

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 September 10, 2015.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:

JOHN REICHARD

RICK RUSSELL

JOSIE STRANGE

KEITH CURRY

CITY CLERK:

DIANE FOWLER

CITY ATTORNEY:

DOUG SALE

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

Pastor Ramon Duvall of the Beachside Fellowship Church gave the invocation and Mayor Oberst led the pledge of allegiance.

The Mayor asked if there were any additions or deletions to the Agenda. Mr. Sale asked if the Council could, right before the adoption of the CRA Budget, briefly reconstitute the officers of the CRA by motion. **With no objections, the Agenda was accepted as amended.**

The Regular Minutes of August 27, 2015 were read and approved per **motion by Councilwoman Strange. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

CONSENT AGENDA

1 *“CONSTITUTION WEEK 2015”. A Proclamation designating September 17-23, 2015 as “Constitution Week 2015” in Panama City Beach.”*

2 *ORDER #06-PL-15 AND FINDING OF FACTS FOR THE APPROVAL OF THE BREAKFAST POINT PHASE 3A-2 PLAT. After receiving testimony and reviewing the exhibits produced during the Hearing on August 27, 2015, the City Council orders that the subject request to subdivide the land is GRANTED and the BREAKFAST POINT PHASE 3A-2 plat is APPROVED as presented.*

3 *RESOLUTION 15-138, “PIRATES OF THE HIGH SEAS” ROAD CLOSURES. “A Resolution of the City of Panama City Beach related to the “Pirates of the High Seas Festival” Event; authorizing road closures within Pier Park on October 9, 10, and 11, 2015, for the Event; authorizing closure of a portion of Front Beach Road on October 10, 2015 for the Event’s Parade.”*

4 *RESOLUTION 15-139, “CHASIN’ THE SUN MUSIC FESTIVAL” ROAD CLOSURE. “A Resolution of the City of Panama City Beach related to the “Chasin’ the Sun Music Festival” Event; authorizing temporary road closure on portions of West Pier Park Drive on Friday, September 25, 2015 and Saturday, September 26, 2015, for the Event.”*

Ms. Fowler read the Consent Agenda. **Councilwoman Strange made the motion to approve the Consent Agenda. Second was by Councilman Russell and the motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

1. ITEM NO. 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD. Mayor Oberst introduced Miss Madalyn Ward and presented her with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated her. Mr. J.C. Schwab presented her with a gift card donated by a local business. He also introduced Ms. Stacey Shubert, the new Unit Director for the Beach, who replaced Mr. Ryan Roberts. The audience responded with applause.

2 ITEM NO. 2 RECOGNITION OF THE MIRACLE STRIP JUNIOR WOMENS CLUB AND BEACH OPTIMIST CLUB. Mayor Oberst invited Mr. Jim Ponek, Parks & Recreation Director, to join Mr. Schwab at the podium in order to recognize representatives of the Miracle Strip Junior Women’s Club and the Beach Optimist Club for their financial donations to the Boys & Girls Club for swimming lessons for children in the Club. Mr. Ponek presented Certificates of Appreciation to the representatives and thanked them for their support and contributions. The audience responded with applause.

3 ITEM NO. 3 SELECTION OF THE CIVIL SERVICE BOARD MEMBER AND PLANNING BOARD CHAIR APPOINTMENT. Mr. Phil Chester, Council representative, asked not to be reappointed to the Board so the vacancy was advertised on the website for one month. Only one applicant, Mr. Michael Jarman, applied to be considered for the position. **Councilwoman Strange made the motion to appoint Mr. Jarman to the Civil Service Board. Second was by Councilman Russell and the motion passed by unanimous roll call vote recorded as follows:**

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

For the annual Planning Board Chair appointment, Councilman Reichard said Mr. Ed Benjamin was the current Chair. **Councilman Reichard made the motion to reappoint Mr. Benjamin as Chair for another year. Second was by Councilman Curry.** Councilwoman Strange said Mr. Benjamin was doing a wonderful job as Chair. **The motion passed by unanimous roll call vote recorded as follows:**

