

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 August 27, 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 2:00 P.M. with all 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 presented.**

The Budget Workshop of July 30th and the Regular Minutes of August 13, 2015 were read and approved per **motion by Councilman Russell. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

CONSENT AGENDA

1 ***“NATIONAL DAYS OF PRAYER AND REMEMBRANCE” AND “PATRIOT DAY” PROCLAMATION. “A Proclamation designating September 5-7, 2015 as “National Days of Prayer and Remembrance” and September 11, 2015 as “Patriot Day”, and directing that the flags be lowered to half-staff on September 11, 2015 with a moment of silence at 7:46 A.M.***

2 ***RESOLUTION 15-133, IRONMAN FLORIDA TRIATHLON TRAFFIC CONTROL. “A Resolution of the City of Panama City Beach related to the “Ironman Florida Triathlon” Event; authorizing extraordinary traffic control on portions of South Thomas Drive, Thomas Drive, Surf Drive, Front Beach Road, and SR 79 on Saturday, November 7, 2015, for the Event.”***

3 ***RESOLUTION 15-135, SUPERVISOR OF ELECTIONS POLLING PLACE AGREEMENTS FOR 2016 MUNICIPAL SUPER TUESDAY ELECTIONS. The Supervisor of Elections has forwarded two Agreements for the 2016 Municipal Super Tuesday Election, to reserve the dates and locations at Frank Brown Park and the PCB Lyndell Senior Center for the voting. “A Resolution of the City of Panama City Beach, Florida, approving various Polling Place Agreements with the Supervisor of Elections relating to the 2016 Municipal Super Tuesday Elections.”***

4 ***RESOLUTION 15-136, SUPPORT FOR THE CENTRAL PANHANDLE FAIR. “A Resolution of the City of Panama City Beach in support of the Central Panhandle Fair in Bay County, Inc., Fairground Improvement Project and its Application for State Funding”.***

5 ***RESOLUTION 15-137, RATIFY CITY CLERK EMPLOYMENT AGREEMENT. “BE IT RESOLVED that the appropriate officers of the City approves and to the extent necessary ratifies the City Clerk Employment Agreement, between the City and Diane Fowler, relating to the terms and conditions of her employment as City Clerk, providing for an annual salary of \$71,115.20 together with benefits as more particularly described in the body of the Agreement,***

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in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.”

Ms. White read the Consent Agenda. **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 Russell	Aye
Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Mayor Oberst	Aye

REGULAR AGENDA

1 ITEM NO. 1 “LIBRARY CARD SIGN-UP MONTH” PROCLAMATION & PRESENTATION. Mayor Oberst welcomed Ms. Heather Ogilvie, Branch Manager for the PCB Public Library, and presented her with the Proclamation designating September as “Library Card Sign-Up Month”. The Mayor stated the City provided for the building and salaries of the employees and the County ordered the books. Ms. Ogilvie thanked the Mayor and explained about the numbers of children and adults attending story time as well as the many people who used the free computers. She thanked the Parks employees who cleaned the building as well as the local heroes in the Police and Fire Departments who came for the Heroes Hullabaloo. The audience responded with applause.

2 ITEM NO. 2 PLAT APPROVAL, BREAKFAST POINT PHASE 3A-2, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 2:09 P.M. Ms. Myers said this was a replat of two lots in the subdivision in order to shift the lotlines to build two homes. For the Jennings Disclosures, Councilman Reichard said he had not spoken with anyone and was familiar with the development. Councilman Russell said he was familiar with the development and had spoken with no one. Mayor Oberst said she knew the development, had spoken with no one, and understood today’s process. Councilwoman Strange said “ditto”. Councilman Curry said he had spoken with no one and knew the property’s location. The Mayor said this replat involved two single family residential lots. The Mayor asked that anyone testifying in this matter be sworn. She asked if there was anyone in the audience who wished to speak at this time; there was no response. A representative of the applicant was in the audience if there were any questions.

Mr. Leonard said the property was within the City limits, compatible with the Comp Plan, and complied with the LDC. Ms. Jenkins said this property complied with the City’s subdivision regulations and was properly noticed through advertisement and signs. She continued that since this was changing one lot within the previously platted area, a performance bond was already in place for any minor outstanding issues. The Mayor asked if there were any questions for Staff and there were none. Ms. Myers confirmed that the face of the plat contained a title certificate, the certificate of the surveyor, and appeared to satisfy the requirements of Florida Statutes.

The Mayor asked if there was anyone in the audience who opposed this change to the plat. There was none. She called for comments; there were none. **Councilman Reichard made the motion to approve the plat. Second was by Councilman Russell.** The Mayor again called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

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

3 ITEM NO. 3 ORDINANCE 1357, SHALIMAR HOLDINGS LLC REZONING, 1ST READINGS. Ms. Myers read Ordinance 1357 by title. Mr. Leonard said the Planning Board considered this request on July 13, 2015 and recommended approval five to two (5-2). It was a rezoning request to go from an FBO-2 district with a building base height of 45' and up to 65' with granted incentives to a FBO-4 district with a base height of 150' and up to 220' with granted incentives. He identified the property on the map and the nearby condominiums. He added that the Surfside Villas vacant property was recently rezoned from FBO-2 to FBO-4 a few months ago. The FBO-4 district ended at the Surfside Villas now, had a small area as FBO-2 at the Shalimar site through the townhomes, and then started back at FBO-4 at the Tropic Winds condos. Mr. Leonard said the empty slots on each side of the property were beach accesses.

