

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 August 28, 2014.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
HOLLY J. WHITE
ASSISTANT CITY ATTORNEY:
AMY MYERS

Mayor Oberst called the meeting to order at 2:00 P.M., with all the Council, the City Manager, City Clerk and Assistant City Attorney present.

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

The Mayor asked if there were any additions or deletions to the Agenda. She said she wished to add a presentation from a representative of the Florida League of Cities to the Agenda. With no objections, **the Agenda was accepted as amended.**

The Regular Minutes of July 24, 2014 were **read and approved as written per motion by Councilman Russell. Second was by Councilwoman Strange 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

1 RESOLUTION 14-89, ANNUAL SHADDAI SHRINE TEMPLE FALL CEREMONIAL PARADE. *The annual Shaddai Shrine Temple Fall Ceremonial Parade has been scheduled for Saturday, October 11, 2014, and necessitates vehicular traffic control 8:00 A.M. to 11:00 A.M. on Front Beach Road from Nautilus Street west to Powell Adams Road. "A Resolution authorizing the temporary closure of portions of Front Beach Road on the morning of Saturday, October 11, 2014, to permit the annual Shaddai Shrine Temple Fall Ceremonial Parade."*

2 RESOLUTION 14-90, NOTICE OF LIEN, BEACH CLUB MOTEL LIEN, 10637 FRONT BEACH ROAD. *"A Resolution of the City of Panama City Beach, Florida, approving an amount of \$2,102.67 to be liened on property located at 10637 Front Beach Road for costs incurred by the City to abate nuisances located upon such property; authorizing the appropriate officers of the City to record the lien and notify interested parties of such lien; and providing an immediately effective date."*

3 "NATIONAL DAYS OF PRAYER AND REMEMBRANCE" AND "PATRIOT DAY" PROCLAMATION. *"A Proclamation designating September 5-7, 2014 as "National Days of Prayer and Remembrance" and September 11, 2014 as "Patriot Day", and directing that the flags be lowered to half-staff on September 11, 2014 with a moment of silence at 7:46 A.M."*

4 RESOLUTION 14-93, ELECTRIC UTILITY CART PURCHASE. Staff advertised for bids for the purchase of a new Electric Utility Cart for the Pier/Parks and Recreation Department. Only one bid was submitted from Jerry Pate Turf & Irrigation for a total of \$11,093.40. The Pier Budget can sufficiently cover this expense. A suggested motion is provided should the Council choose to award it. **STAFF RECOMMENDS APPROVAL. “BE IT RESOLVED that the appropriate officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Agreement between the City and Jerry Pate Turf and Irrigation, relating to the purchase of one Electric Utility Cart for use by the Pier/Parks and Recreation Department, on substantially the terms and conditions set forth in the quote attached and presented to the Council today, draft dated 8/12/14, 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 presented the Consent Agenda by title. **Councilman Curry made the motion to approve the Consent Agenda. 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:**

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

REGULAR AGENDA

1 ITEM NO. 1 ‘BEACH CARE SERVICES MONTH’ PROCLAMATION AND PRESENTATION. Mayor Oberst invited Ms. Judy Hardegree, Mr. Paul Casto and Pastor Ramon Duvall to the podium as she read portions of the Proclamation designating September as “Beach Care Services Month”. She explained the different services of the organization and Ms. Hardegree thanked the Council for their support and recognition.

2 ITEM NO. 2 “LIBRARY CARD SIGN-UP MONTH” PROCLAMATION AND PRESENTATION. The Mayor invited Ms. Heather Ogilvie, PCB Library Branch Manager, to the podium as she read portions of the Proclamation designating September as “Library Card Sign-Up Month”. Ms. Ogilvie thanked the Council for the support of the library.

3 ADD-ON “2014 HOME RULE HERO AWARD” PRESENTATION. Mayor Oberst invited Ms. Amber Hughes to the podium as she explained about the “2014 Home Rule HERO Award” and how this award was given to elected or non-elected government officials who assisted the Florida League of Cities in Home Rule issues. The Mayor asked City Manager Mario Gisbert to join her at the podium as Ms. Hughes presented him with the award. The audience responded with applause.