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

ADD-ON CONFIRMATION OF THE OFFICERS OF THE CRA BOARD. Mr. Sale explained he asked to place this on the Agenda to confirm that the City Council officers served as ex-officio as officers of the CRA, with the Mayor serving as CRA Chair, City Manager as Executive Director and the City Clerk as the Clerk of the Agency. **Councilman Reichard made the motion to recognize and confirm those ex-officio appointments. Second was by Councilman Russell.** The Mayor called for discussion; there was none. **The motion passed by unanimous roll call vote recorded as follows:**

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

4 ITEM NO. 4* RESOLUTION 15-130, ADOPTION OF THE AMENDMENT TO THE 2014-2015 CRA AGENCY BUDGET AND ADOPTION OF THE PROPOSED 2015-2016 CRA AGENCY BUDGET AND PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:17 P.M. Mr. Sale read Resolution 15-130 by title and explained the CRA functions through the City and its Budget. Ms. White added that nothing changed due to the clarification of the technical provision that the funds were reserved. The Mayor asked if there were any questions or comments. There were none.

Councilman Russell made the motion to approve Resolution 15-130. Second was by Councilman Reichard. The Mayor called for comments; there were none. The motion passed by unanimous roll call vote recorded as follows:

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

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

5 ITEM NO. 5 RESOLUTION 15-131, AMENDING FISCAL YEAR 2014-2015 CITY BUDGET AND PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:20 P.M. Mr. Sale read Resolution 15-131 by title. **Councilman Russell made the motion to amend the Budget and give all of the City Employees a \$1.00 per hour raise across the board.** Ms. White explained that this Resolution amended this current year's Budget. The Mayor asked if there were further comments and there were none. **Councilman Russell amended his motion to approve Resolution 15-131. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 6:23 P.M.

6 ITEM NO. 6 RESOLUTION 15-132, ESTABLISHING FISCAL YEAR 2015-2016 CITY BUDGET AND PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 6:23 P.M. Mr. Sale read Resolution 15-132. **Councilman Russell made the motion to amend the Budget and give all of the City Employees a \$1.00 per hour raise across the board. He added as soon as the evaluation forms were supplied to the Department Heads, performance raises would be given to those deserving employees from a pool of funds set aside.** Councilman Curry asked the costs and Councilman Russell replied between Five Hundred Twenty Thousand and Seven Hundred Thousand Dollars. Councilman Reichard said that would not include overtime. He said at the last meeting, it had been agreed that there would be raises going into effect in January so he did not see any reason to change that plan. He said this year, a performance review and merit raises were part of the plan. Councilwoman Strange suggested that the raises be effective October 1st as in the past. Councilman Curry said with the last pay study, employees were brought up in their ranges and the tools were in place to have evaluations this year. Councilman Reichard suggested staying on the plan. Lengthy discussion ensued. Councilwoman Strange said historically raises had been given in October which helped with Christmas and taxes. **Councilwoman Strange seconded Councilman Russell's motion.** At the request of the Mayor, Ms. White recommended that the Council vote on the Budget as presented which would give the City an approved Budget to start October 1st. She would then assemble the figures for this motion and bring that back to the Council in the form of an amendment at the next meeting.

In response to the Mayor's suggestion, **Councilman Russell amended his motion to award the employees the \$1.00 per hour raise effective October 1st and then direct Ms. White to bring back the Budget Amendment to the next Council meeting.** Ms. White said that would not be a problem. **Councilwoman Strange amended her Second.** Councilman Reichard said the plan from two weeks ago was now being disregarded.

