

The Regular Meeting of the City Council of the City of Panama City Beach, Florida, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency, held on October 8, 2015.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
DIANE FOWLER
ASSISTANT CITY ATTORNEY:
AMY MYERS

Mayor Oberst called the Regular Meeting to order at 6:00 P.M. with all of the Council, the City Manager, City Clerk and Assistant City Attorney present.

Mayor Oberst gave the invocation and 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 Minutes of the September 10 Regular Meeting and the September 22, 2015 Budget Workshop were read and approved per **motion by Councilwoman Strange. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

CONSENT AGENDA

1 REVISION OF THE CITY MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. *All Departments have been asked to update their audit lists for surplus/obsolete equipment/vehicles/etc. These items are to be removed from the Master Audit List. STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List.*

2 RESOLUTION 16-01, J.R.ARNOLD HIGH SCHOOL HOMECOMING PARADE. *“A Resolution of the City of Panama City Beach authorizing the temporary closure of certain sections of North Richard Jackson Boulevard, North Alf Coleman Road and Market Street to permit the J. R. Arnold High School Homecoming Parade on October 23, 2015.”*

3 RESOLUTION 16-02, BREW ‘N’ BOO BEER FESTIVAL AT PIER PARK ROAD CLOSURES. *“A Resolution of the City of Panama City Beach related to the “Brew ‘N’ Boo Beer Festival” Event; authorizing road closures in Pier Park Drive on Saturday, October 31, 2015 for the Event.”*

4 RESOLUTION 16-03, ASSIGNMENT OF LEASE AT BAY POINT WATER TOWER SITE. *The City approved that certain Lease Agreement dated January 26, 2014, relating to the Bay Point Water Tower Site, which provides that the Lease Agreement may not be assigned without the City’s consent. The City has previously approved assignment of the lease to Bay Point Resort Assets, LLC, successor in interest to Flautt-Cornerstone Bay Point, LLC, and Bay Point Resort Assets, LLC’s assignment of its interest in the Lease Agreement to CAI Investment Series 15, LLC, a Nevada limited liability corporation. Bay Point Fund 8, LLC, who purchased the Bay Point Resort from CAI Investments Series 15, LLC, on September 16, 2015, has requested the City’s consent to the Assignment to and Assumption of that Lease by Bay Point Fund 8, LLC, and Staff has no objection to the request. “A Resolution of the City of Panama City Beach, Florida, approving assignment of the lease of the Water Tower Site at Bay Point; and providing an immediately effective date.”*

5* RESOLUTION 16-04, AMENDING RESOLUTION 15-21 TO CONFIRM INTENDED LAND PURCHASE FROM TOTE HOLDINGS LLC FOR \$24,635, FRONT BEACH ROAD SEGMENT 2 IMPROVEMENT PROJECT. *On September 24, 2014, the Council approved a contract to purchase land from Tote Holdings, LLC in furtherance of the City's Front Beach Road Segment 2 Right of Way Project. The conveyance is still pending, as the parties have continued to work through and resolve some title encumbrances concerning the property to be conveyed. The parties are now prepared to close, but the 2014 Resolution cited a purchase price \$5000 below the purchase price stated in the Purchase Contract attached to that resolution, and the parties request the Council ratify the intended purchase price of \$24,635. STAFF RECOMMENDS APPROVAL. "A Resolution of the City of Panama City Beach, amending Resolution 15-21 to confirm the intended purchase of land from Tote Holdings LLC for the purchase price of \$24,635, and providing an immediately effective date."*

6 ORDER #01-RZ-16 AND FINDING OF FACTS FOR THE APPROVAL OF THE HIGHLAND LAND COMPANY REZONING. *After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on September 24, 2015, the City Council orders that the subject rezoning request is hereby GRANTED and the captioned Ordinance 1358 shall be ADOPTED.*

7 ORDER #01-PL-16 AND FINDING OF FACTS FOR THE APPROVAL OF THE FINAL SUBDIVISION PLAT OF WHISPER DUNES PHASE 3. *After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on September 24, 2015, the City Council orders that the subject request to subdivide the land is hereby GRANTED and the captioned plat of Whisper Dunes Phase 3 is APPROVED WITH CONDITIONS, as more particularly stated in the body of the Order.*

Ms. Fowler read the Consent Agenda. Mayor Oberst invited public comment: there was none. **Councilman Curry made the motion to approve the Consent Agenda. Second was by Councilman Reichard 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

REGULAR AGENDA

1. ITEM NO. 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD. Mayor Oberst introduced Mr. Keydan McCutcheon and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated him. Ms. Stacey Shubert, Unit Director, presented him with a gift card donated by a local business. The audience responded with applause.