4 ITEM NO. 3 COPS “N” KIDS CHECK PRESENTATION. Mayor Oberst invited Chief Whitman and Mr. Harri Brax of Amvets Post #47 to the podium as Mr. Brax presented a One Thousand Dollar check to the Police Department for the Cops “N” Kids event. Mr. Brax explained the different activities held by the Amvets and the organizations they supported. The Chief thanked him for their donation.

5 ITEM NO. 4 SELECTION OF THE CIVIL SERVICE BOARD, PLANNING BOARD, AND EXAMINING BOARD MEMBERS. PLANNING BOARD CHAIRMAN APPOINTMENT. For the Civil Service Board, Mayor Oberst explained that this Board was comprised of two members appointed by the Council and two members appointed by the Employees. The current Board member, Ms. Sherry Swartout, was the only applicant who requested to be considered for the Board. **Councilman Russell made the motion to appoint Ms. Swartout to the Civil Service Board. 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

For the **Examining Board**, the Mayor explained that these members were Masters of their trade and were not required to live in the City limits. One member, Mr. Danny Cohen, had resigned and a Master Electrician Mr. James Ryerson had requested to serve on the Board. **Councilwoman Strange made the motion to appoint Mr. James Ryerson to the Examining Board. 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:**

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

For the **Planning Board**, four current Board members had requested to be considered for reappointment to the Board: Mr. Ed Benjamin, Mr. Ron Dowgul, Mr. Craig Duran, and Ms. Felicia Cook. Mr. Josh Wakstein had also applied for consideration in response to the News Herald Notice. The Council members voted via paper ballot and Ms. White tabulated the votes and announced the results as follows: four votes for Mr. Benjamin, five votes for Mr. Dowgul, four votes for Mr. Duran, five votes for Ms. Cook and two votes for Mr. Wakstein. The Mayor thanked all applicants and acknowledged Mr. Wakstein in the audience and thanked him for his interest. **Copies of the signed ballots are attached to and become an official part of these Minutes.**

For the **Planning Board Chair**, Mayor Oberst said the Council annually chooses the Chair and the Board members choose the Vice-Chair. She said Mr. Benjamin was the current Chair. **Councilman Reichard made the motion to appoint Mr. Benjamin as the 2014 Planning Board Chair. 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:**

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

6 ITEM NO. 5 RESOLUTION 14-85, K-9 PURCHASES AND BUDGET AMENDMENT #31, PUBLIC HEARING. Ms. Myers read Resolution 14-85 by title. The Mayor opened the Public Hearing at 2:20 P.M. Mr. Gisbert explained that as part of the Spring Break discussion, consideration had been given for the option of providing additional K-9s, and the community had generously donated funds for three new K-9s and the donors had committed to maintaining the dogs in the future. Councilman Russell asked if these K-9s would be working prior to Spring Break and Mr. Gisbert replied affirmatively.

Councilwoman Strange asked if it was legal for the City to accept money from outside entities for Police equipment. Ms. Myers responded affirmatively as long as the funds given were restricted for that use. Ms. White confirmed that the funds had been restricted in the Budget Amendment as well and the excess carried over next year would be restricted strictly for the K-9 program.

Mayor Oberst said this was not the first time the City had accepted funds in this manner as the prior three dogs received funds from various civic groups for training. Mr. Gisbert added that along the same lines, Staff researched grant opportunities to provide other things and during Spring Break and other events, Staff had felt the need for an RV. The City was able to purchase a Two Hundred Thousand Dollar RV for the Police Department to use as a Mobile Command Center for only Two Hundred Dollars through the Federal system. He continued that the City was also able to obtain some funds through local businesses and the company who repaired the RV donated some services. The RV was already in service at Frank Brown Park.

Mayor Oberst asked about the insurance for the recent K-9 killed at home. Mr. Gisbert said unfortunately, the K-9 was only covered during service and Argo would not be covered because he was at home. He said they would continue to look into a replacement for him.

Councilman Russell thanked the businesses who stepped forward to donate the money toward the K-9s because the dogs were absolutely needed. Mr. Gisbert said the donors did not want their names advertised but it was very nice to see how forthcoming the community had been in this endeavor. The Mayor emphasized this was another improvement done for Spring Break. **Councilwoman Strange made the motion to approve Resolution 14-85. 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:**

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

The Public Hearing was closed at 2:31 P.M.