The Mayor asked Ms. Fowler about the steps within the pay study and the pay increase of each step. Ms. Fowler said on average, it started at three to four percent and then decreased to one to two percent at the higher levels, which equated to a thirty-three cents per hour raise up to Two Dollars per hour raise. The Mayor said she would like to see a comparison of a fifty cents per hour raise to the One Dollar per hour raise. Ms. White said she could do those figures and have the proposed Budget Amendments ready for the next meeting. The Mayor reminded that performance evaluations were still being planned and exemplary employees would be given raises by Department Heads. Councilman Russell said that was part of his original motion. Councilman Curry said he preferred to stay with the plan with proposed raises in January. **Councilman Russell further amended his motion to direct Ms. White to prepare figures for the cost of a**

fifty cent per hour raise and One Dollar per hour raise across the board and bring those figures back to Council in two weeks for a proposed Budget Amendment, for raises retroactive to October 1st. Councilwoman Strange amended her Second. With no further discussion, the motion passed by the majority roll call vote recorded as follows:

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

The Mayor said the Council needed to approve the 2015-2016 Budget as presented so that the City could continue to operate. Ms. White said since the last Workshop, at direction from the Council, an additional Five Thousand Dollars (\$5,000) had been incorporated for the Senior Center. She said an additional Police car was added because it was replaced. She explained the revenue shifts to pay off the Aquatic Center loan which had been discussed at the Workshop. Other than those changes, these figures were the same as presented during the Workshop. The Mayor asked if there were any questions. Councilman Russell made the motion to approve Resolution 15-132. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:

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

The Public Hearing was closed at 6:59 P.M.

7 ITEM NO. 7 ORDINANCE 1361, AMENDING FIREFIGHTERS' RETIREMENT PLAN ORDINANCE, 1ST READING. Mr. Sale read Ordinance 1361 by title. Ms. White explained that this proposed Ordinance was driven by changes made by the IRS and Florida Statute amendments, and all three Ordinances were the same. She added it was recommended for approval by the Pension Board and the Ordinances were prepared by the Pension attorney. Councilman Curry made the motion to approve Ordinance 1361. Second was by Councilman Russell and the motion passed by unanimous roll call vote recorded as follows:

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

8 ITEM NO. 8 ORDINANCE 1362, AMENDING POLICE OFFICERS' RETIREMENT PLAN ORDINANCE, 1ST READING. Mr. Sale read Ordinance 1362 by title. Ms. White said this was the same as Ordinance 1361. The Mayor asked if there were any questions and there were none. Councilman Russell made the motion to approve Ordinance 1362. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:

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

9 ITEM NO. 9 ORDINANCE 1363, AMENDING GENERAL EMPLOYEES' RETIREMENT PLAN ORDINANCE, 1ST READING. Mr. Sale read Ordinance 1363 by title. Ms. White said the same as the prior two items. The Mayor asked if there were any questions or comments and there were none. Councilman Russell made the motion to approve Ordinance 1363. Second was by Councilman Curry and the motion passed by unanimous roll call vote recorded as follows:

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

10 ITEM NO. 10 RESOLUTION 15-121, FINAL ASSESSMENT RESOLUTION FOR NUISANCE ABATEMENT ASSESSMENTS, PUBLIC HEARING. The Mayor opened the Public Hearing at 7:05 P.M. Mr. Sale said the Council adopted the Initial Assessment Resolution on August 13, 2015. He said this adoption process was slightly different because evidence of the actual costs incurred by the City would be presented during this Hearing and only estimated costs had been contained in the Initial Resolution. He explained Ms. Kelly Jenkins would present the evidence as this was one function funded through the CRA.

Ms. Jenkins testified that she reviewed the City's records to determine the demolition costs. She said the South parcel cost was Fifty-Nine Thousand, Five Hundred Fifty-Six Dollars and Sixty-Five Cents (\$59,556.65). The North parcel cost was Fifty-Seven Thousand, Four Hundred Seventy-Three Dollars and Thirteen Cents (\$57,473.13). She confirmed she reviewed all of the invoices and introduced the invoices into the record. The Mayor asked if there were any questions and there were none. Mr. Sale said he would insert those numbers into the Resolution, bringing the total assessment to One Hundred Seventeen Thousand, Twenty-Nine Dollars and Seventy-Eight Cents (\$117,029.78). He then read Resolution 15-121 by title. **Councilman Curry made the motion to approve Resolution 15-121. 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:**

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

The Public Hearing was closed at 7:10 P.M.