2. ITEM NO. 2 SHOPPES AT EDGEWATER DEVELOPMENT AGREEMENT- DISCUSSION. Mr. Leonard explained this was a request from Mr. Mike Burke, agent for the Shoppes at Edgewater, to direct Staff to work with them on a long term plan for future redevelopment of that property. He said the phases of redevelopment would span years and for such a large scale project, there was the concern of lending institutions and owners about the regulations changing in the middle of the project. He said they wanted consistent rules throughout the different phases of the project. Mr. Leonard said one option would be a Large Scale Site Development Plan which would go for approval through the Planning Board.

Councilman Curry asked Mr. Leonard if the LDC did not already have procedures for large parcel redevelopments and Mr. Leonard replied yes. Councilman Curry said he thought Development Agreements were things of the past. Mr. Leonard said they still existed through the State but the LDC may have the mechanism which worked better than a Development Agreement. He said Mr. Burke had not looked through the LDC to see if it would represent his client's best interests.

Mr. Mike Burke said Ms. Myers had given him a copy of the City's Large Site Development Code but said he was unsure whether his project would fit within those regulations. He said everyone was familiar with the Shoppes of Edgewater and knew it had reached its time for redevelopment which would involve substantial investment. Mr. Burke said they planned to take parts of the property to make a "town center" type of development, similar to Pier Park. He asked the Council to direct Staff to negotiate the points of a Development Agreement while at the same time, he would discuss with Counsel and Mr. Leonard if the Large Site Development Code would work for this project.

Mr. Burke explained the planned project and that the number of parking spaces would remain the same, the square footage of various categories would remain the same, only the pieces moved around within the square footage. He added that there were no plans now to acquire adjacent properties.

Councilman Reichard asked if there was a start timeframe as the CRA was to be going through that area. Mr. Burke said he had already been talking with Engineering and a start time was on the immediate horizon. Councilman Russell asked how long a Development Agreement would last and Ms. Myers said up to twenty years (20) although in the past the City had limited the span to ten (10) years. Councilman Curry asked Mr. Burke to look at the LDC and if the new Codes did not have regulations which would work for what he needed, then come back to Council. Mr. Burke said in his initial review, their project would not meet all of the criteria.

Councilwoman Strange said the area was blighted and needed improvements. Mayor Oberst suggested asking Mr. Burke to talk with Ms. Myers and Mr. Leonard to determine if the LDC would work for his project, and if not, then draw up a draft Development Agreement and bring back to Council. Councilman Curry recommended following the LDC. **Councilwoman Strange made the motion to allow Staff to discuss the Development Agreement and the LDC. 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

3. ITEM NO. 3 TDC/CVB- FRANK BROWN PARK IMPROVEMENTS. Mr. Dan Rowe, TDC Director, explained the CVB expenditure and said they had been authorized to work with SportsForce for improvements of the facilities at Frank Brown Park. The TDC agreed to spend up to Four Million Dollars (\$4,000,000) for these improvements and part of the endeavor was the City's concurrency that this was a reasonable thing to do. He distributed a set of plans which were 95% complete. Mr. Rowe said their goal was construction during winter and not impede scheduled tournaments. He asked the Council to authorize Mr. Gisbert and staff to work with him on the improvements that would be totally paid by the CVB. He explained these improvements would be for the facilities used by the softball and baseball tournaments throughout the year. Mr. Gisbert said Staff felt good about the improvements that were in areas which needed substantial improvement, making them more functional, attractive and ultimately a better park.

Councilwoman Strange asked if the field fees would increase and Mr. Rowe said that would be up to the City as there were no conditions made upon their investment in the improvements. Councilman Reichard said he understood the prices were set in order for our facility to be competitive with other tournament centers. Mr. Ponak agreed. Councilwoman Strange said the fees were too low. Mr. Rowe added that these improvements would keep Frank Brown Park as a mainstay for tournaments and also be competitive with the new sports park being planned for the east end.