Mayor Oberst said Ms. White had received an email in opposition to the request with the writer stating it would be incompatible to the surrounding properties and she entered it into the record. The Mayor asked for questions.

Councilwoman Strange asked why the FBO-4 zoning had not continued all the way down Front Beach Road. Mr. Leonard explained that when originally created the FBO-4 district had stopped at the Emerald Isle and restarted at the Tropic Winds because it took into consideration the existing lower scale development. He said if there had been a highrise on the site at that time, it would not have been zoned FBO-2.

The Mayor asked if there was anyone in the audience with questions or comments; there were none. **Councilman Reichard made the motion to approve Ordinance 1357. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote recorded as follows:**

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

4 ITEM NO. 4 CITY MANAGER UPDATE. Mr. Gisbert said Staff and Counsel had been working on a series of ordinances for the past few months, and met individually with the Council members recently on these four Ordinances. He distributed copies of Ordinance 1350, Ordinance 1351, Ordinance 1359 and Ordinance 1360.

Mr. Gisbert said Ordinance 1350 concerned closed and managed parking lots and had been discussed earlier this year in relation to other parking lot ordinances. The general principle of this Ordinance was that when the business was closed, the parking lot was also closed to prevent people loitering in the empty lot creating problems. It would allow the business to monetize the lot after hours if they chose to do so by leasing it to someone and requiring the lot to be monitored. There were more details within the proposed Ordinance.

For Ordinance 1351, it contained the details for the ban on scooters and the three wheeled coupes, giving the effective date, and overnight restrictions. It also provided the effective date of September 2017.

For Ordinance 1359, the Special Event ordinance, it was essentially the same body of the original ordinance but with some modifications. The old trigger to the Special Event Ordinance was Five Hundred (500) people per hour; that trigger was removed and changed to any place with an assembly of people once needing additional services such as a burden on the surrounding area for parking, traffic, extra police or fire service. He said the proposed Ordinance provided for some durations for submitting for a small event and medium event. For a large event, it would require the submittal to start 60 days prior to the event and a meeting with the promoter and City Staff in order to work out the details.

For Ordinance 1360, Mr. Gisbert said back to 2014, there had been issues involving rental units, homes and condo units where there was no way to contact the owner to deal with a problem inside the unit. He said the City did not have the authority as police or fire to remove anyone from a location without the permission of the owner. This Ordinance would require the owner to be on site within an hour or have a responsible person who could be on site within an hour. He said if the owner chose not to do so, they would then assume the liability of the problem. This put the ownership back onto the owner of the facility for their renter.

Mr. Gisbert said all of these Ordinances would be posted on the City website after the meeting and brought to the Council for 1st Reading on September 24th and 2nd Reading and Public Hearing on October 8, 2015.

Mr. Gisbert said next weekend was the Gulf Coast Jam.

The Mayor said the Emergency Management group would keep the City Manager and Staff in the loop as to any potential hurricane. Mr. Gisbert said he receives a report every morning from Mr. Mark Bowen, EOC Chief, and distributes that information to key people as needed.

Mr. Gisbert introduced the new City Clerk, Ms. Diane Fowler, sitting next to Ms. White.

ANNOUNCEMENTS

Mayor Oberst announced that the next meeting would be the Budget Workshop at 1 P.M. on September 3rd. Ms. White said the Budget would be discussed at that meeting and hopefully available for adoption at the 6:00 P.M. September 10th Council meeting.

On September 12 at 10:30 A.M., the PCB Fire/Rescue would host the annual 9/11 Stairclimb at Laketown Wharf and invited everyone to climb the 22 stories three times. Flyers were on the table.

On September 19 beginning at 9 A.M., there would be a Beach Cleanup at the Russell-Fields City Pier, and flyers were on the table.

The Mayor called for Floor Items.

FLOOR ITEMS

ITEM NO. 1 SCOOTERS. Ms. Colleen Swab said her company had twelve stores with over Fifty Thousand rentals for the year. She said the Council was putting her out of business by not being able to rent overnight. She said her Fifty Thousand rentals would be compared to the reported One Hundred crashes which did not all belong to California Cycles. She welcomed the Council members to visit her shop to see their operation. She said no one had called or visited.

Councilman Curry said he opposed this Ordinance and had not called because of his opposition.

Ms. Swab asked for copies of the Police reports and asked for facts. She said the City was telling a company what could and could not be done. She spoke at length concerning the proposed regulations. Mr. Jacob Lassiter said according to social media, the overwhelming sentiment was to keep the scooters off Back Beach Road.

Councilman Reichard asked Ms. Myers about restrictions placed by the lawsuit and addressed Ms. Swab in that the Council could not respond by filing legal action which was their right.

Ms. Swab said former Councilman Ken Nelson visited her shop to see her operation. She had not known how many rentals her company had per year until she totaled all of the shops last week. Councilman Reichard commented about prior numbers reported at each shop. Ms. Swab said banning scooters had nothing to do with vests and insurance.

Mayor Oberst said she had met with four other scooter businesses earlier this year who explained how they did business and talked with another owner. Ms. Swab said those other companies did not do business like she did at her five locations.

Mr. Bill McGrath said the Council was responsible for people's safety but it was not right closing a business. He said free market would address the problems.

ITEM NO. 2 TWENTY YEARS SERVICE. Chief Whitman congratulated Lt. Jamey Wright for his twenty years of service to the City.

With nothing further, the meeting was adjourned at 2:45 P.M.

READ AND APPROVED this 10th of September, 2015.

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

ATTEST:


City Clerk


Mayor

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