11 ITEM NO. 11 RESOLUTION 15-126, 2015-2016 ANNUAL STORMWATER ASSESSMENT RESOLUTION, PUBLIC HEARING. The Mayor opened another Public Hearing at 7:10 P.M. Mr. Sale explained the stormwater assessments and read Resolution 15-126 by title. Ms. Jenkins, the City's Stormwater engineer, confirmed the rates and mitigation process was the same as last year. The Mayor asked if there were any questions or comments; there were none. **Councilman Reichard made the motion to approve Resolution 15-126. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

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

12 ITEM NO. 12 ORDINANCE 1356, 2015 WATER, SEWER, RECLAIMED WATER RATE INCREASE, 1ST READING. Mr. Sale read Ordinance 1356 by title. Councilwoman Strange asked why Lynn Haven's rates were so cheap. Mr. Shortt responded they half were still half on wells. The Mayor stated the City still had the lowest water and sewer rates in Bay County. Mr. Shortt said this increase was based on the five year rate analysis and that the new Budget contained funds for a new rate analysis for the next five years. Councilwoman Strange asked if the City would still raise our rates if the County did not raise the wholesale rate. Mr. Shortt replied yes. The Mayor said the City had the rate study and although the County may not raise rates this year, they have raised rates double-digits in past years. She did not want that kind of burden on the island's residents. Councilman Curry and Mr. Shortt discussed the contract with the County. The Mayor asked if there were any more questions. There were none. **Councilman Russell made the motion to approve Ordinance 1356. 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:**

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

13 ITEM NO. 13 MIRACLE STRIP CONDITIONAL USE REQUEST TO INCREASE MAXIMUM STRUCTURAL HEIGHT, PUBLIC HEARING. Mayor Oberst opened the Public Hearing at 7:16 P.M. The Council gave their Jennings Disclosures. The witnesses were sworn. Mr. Leonard testified that the Planning Board heard the application on August 10, 2015 and recommended approval four to zero (4-0). He explained the criteria for this request and it would not be a nuisance to surrounding properties. He said the current zoning of FBO-2 would have the maximum height of Sixty-Five feet (65') with incentives. The Planning Board recommended the height of One Hundred Ninety feet (190') for the observation wheel. Mr. Leonard confirmed that the Planning Board Hearing and this Hearing were properly noticed and he entered the Agenda Packet into the record. He continued that Staff's position was in favor of the request and that the application met all of the Conditional Use criteria. He added that there was an existing Letter of Credit for One Hundred Twenty-Six Thousand Dollars (\$126,000) which was set to expire November 26, 2015, for a north-bound left turn lane which he recommended to be extended for another two years. He elaborated how this Letter of Credit might be used and explained the Conditional Use. Mayor Oberst asked if the Letter of Credit extension was discussed at the Planning Board and Mr. Leonard said no. Mr. Sale said the two year extension would allow the observation wheel to be built and used for one season to see if there would be a traffic impact. Councilman Reichard asked why the left turn land had not been required in the beginning. Mr. Leonard said the initial condition did not warrant the extra lane and the condition now did not either. He reminded that the potential left turn lane would be in the unfinished section of Powell Adams Road which would be torn up when the CRA went through that area.

Mr. Teddy Meeks, owner of Miracle Strip Amusement Park, said this observation wheel would be a high dollar investment and something which would make the beach a tourist destination. He explained it would be a family attraction. In response to Councilwoman Strange, Mr. Meeks said they would like to be ready for next season depending upon construction. He said this would be similar to the attraction in Myrtle Beach and there would be no FAA problems because it was lower than some of the condos. Mr. Meeks reported that Mr. J.R.Hutt, owner of Panhandle Helicopter, also spoke in support of the request at the Planning Board Hearing. Mr. Meeks also had no objection to the Letter of Credit extension. The Mayor asked Mr. Leonard if anyone from the public objected at the Planning Board Hearing. He said no. **Councilwoman Strange made the motion to approve the Conditional Use request with the extension of the Letter of Credit. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 7:35 P.M.