Mayor Oberst said the reconstruction schedule was soon and Mr. Rowe said the plans were for construction to start in November to replace the fencing, dugouts, and remove the south quad building. He said they also planned to move two fields so that the layout would be more visually appealing as well as safer. They planned to build a new concession building with rooms for umpires and offices. He said once the Council approved moving forward, he would work with Mr. Gisbert on all phases of this project until a final product was delivered to the City. He said a majority of the work would be done this winter with the goal to be finished by March 1, 2016. **Councilman Reichard made the motion to go forward. Second was by Councilman Russell.** Ms. Myers disclosed that her firm represented both the City and the CVB. She read Resolution 16-06 which authorized the improvements.

Councilman Reichard asked if the restrooms near the Miracle League field were being renovated. Mr. Rowe said that was not within the scope of this work. Councilman Reichard asked Mr. Gisbert to look into that in the future. Mr. Rowe said one facility which had been discussed was a stand-alone restroom near the Miracle League field for those players, something they were investigating but he could not commit to at this time. Councilman Curry asked about the cost of operation and maintenance of the new facilities. Mr. Gisbert said it should be better due to the higher quality. **With nothing further, 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

4. ITEM NO. 4 ORDINANCE 1350, PARKING LOTS CLOSED OR MANAGED, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:45 P.M. Ms. Myers read Ordinance 1350 by title. She reminded that this was a second Public Hearing so the Findings of Fact here would confirm testimony in the previous Public Hearings.

Councilman Reichard asked what would be expected if the business owner rented the lot for an event. He said some business owners were concerned they would be expected to leave someone to control the lot all night. Mr. Gisbert explained the two ways to control and manage the lot. He said the business could work with a towing company which would monitor the lot, a passive management system. Councilman Reichard asked if the business owner was required to put up towing signs. Mr. Gisbert responded that the owner must manage the lot as police officers would not know if cars were trespassing or not. He said the proactive approach was a person or sign on the premises which would deal with the lot. Councilman Reichard said he supported this Ordinance but questioned it being mandatory. Mr. Gisbert emphasized that the parking lots were private property and the police would have to get permission from the owner to trespass someone in the parking lot after the business was closed.

Mr. Arthur Cullen said the property owner could allow a parking pass for authorized cars left overnight. He said he understood the intent was to give the police a tool to clear thugs out of parking lots. Mr. Gisbert said last year, this plan was used as a test run in some of the major parking lots and it worked well. Mayor Oberst said she thought this Ordinance would be the most effective of all the recent changes. **Councilwoman Strange made the motion to approve Ordinance 1350. Second was by Councilman Curry.** The Mayor called for comments or questions; 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

The Public Hearing was closed at 6:55 P.M.

5. ITEM NO. 5 ORDINANCE 1359, SPECIAL EVENTS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 6:55 P.M. Mr. Sale read Ordinance 1359 by title. Councilwoman Strange asked about penalties and Mr. Sale said penalty structures had been included.

Deputy Chief Chad Lindsey explained the reasons behind this Ordinance. He said it gave law enforcement the tools to address problems and crowds, which was a great asset to not only the Beach Police but also the assisting agencies which helped during Spring Break. He continued that by requiring the event producers to show plans, it had a positive effect relating to safety and security. Mr. Sale said this Ordinance primarily dealt with unplanned events or events which got out of hand and he asked Deputy Chief Lindsey what had changed over the past few years which made spontaneous events different now. Deputy Chief Lindsey said social media could quickly escalate even a planned event beyond the original plan. He detailed adverse effects: the congestion, the indecency, the trash, and the nastiness.

Mr. Sale said this Ordinance specifically addressed unplanned events and planned events which mushroomed out of control. He said it also covered house parties which would become a special event if the capacity of the house was exceeded or noisy. This Ordinance imposed a duty on the real estate owner to use their best effort to deal with a pop-up event and cooperate with the police to do whatever was necessary to tone the event down. Councilman Russell asked about an unreachable owner and Mr. Sale said there was no answer to that situation.

Mr. Sale said in this Ordinance were new standards, the totality of the evidence. At the request of the City Manager, a City Services Fee was added which allowed the negotiation of payment for additional City services. He said a timeline had been added for large events which now included a face-to-face meeting with Staff to best plan the event.