7 ITEM NO. 6 RESOLUTION 14-86, ICA MOWING AND TURF MANAGEMENT SERVICES CONTRACT. Ms. Myers read Resolution 14-86 by title. Mr. Gisbert explained that in the past FDOT had partially funded some of the City's mowing activities, and last year, the State contracted out those services. In turn, the standard fees for mowing those areas declined. Mr. Casto spoke with FDOT, explaining that our City limits now reached to Moylan on the Parkway and the City also had equipment which would supply a more finished look. FDOT came back with an amount of almost One Hundred Thousand Dollars to reimburse the City. The Mayor asked if there were any questions or comments and there were none. **Councilman Russell made the motion to approve Resolution 14-86. Second was by Councilwoman Strange.** The Mayor called for comments and there were none. **The motion passed by majority roll call vote recorded as follows:**

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

8 ITEM NO. 7 RESOLUTION 14-94, CRI AUDITING AGREEMENT FY 2014-2015. Ms. Myers read Resolution 14-94 by title. Councilwoman Strange asked why this had not been sent out for an RFQ as other agreements. Ms. White responded that the City had a three year contract with CRI and this was the fourth option year, with plans to RFP the service next year.

Councilman Curry asked how many years CRI had been the City's auditors. Ms. White responded that a company she joined in 1989 was performing the City's audit then, and CRI subsequently bought out that firm. She said she did not know how long that original firm had been performing the audit. During this approximate twenty-five year period, no other firms had audited the City's books. Councilwoman Strange asked if the City had asked another firm to audit the auditors and the Mayor said she recollected that the City had two auditing teams in the past. Ms. White said not to her knowledge but it did seem that the auditors were always here. Councilman Curry asked if the City had requested a peer review of CRI. Ms. White said CRI was required to have a peer review and normally included a copy of that letter when sending an Engagement letter. Councilman Curry agreed with Councilwoman Strange in that next year, an RFP should be issued for the auditing services. **Councilman Reichard made the motion to approve Resolution 14-94. 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

9 ITEM NO. 8 RESOLUTION 14-95, AARON BESSANT PARK HOLLY PLANTING. Ms. Myers read Resolution 14-95 by title. Mr. Gisbert said in the process of doing the concerts at the Park, Staff learned that a better level of security for a ticketed event would be helpful. A tall fence was rather obtrusive for every day type activities and through discussions, a holly bush that would grow aggressively was instead recommended. He said Staff proposed to plant three rows of these holly bushes which would only grow four feet high so that the visual connection between the road and the Park could be maintained. He added that the funds were being provided by the TDC.

Mayor Oberst said she opposed plants in front of Aaron Bessant Park and the current fence was attractive and open. The residents that lived close to the Park and walked their dogs there felt that it was a community park and once hedges were planted, it would seem more to keep people out. She agreed that the temporary fence used during concerts was ugly and expensive but felt these planting would be interpreted as keeping people out of the Park. Councilwoman Strange said she was thankful that the plantings would be organic as opposed to concrete fencing.

Councilman Curry asked if this holly was durable and Mr. Gisbert responded that this holly was a hybrid for this region. On the maintenance side, the CDD would be responsible for maintaining the plants while the City modified the irrigation system for the new plants and this plant at only four feet tall would not require a lot of trimming. Councilman Curry applauded Mr. Gisbert for his choice of this natural plant. With nothing further, **Councilman Curry made the motion to approve Resolution 14-95. 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:**

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

10 ITEM NO. 9 ORDINANCE 1311, PEDDLING AND SOLICITATION, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 2:43 P.M. Ms. Myers explained a new version had been placed at each member's chair as the copy published on the website and in the packets had words omitted from the transmittal. She said this new version had no substantive changes, but was reprinted to include the missing words. Ms. Myers read Ordinance 1311 by title. The Mayor asked if there were any questions.

Councilman Reichard asked how soliciting would apply to a political candidate. Ms. Myers responded that this Ordinance would not apply to politicians merely soliciting a vote but would apply for politicians asking for donations. She said this Ordinance related to soliciting items of a monetary value.

Councilwoman Strange asked about a permit being required for peddling and solicitation. She questioned that they would not be required to obtain a license. Ms. Myers responded that this would be merely a registration with the City and she explained the limited exemptions. Mayor Oberst clarified that Girl Scouts selling cookies would be exempt.

