$1,320,462	\$1,185,200
ITS	\$126,856	\$0
Water & Sewer	\$2,090,751	\$1,779,000
<b>Subtotal</b>	<b>\$10,534,945</b>	<b>\$8,613,500</b>
Gulf Power Fee	\$2,000,000	\$1,600,000
ROW	\$3,000,000	\$3,000,000
CEI/Contingencies	\$1,465,055	\$1,000,000
<b>Total</b>	<b>\$17,000,000</b>	<b>\$14,213,500</b>



## Front Beach Road Segment 2 - Cost Analysis

<b>Project Cost/Funds</b>	<b>Previous Estimate</b>	<b>Current Estimate</b>
<b>Estimated Project Cost</b>	<b>\$17,000,000</b>	<b>\$14,213,500</b>
<b>Funds in FY 2014 Budget</b>	<b>(\$ 3,400,000)</b>	<b>(\$ 3,400,000)</b>
<b>Available Funds in FY 15</b>	<b>(\$ 5,700,000)</b>	<b>(\$ 5,700,000)</b>
<b>Funding Deficit</b>	<b>\$ 7,900,000</b>	<b>\$ 5,113,500</b>