Councilman Curry asked what changes had been made to the Ordinance since the last version. Mr. Gisbert replied that the "500" threshold to be a special event had been removed. With that number removed, the Ordinance would address smaller venues such as house parties and popup events. He explained the guidelines for larger events were much the same. Councilman Curry expressed his concerns about the different standards for professionally trained inhouse security and different standards for different areas. Mr. Sale explained the two classes of liability.

Mr. Arthur Cullen said he was concerned about unintended consequences since this Ordinance covered all year, not merely Spring Break. He said the beach attracted very large audiences all year, not merely during the Spring, and a large resort filled with guests could trigger a spontaneous activity with mere daily activities. The Mayor asked if there were any further comments. There were none. **Councilwoman Strange made the motion to approve Ordinance 1359. Second was by Councilman Curry.** The Mayor called for questions or comments; 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

The Public Hearing was closed at 7:23 P.M.

6. ITEM NO. 6 ORDINANCE 1333, AMENDING LDC SECTION 5.02.08 REGARDING SETBACK REQUIREMENTS FOR SWIMMING POOLS ENCLOSED WITH SCREENING, 1ST READING. Ms. Myers read Ordinance 1333 by title and said the change was permitting a screened swimming pool to meet the setback for accessory uses as opposed to principle uses. Mr. Leonard said the Planning Board recommended approval five to zero (5-0). The Mayor asked if there were any questions and there were none. **Councilman Reichard made the motion to approve Ordinance 1333. 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 Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Mayor Oberst	Aye

7. ITEM NO. 7 ORDINANCE 1364, AMENDING LDC SECTION 5.04.09 SUPPLEMENTAL STANDARDS FOR DUPLEX, TRIPLEX, AND QUADPLEX BUILDINGS, 1ST READING. Ms. Myers read Ordinance 1364 by title. Mr. Leonard said the Planning Board recommended approval six to zero (6-0) and explained the extra standards. He said this was merely a housekeeping change similar to the prior Ordinance. The Mayor asked if there were any questions or comments; there were none. **Councilman Russell made the motion to approve Ordinance 1364. Second was by Councilwoman Strange.** The Mayor called for comments or questions; 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

8. ITEM NO. 8 ORDINANCE 1365, AMENDING LDC 5.06.02, MAXIMUM HEIGHT FOR AN AMUSEMENT, 1ST READING. Ms. Myers read Ordinance 1365 by title. Mr. Leonard said the Planning Board recommended approval six to zero (6-0) and explained this was merely housekeeping to clarify language but not changing the height of the structures. The Mayor asked if there were any questions. There were none. **Councilman Curry made the motion to approve Ordinance 1365. Second was by Councilman Reichard.** The Mayor called for questions or comments; 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

9. ITEM NO. 9 ORDINANCE 1366, AMENDING LDC 7.02.03G, FRONT YARDS IN FRONT BEACH ROAD OVERLAY DISTRICT, 1ST READING. Ms. Myers read Ordinance 1366 by title. She said the intent of the Front Beach Road Overlay District was geared toward commercial developments and many of the standards were designed with commercial structures in mind. This presented a challenge to smaller single-family residential uses. Mr. Leonard said the Planning Board recommended approval six to zero (6-0). The Mayor asked if there were any comments from the audience; there were none. **Councilwoman Strange made the motion to approve Ordinance 1366. Second was by Councilman Russell.** The Mayor called for questions or comments; 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

10. ITEM NO. 10 ORDINANCE 1367, AMENDING LDC SECTION 10, CLARIFYING APPLICATIONS FOR LARGE CONDITIONAL USES AND STAND-ALONE TOWERS, 1ST READING. Ms. Myers read Ordinance 1367 by title. Mr. Leonard said the Planning Board recommended approval six to zero (6-0). The Mayor asked if there were any questions or comments; there were none. **Councilman Russell made the motion to approve Ordinance 1367. 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 Reichard	Aye
Councilman Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Mayor Oberst	Aye

11. ITEM NO. 11 ORDINANCE 1351-L AND ORDINANCE 1351-P, SCOOTERS- DISCUSSION. Ms. Myers said there were two options within the Agenda Packet, one to limit scooters immediately and the other to prohibit scooters after September, 2017. Mr. Gisbert said the Council had asked for Staff to meet with the scooter companies and come back with another Ordinance. He said the Ordinance 1351-P was basically the original Ordinance which allowed the number of scooters presently on site until September, 2017. At that time, all scooters would go away. One other change to the original Ordinance was restricting the night rental of scooters to only during Spring Break.