Ms. Myers added that Chief Whitman gave a considerable amount of testimony at the First Reading on July 10th and resubmitted those Minutes into the record as he had stated all of the circumstances which led to the need of this Ordinance and had testified how the Ordinance was narrowly tailored to address those circumstances. The Mayor asked if there were any questions about that matter and there were none. **Councilwoman Strange made the motion to approve Ordinance 1311. 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:**

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

The Public Hearing was closed at 2:48 P.M.

11 ITEM NO. 10 ORDINANCE 1315, REPEAL FLAG REQUIREMENTS FOR SCOOTERS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 2:48 P.M. Ms. Myers read Ordinance 1315 by title. The Mayor asked if there were any questions.

Mr. Robert Sale, attorney, said it was illegal for the City to enact additional safety equipment ordinances for vehicles because the State had preempted that field. He said there were at least four AGOs directly concerning this issue and he elaborated. He said our attorney's recommendation to limit the vest requirement to only City streets was specifically addressed in the AGO 86-98 and Chapter 316 preempted additional safety equipment on rights-of-way and streets traversed by the public. Mr. Sale continued that the insurance requirement was also preempted to the State. He requested that if the City adopted this Ordinance to delay enforcement and said their lawsuit addressed those two issues. He said California Cycles had been unable to obtain any insurance and unless it was Council's intent to put that company out of business, he asked to delay the insurance enforcement until the legal opinion was given. He said the complaint had been filed and they had agreed to wait until both the City and County's Ordinances were finalized, and now the complaint would be amended.

Councilwoman Strange asked if the insurance question had already been addressed. Ms. Myers replied affirmatively as this Ordinance would not affect the insurance requirement which was scheduled to be effective today. Councilman Reichard questioned Mr. Sale's comments as this Ordinance was meant to lessen the restrictions for scooters and no mention had been made about flags which was the purpose of this Ordinance. Mr. Sale responded that the City was preempted in both fields and not allowed to enact these Ordinances. He said he wanted these issues resolved by the Circuit court rather than fielding continuous citations. Mr. Sale repeated that his client could not obtain insurance. Mr. Gisbert said one scooter company was able to obtain insurance.

Ms. Colleen Swab, owner of California Cycles, said once a bad accident was reported to that insurance company, the coverage would be canceled. She reported that when she discussed their number of accidents with the insurance company, they were not able to obtain coverage from the one company, MBA, which offered insurance. She said there was no second option and that MBA would cancel coverage if two accidents were reported to them. She said she had asked Chief Whitman about citations and he responded that fines would start today. Ms. Swab asked the Council what she could do. Mayor Oberst said the Council should address this Ordinance concerning the flags and then hold further discussions about insurance until the end of the meeting. Ms. Olesia Siriteanu, owner of Hangout by the Sea, said she also wanted to talk about insurance.

Councilwoman Strange asked if this Ordinance would address the three-wheeled rental cars. Ms. Myers confirmed it would apply to any two or three-wheeled self-propelled vehicle. With nothing further, **Councilman Curry made the motion to approve Ordinance 1315. 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:**

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

The Public Hearing was closed at 3:00 P.M.

12 ITEM NO. 11 ORDINANCE 1316, SCREENING OF TRASH RECEPTACLES ON FRONT BEACH ROAD, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Oberst opened the Public Hearing at 3:00 P.M. Ms. Myers read Ordinance 1316 by title. The Mayor said the trash was not only within City limits but all up and down Front Beach Road with trash cans left in the right-of-way and not all standing upright. She said once the City adopted this Ordinance, it would be passed to the County Commission to see if they would consider mirroring our Ordinance so that the entire Front Beach Road would look better.

Councilman Reichard suggested in future to determine the number of required trash cans based upon the square footage of the home or the number of bedrooms. He also questioned the large homes being constructed on Beach Boulevard that were possible rentals and if only one trash can was used it could not accommodate the amount of potential trash. He said the Council should revisit this issue in the future with the thought of the size of the units. Mayor Oberst said that seemed a valid point and something that could be handled through Code Enforcement. Mr. Gisbert said this would also address the numerous trash bags left surrounding full trash cans as

the haulers would not want to pick up individual bags and they would mandate the homeowner to obtain more cans. He elaborated. The Mayor asked if there were any further comments; there were none. **Councilman Russell made the motion to approve Ordinance 1316. 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

The Public Hearing was closed at 3:05 P.M.