14 ITEM NO. 14 ORDINANCE 1357, SHALIMAR HOLDINGS LLC REZONING, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 7:36 P.M. Mr. Sale read Ordinance 1357 by title. The Council gave their Jennings Disclosures. Mr. Leonard was sworn and testified that the Planning Board heard the Rezoning request on July 14, 2015 and recommended approval five to two (5-2). He said this Rezoning would not change the FLUM, only the Front Beach Road Overlay Map, and identified the property on the overhead map. He added that the rezoning request was compatible with the Comp Plan and the LDC if rezoned. He also said some letters opposing the request were included in the Agenda Packet which was entered into the record. Mr. Sale said this Hearing was properly noticed and since compatible with the Comp Plan, if the Council elected to deny the request, the reasons why would have to be stated.

Mr. Robert Carroll, applicant agent, said both Staff and the Planning Board agreed with the request. He explained when the Overlay Districts were first created, the nearby condos were

zoned FBO-4 due to the height while the vacant parcels and lower in height parcels were zoned FBO-2. He identified the nearby properties and their zonings, and over 100 parcels either vacant or with buildings three stories or less which were zoned FBO-4. Mr. Carroll said they were not proposing a condo at this time but rather getting the rights in place. He continued that it probably should not have been zoned FBO-2 because the property was bound by FBO-4s on the sides. Councilman Reichard asked the plan for development. Mr. Carroll said the developers had not disclosed their plans. At the request of Councilwoman Strange, Mr. Carroll displayed the map with the 100 parcels highlighted. The Mayor asked if anyone in the audience opposed the rezoning.

Mr. Hector Solis was sworn, made comments about the traffic study and that the City did not need more condos. He asked the Council to review the Planning Board comments and that this was not a good direction for the City. The Mayor asked if there were any other comments from the audience; there were none.

Councilman Reichard made the motion to approve Ordinance 1357. Second was by Councilman Russell and the motion passed by majority roll call vote recorded as follows:

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

The Public Hearing was closed at 7:53 P.M.

15 ITEM NO. 15 ORDINANCE 1358, HIGHLAND LAND COMPANY REZONING, 1ST READING, PUBLIC HEARING. The Mayor opened another Public Hearing at 7:53 P.M. Mr. Sale read Ordinance 1358 by title. Mr. Leonard explained the Planning Board considered the request on July 14, 2015 and recommended approval seven to zero (7-0) for Parcels 2 and 3 but denial for Parcel 1. The Mayor asked Mr. Leonard why the Planning Board denied Parcel 1. Mr. Leonard responded that discussion had occurred concerning the wetlands and conservation area with the potential of a 55' tall building across from the high school. He said the applicants would be able to explain their plans during the Quasi-Judicial Hearing and provide evidence to the Council.

Councilman Reichard asked Mr. Robert Carroll, agent of the applicants, if the entrance to the property on the left was a wetland as no one seemed to know. Mr. Carroll said originally there was a wetland on the property and two conservation easements were on that segment of the property. He said they were proposing a memory care building, a single story structure, as part of the assisted living plan and had no desire to go four or five stories. He said they needed the rezoning because the current R-TH zoning would not allow them to exceed fourteen (14) units. During the Planning Board meeting, a site plan and renderings had not been presented because they were not finished. Councilman Reichard said there had been a lot of unanswered questions at the Planning Board meeting.

Councilman Reichard asked Mr. Leonard if the wetland was in Parcel 1 and if his confusion at the Planning Board meeting contributed to its being denied. The Mayor reminded that the Council should only make its decision based on evidence presented at the Council meeting. Mr. Sale said the Planning Board record would be admitted into the record of the Council's Quasi-Judicial Hearing at the 2nd Reading.

Mr. Carroll said there were recorded conservation easements which would not be entered and the mitigation credits had been paid to St. Joe. Mayor Oberst suggested that something be on file for the Second Reading that confirmed the commitment to not build above a certain height on that land. Mr. Carroll said absolutely. Mr. Leonard explained the mitigation credits. Mr. Carroll said under the original permit, the developers were authorized to fill in those wetlands, and conservation was done on-site and off-site mitigations. Discussion ensued concerning the original mitigation.