After meeting with all companies, the Police Department went to each company for an accurate count of all scooters. He said some companies had as many as six hundred scooters, and all of the companies had agreed to reduce the number of scooters by 25% for the operating year of 2016, and another 25% for the operating year of 2017, and at the end of the 2017 season, all companies would reduce to sixty (60) scooters per location. He said this included a mechanism for counting the scooters. Mr. Gisbert said this would allow the number of scooters to go from 1500 now to 1100 next year, then 900 in 2017, and then down to about 700 scooters. He said Staff had said that scooters were a manageable amusement in smaller quantities. Mr. Gisbert said

the opening of new businesses had been prohibited. He reminded that the changes requiring vests and insurance as well as the brochures were helping with enforcement.

Mayor Oberst asked what would be the penalty if a company did not comply with the new Ordinance. Ms. Myers explained the enforcement schedule and cumulative penalties.

Councilman Russell asked why the current regulations could not be enforced now even with the litigation. Mr. Sale said there was no legal impediment for enforcing the current laws as the Circuit Court had ruled in the City's favor. An Appeal had been filed but there was no motion to stay the local judge's order. The Chief said at the last meeting that he wanted to give the local businesses time to get the insurance. Deputy Chief Lindsey concurred, saying that the season was almost over and the Chief being compassionate wanted to give the shops an extended period of time to comply. Councilman Russell suggested the Council discuss and set a date for compliance. Mayor Oberst suggested the end of the year. There were no objections.

Mr. Sale said from a landuse perspective, scooter rentals would be added to junk yards and cemeteries in both Ordinances, and at the adoption of either Ordinance new future scooter rentals would be prohibited in the City. He said the scooter shops could not move.

Mr. Gisbert asked for clarification if the enforcement of the vests and brochures were delayed until January 1st. He said some shops were already complying with the vests. Councilman Reichard suggested that the County mirror the City's Ordinance to reduce their required insurance. Mr. Sale reported that the County attorneys and Staff were going to recommend to the County Commission that the insurance be reduced to the same level. Councilwoman Strange suggested that enforcement for the vests and brochures should be effective tomorrow. Councilman Russell agreed. Councilwoman Strange said she thought the reduction percentages were too low, that they should be 35% because 1100 scooters on the road next year were more than the police could control. Mr. Sale said he was concerned about the buyback potential of that increase and explained the discussions with the scooter companies. He said part of the agreement with the companies was that they would acknowledge to the Council on record that these reductions would allow them to get their investment back from their current inventory. Mr. Sale said Council could look next summer and determine if the reduction should be more, and then the question would be the buy back.

Mr. Ray Steinbrecher, attorney for Sara's Scooters, said this Ordinance would particularly affect his client because he only had one location as opposed to another shop with numerous locations. He mentioned constitutional taking and that mere compensation for the scooters might not be adequate. He asked about the shops licensed for lower numbers than sixty, and if they would be granted an appreciation up to sixty upon passage. Mr. Sale said the Conditional Use went with the land and that the phrase was "a maximum of sixty" but did not authorize sixty. Mr. Steinbrecher said it had been a very constructive meeting and encouraged the Council to approve Ordinance 1351-L.

Ms. Colleen Swab, California Cycles, asked if the ban would still become effective September 5th if the limiting Ordinance was adopted. Mr. Gisbert said no. Ms. Swab said she appreciated the City thinking about the County insurance regulations as she closed her one location in the County because of the high cost. She said she approved of the sixty scooters per location and said she thought it would help all of the shops when the level reached that point. She added that her company distributed the brochures and used a training video for the renters. She confirmed that she has the vests now and would be enforcing their use tomorrow.

Mr. Darrell Sellers said the number of scooters affected the quality of life on the beach, very dangerous. He mentioned helmet laws and applauded regulation of the numbers.