13 ITEM NO. 12 ORDINANCE 1318, 2014-2015 WATER / SEWER/ RECLAIMED WATER RATES, 1ST READING. Ms. Myers read Ordinance 1318 by title which would increase the water rates by 1% and the sewer and reuse rates by 2%. Mayor Oberst said each year, Staff looked at these rates primarily because the City bought our water from Bay County and when they increased their rates, the City had to make up the difference or raise our rates. She said many years ago, the City had decided that it would be easier on the customer to have a small increase each year instead of waiting and then have an 18% to 20% increase in one year.

Mr. Shortt said the City had the lowest water and sewer rates in Bay County. He directed attention to the three spreadsheets in front of each member. The rate increase was scheduled out from the 2012 rate study and he planned for a rate evaluation in 2016 for another five year window. He said he anticipated another 1% water and 2% sewer increase for next year. He said the rates seemed close to what had been projected by the consultant in 2012. Mayor Oberst said Mr. Shortt had done a great job in projecting the needs for the future and keeping the costs down.

Councilman Reichard asked if a slightly higher increase could bring the water billing system up to today's standards. Mr. Shortt asked if he meant going to monthly billing. Councilman Reichard said he meant paying the water bill online. Mr. Shortt said the customers could do so now but the biggest drawback was the bimonthly billing. He explained that Staff had looked at going to an automated meter reading system but it was about a \$5 to \$5.5 Million Dollar investment. He said Panama City had switched to that type system and he would not recommend that change until he saw how theirs worked. In this year's Budget, there was One Hundred Thousand Dollars to start the beginnings of the automated system and then planned to add more the following year. Mr. Shortt said once that change to automated was completed it would be easier to switch to a monthly billing system. Councilman Reichard said he would like a priority placed on that issue because bimonthly billings made it difficult on budgeting. Mr. Shortt said that would be up to the Council as he had only added a small amount this year just to start the process. Councilman Reichard asked if there was another municipality that we could mirror and Mr. Shortt said this system was becoming more prevalent. A lot of the power companies already used this type system. However, the biggest issue would be having the network of towers for the equipment to be installed as they only had a range of about a mile. He said it would take time for all that coordination before the hardware could be installed.

Mayor Oberst said she would prefer not to add extra now as the rate study was already in place and another planned next year. Ms. White added that Mr. Shortt already had the entire project built into his capital program. Mr. Shortt said it would take time to get the plan done and get agreements to be on the cell towers. He added that Staff thought about piggybacking onto the County's new 800 megahertz radio system. He explained a small transmitter would need to be in everyone's meter box and the meters themselves with that ability were already being installed as old ones were replaced. Regarding accuracy, Mr. Shortt explained that the older meters actually under-registered the consumption and when the new meters were installed, there were numerous complaints of high water bills. He said most of the meters now were less than ten years old.

Councilman Reichard said this change was past due and the sooner this change could be made, the better for our customers. Mayor Oberst said she understood the biggest problem was not having a staff to do the monthly billing. She said as the City advanced to the new system, computers would read the meters and generate the bills, and the previous meter readers could be moved in-house. Mr. Gisbert said another benefit of this automated system would be to alert the City to a broken water line. With nothing further, **Councilman Reichard made the motion to approve Ordinance 1318. Second was by Councilman Curry.** The Mayor called for comments and there were none. **The motion passed by majority roll call vote recorded as follows:**

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

14 ITEM NO. 13 NORTH PIER PARK ROAD- DISCUSSION. Mr. Gisbert said an Agreement had been drafted for review which basically outlined a process for the St. Joe Company in conjunction with the City through a public/private partnership to address some transportation issues on the island. The proposal was for the St. Joe Company to donate the land required to build a four-lane roadway extending from North Pier Park at the west entrance to Palmetto Trace going northwest to the Powerline Road and then to SR 79. He continued that St. Joe would also provide the engineering to design the roadway. Once the design was provided, the City would put the project out to bid and at that point, it would become a City project. He said the City would only bid two of the four lanes and if a favorable price was received, the project would be let for construction as a City road on City property. Mr. Gisbert said this Agreement did not commit the City to do anything other than work with St. Joe towards building this roadway. The roadway financial Agreement with St. Joe would not be entered until the bids were received. He said the funds would come from different areas within the City's Budget: \$1,020,000 from Transportation Proportionate Share Fees, \$1,015,000 from the renegotiated PIPA, some Impact Fees from Parks & Rec and Utilities, and approximately \$500,000 from the General Fund. He said at this point, only concept design drawings had been completed. Mr. Gisbert said Mr. Shortt had reviewed the preliminary drawings and Staff had asked a General Contractor for his input as to the drawings, and with that input, approximately \$2.6 Million Dollars to build the road was placed in the Budget.