Councilman Curry asked about the increased density. Mr. Leonard said the rezoning would allow forty (40) units per acre and added that there were supplemental standards for licensed facilities. The Mayor reminded that the Council did not have the right to ask the developer what would be built when considering a rezoning request.

Mr. Sale said in order to sever the two sets of parcels, the Council members would need to state the reasons for denial because this request was consistent with the Comp Plan. He recommended moving the request forward to the Quasi-Judicial Hearing at the 2nd Reading.

Councilman Reichard questioned why it was brought to the Council, skipping going back to the Planning Board, when more information was given about the memory care facility. Mr. Sale said what the developer planned to build on the site was not relevant to the rezoning. Councilman Curry said his concern was the traffic and the increased density.

Councilman Reichard made the motion to approve Ordinance 1358. Second was by Councilman Russell. The Mayor asked if there were any further comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 8:17 P.M.

Mayor Oberst asked Mr. Sale about cell phones usage when at the dais being governed by the Sunshine law. Mr. Sale explained about the Public Meetings Law and it being a violation for one Council member to communicate with another member during a meeting because that communication would not be available to the public. He elaborated and explained being subject to the Public Records Law. He suggested turning off the internet service to avoid receiving texts during the meeting.

16 ITEM NO. 16 PLAT APPROVAL, PIER PARK NORTH, PUBLIC HEARING. The Mayor opened the Public Hearing at 8:23 P.M. The Council members gave their Jennings Disclosures. Mr. Leonard and Ms. Jenkins were sworn. Mr. Leonard said this plat was within City limits, complied with the LDC and was compatible with the Comp Plan. Ms. Jenkins said today's Hearing was properly noticed, the plat complied with the City's subdivision regulations, and none of the infrastructure would be dedicated to the City. The only unique issue with this plat was that the Council saw it in December and approved the plat at that time. The owner at that time did not record the plat and the lot lines changed so it was being resubmitted to the Council. She said the plat had the same number of lots as December, only some of the lot lines shifted. Mr. Sale confirmed that the face of the plat contained a surveyor's certificate but no title certificate. He recommended that the Council not enter the final Order tonight and present the Order once the title certificate was signed on the mylar. Mr. Sale said the plat could be approved by Council contingent upon getting the title certificate. There was no opposition to approval of the plat.

Councilman Russell made the motion to approve the plat, subject to receiving the title certificate and withholding entering the Order until receiving the signed title certificate. Second was by Councilwoman Strange. The Mayor asked if there were any questions or comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 8:32 P.M

FLOOR ITEMS

ITEM 1 CALIFORNIA CYCLES. Ms. Colleen Swab asked who wrote Ordinance 1351. Mr. Sale advised the Council that the City was in litigation with California Cycles and was under no obligation to answer questions from the audience. He asked for the Council not to direct him to answer Ms. Swab's questions. Mr. Sale said the City Manager planned to present the Ordinance at the September 24th Council meeting. The Mayor said Staff prepared the Ordinance. Ms. Swab continued that she would make a presentation at the next meeting and that other scooter businesses would be at the meeting. Mr. Sale said he would recommend to the City Manager that comments from her and other scooter businesses be limited to strictly Ordinance 1351 at the next meeting.

ITEM 2 THANKS. Ms. Felicia Cook thanked the First Responders who responded to her home fire.

ANNOUNCEMENTS

Mayor Oberst announced that there were numerous September 11th events scheduled for tomorrow. On September 12th, the annual Stairclimb at Laketown Wharf would be hosted by PCB Fire/Rescue and flyers were on the table. On September 19th, the annual Beach Cleanup would be held at the City Pier and flyers were on the table. On September 24th, the PCB Library would be having an event and those flyers were on the table.

With nothing further, the meeting was adjourned at 8:40 P.M.

READ AND APPROVED this 8th of October, 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