Ms. Olesia Siriteanu, owner of Hangout by the Sea, said she applauded the idea of sixty scooters per location so that all shops were equal. She suggested severe fines for the scooter violators and increased security deposits. Mr. Gisbert said the City already had fines in place but the problem was the ability to stop a scooter. She said the ticket fees were too small for effect. **Councilman Reichard made the motion to approve Ordinance 1351-L.** Ms. Siriteanu said she thought the reduction would help with the problems. Councilman Russell asked how the police would know to start enforcing the vest rules tomorrow and Mr. Gisbert said that would be done merely by direction. Ms. Myers said this would require starting the process again, and she would bring the Ordinance back with a Public Hearing. She said it was not necessary to have the First Reading tonight.

12. ITEM NO. 12 COLONY CLUB ENTRANCE-DISCUSSION. Councilman Russell said Engineering had created two redesigns for the median at Colony Club and he wanted to schedule a date and time to meet with the Colony Club residents to look at the new designs and invite their input. In the meantime, discussions had been held with an owner on Fairway Boulevard who had agreed to sell his property to the City and Staff was getting an appraisal of the

land. Councilwoman Strange asked about the drawings for the temporary fix to the median and Mr. Gisbert said Councilman Russell had one set and he had the other in his office. Councilman Russell said this had been discussed for many years with the thought to go to Clara but that property was so expensive, the plans were scrapped. Mr. Gisbert explained about the problems with the existing median due to its large size. He discussed the possibility of limiting the access of across the street businesses. Mayor Oberst said she thought it was a good idea to have a small town hall meeting to inform the residents and she reminded that this was a short term fix.

13. ITEM NO. 13 LOOP ROAD DESIGN DRAWINGS- DISCUSSION. Mr. Gisbert said for the past few months, Staff had been working with the St. Joe Company and Preble-Rish on construction documents for the new road which were about 60% complete. A new traffic study was complete. He said numerous meetings had been held with FDOT about two segments, with Segment 1 being from SR 79 to Pier Park, and Segment 2 from that intersection to Nautilus. Mr. Gisbert said the St. Joe Company was providing the right-of-way and the design for the road at no charge to the City. He gave the floor to Mr. Cliff Wilson, President of Preble-Rish.

Mr. Wilson said numerous meetings had been held with FDOT and to date had received tremendous support to the extent that they had committed to cover the costs of the design and construction of the signalization for vehicular traffic and pedestrian crossings at SR 79 and the tie-in into the Loop Road. Regarding the project itself, there were two phases, the east-west portion Segment 1 and the north-south portion which would tie into North Pier Park Boulevard up to the intersection of the Loop Road, Segment 2. He said the east-west portion was designed to meet FDOT standards so there would be no need for redesign of roadways and have a 10' wide multi-use path which would add additional connectivity to the multi-use bike path for Frank Brown Park, Pier Park and Palmetto Trace. Mr. Wilson said one improvement outside of the scope was an additional left turn at US 98. The County confirmed they would work with the City in terms of the additional traffic light and necessary sequencing.

Regarding the SR 79 intersection improvements, the Gayle's Trails crossing currently had a flashing signal and the concern was the tremendous amount of high speed vehicular traffic on SR 79. Regarding the controlled intersection, they would work with FDOT to relocate the pedestrian signal to the new location. He introduced Mr. Philip Kurth, their traffic expert.

Councilman Curry asked Mr. Wilson why FDOT had not already addressed this crossing at SR 79 if it was so dangerous. Mr. Wilson replied that it was on FDOT's radar, and the interest of the City to do additional improvements was to capitalize on the opportunity to take care of the location.

Councilman Reichard asked about the roadway being built to FDOT standards. Mr. Wilson said the east-west portion of the road would be built with standards for the right-of-way width, posted speed, medians, multi-use paths, and structural subgrade. The north-south would have comparable right-of-way. Councilwoman Strange asked if FDOT's agreement with these items was in writing. Mr. Wilson said he could obtain that commitment in writing.

Mr. Philip Kurth, Senior Traffic Engineer, explained his qualifications and said the Loop Road project had the potential to be a large boon to the traveling public on Panama City Beach. He explained the long-range vision with it being a 4-lane access-controlled roadway which would connect SR 79 to Nautilus, providing a complete bypass of Pier Park. He discussed his findings and recommended approval with five caveats, explained in detail. Mr. Kurth explained that Phase 1 would provide relief at the signalized intersection at SR 79 and US 98. Discussion ensued concerning the turn lanes at SR 79 and potential improvements. Mr. Kurth said there would be a potential 7% reduction in traffic with this new roadway which was significant. Councilman Curry stated this roadway would do nothing for residents in Ward 1. Mr. Kurth said this was only the first step and Councilman Russell said this was the starting point to get from the Loop Road to Nautilus. Mayor Oberst said from her subdivision of Open Sands, it was almost impossible to get out on the Parkway or Front Beach Road at times. She said with a roadway to Nautilus, this would help the residents of Summerwood, Open Sands, Bid-A-Wee and Colony Club. She said the traffic at times were not tourists but residents going to work and to the grocery store. She discussed the trails and bicycle lanes, reminding that the City did not pay for the trails as they were given by the St. Joe Company and Gulf Power with the understanding the trails would be used for trucks to reach the power lines or cut timber. She said this project was something which must be done when thinking about the future. Councilman Curry mentioned the roadway cost was \$3.6 Million Dollars according to the 2014 numbers. The Mayor said the City would pay for this segment of the roadway and a good portion paid by the Pier Park North Transportation Impact Fee. Ms. Myers said the Impact Fees must be used for the location for where the impact was created, not all over the City.

Councilwoman Strange asked how much it would cost to build a Loop Road from Colony Club to Nautilus, to give those residents some relief. Mr. Gisbert said he did not know as he was not prepared for that question. He continued that \$2.6 Million Dollars had been budgeted for the roadway. Councilman Curry questioned about the additional One Million Dollars for utilities within the right-of-way. He said costs had risen and he expected the actual roadway cost to be more than the \$3.6 Million Dollars. Further discussion continued concerning the Back Back Beach Road and the State's commitment to go forward on engineering surveys. Mr. Kurth said the award had been given Monday so that project was in progress, a PD&E over two years. **Councilman Russell made the motion to approve the design.** Mr. Gisbert said then it would be released to finish the construction documents to bid the project in November/December and let the project soon thereafter if the Council approved each step. **Second was by Councilman Reichard.** The Mayor called for further comments.

Councilman Curry said St. Joe had been clearing trees and widening roads, so the project was going to happen. He questioned the path of the proposed roadway and moving it to a different path. Mr. Wilson said the path could not be moved due to conservation easements and high quality wetlands which could not be shifted. The easements were already permitted and locked in.

Mr. Hector Solis suggested instead three-laning US 98 all the way to help with Pier Park congestion. He recommended the loop go to Nautilus.

Mr. Mike Thomas said the new ITS system was helping keeping traffic moving. He said the property north would be developed and that everyone knew the road needed to go to Nautilus, but the question was funding. He urged the Council not to put off this new road. With nothing further, **the motion passed by majority roll call vote recorded as follows:**

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

14. ITEM NO. 14 CITY MANAGER UPDATE. Mr. Gisbert discussed the New Years Eve Ball Drop and plans to build a flagpole which would be used to drop the ball. He said in the Pier Park Overlay District, the tallest flagpole allowed was only 25' and the TDC would like to install a 100+' flagpole, and in order to do so, the Pier Park Overlay District must be updated. Due to the timeline for this process with two Readings of the Ordinance and the manufacture of the pole to start the first week of November, he asked the Council for consent to start the process on November 8th at the Planning Board meeting while concurrently working on the amendment to the Pier Park Overlay District with the Council's first Reading on November 12th and the 2nd Reading on December 10th. He reminded there would only be one regular meeting per month during November and December. The Mayor asked if there were any objections and there were none for this plan. The Mayor said it was a neat design and Mr. Gisbert confirmed he had the preliminary designs for anyone interested.

Councilman Curry asked the status of the short term rental regulations and Mr. Gisbert replied conversations had occurred with contacts at the legislative level instead of the municipal level. He said he was working on it and hopefully by February would be able to create some legislation. Mr. Sale said he should know more information next week with a parallel track less complicated.

ANNOUNCEMENTS

Mayor Oberst announced the Pirates of the High Seas event would be held at Pier Park starting tomorrow with the invasion Saturday afternoon as well as the parades; the Audubon Society was having a bird walk Wednesday at the Conservation Park; UnWineD would be held at Aaron Bessant Park; and Thunder Beach would begin October 21st.

With nothing further, the meeting was adjourned at 9:20 P.M.

READ AND APPROVED this 14th of January, 2016.

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


 Mayor

ATTEST: 
 City Clerk