Mayor Oberst asked what he needed from the Council. Mr. Gisbert said if the Council agreed with the project, he would ask direction to move forward with the project and at the next meeting, a formal Resolution and contract would be presented for consideration. Councilwoman Strange said her concern was the four-lane road crossing the bike trail and the safety issue.

Mayor Oberst said many years ago, the City did not buy any of the trails land because it was all given by St. Joe with the understanding that the trails would be built but such that they could be used by trucks to cut timber, access the power lines, and ultimately develop adjacent property. When Palmetto Trace put in Pier Park North, the City Engineers worked with the engineering firm to show how the roadway would cross the trails.

Councilwoman Strange said she thought more than a mere stop sign would be needed at the crossing. Mayor Oberst said the City was only building two lanes at this point and when going to the four-lane would probably have to resort to a traffic light. Mr. Gisbert said this phase would be similar to the road going through Colony Club, with a stop sign at the bike trail and pedestrian crossing and applicable signs.

Councilman Reichard questioned the "conveyance of land" and that the initial Agreement was only for two lanes on the roadway. Mr. Gisbert said since St. Joe owned the land, they should have some input. Councilman Reichard questioned if the 150' would accommodate two or four lanes. Mr. Gisbert confirmed that this would convey sufficient land for four lanes but the City would only be constructing two lanes at the beginning. Mayor Oberst added that if St. Joe decided to develop a project in that area, they may want the roadway four-laned before the City did. Discussion ensued and Mr. Gisbert said all that the City was agreeing to was a two-lane roadway. Councilman Reichard said the language seemed to say that St. Joe could stop the four-lane. Ms. Myers said the document gave all parties a reasonable expectation that two lanes would be built but would not foreclose the possibility of four lanes being built, but it guaranteed that at least two lanes would be built. She said it would require a second Agreement by both parties to go to four lanes but there would be enough land initially for four lanes.

Mr. Gisbert said Staff had met with FDOT who supported the plan in principle and which indicated they would like to do the next level of study in which they looked at all land north of the Parkway to the Bay to determine where to place a roadway. At the time of that meeting, FDOT had surplus funds and the City's goal was to suggest FDOT take those surplus funds and extend this idea all the way to Nautilus. He said in FDOT's 30 year plan, this road was penciled in and something in the foreseeable future. Councilman Reichard said he was concerned that either party could stop this proposed road from being four-laned.

Councilman Curry said St. Joe would receive a tremendous benefit from this roadway. He asked Mr. Gisbert if the land north of Powerline Road was County or City limits. Mr. Gisbert responded that the land was in the County. Once directed to move forward, the next step would be to annex the portion of the road so that it would be in City limits. He said this was a long-term plan which would address the many traffic complaints and the monies typically set aside to address traffic issues would go into this area to address those issues. With the length of the road estimated at about 1.5 miles, Councilman Curry said the land seemed to be 60%-70% low quality wetlands and he asked if this would increase the cost for building the roadway. Mr. Gisbert responded that the road was laid out in the most efficient manner to minimize the impact on the wetlands and St. Joe was also providing the mitigation for the wetlands. He said this roadway would be a benefit to the beach as a whole, allowing opportunities for the West End, Front Beach Road, and St. Joe. In the Commerce Park, there was also land two-laned with the possibility for a second set of two lanes. Regarding an increased cost for the roadway over wetlands, Mr. Gisbert said there was no path that had more upland and about 50/50 north of the Parkway was wetland. This was the most efficient route and it would cost more to go over the wetlands but there was no other route. Councilman Curry asked how this roadway would benefit the residents; Mr. Gisbert replied every day traffic and hurricane evacuation. Councilman Curry said he would like to see the traffic studies. Regarding comments about forgetting the residents, both Mayor Oberst and Mr. Gisbert said no one forgot the residents and their benefit.

Councilman Reichard said he thought this was a great partnership and that this project would benefit everybody, those residents who lived in Lullwater or visitors to Frank Brown Park.

Mr. Jorge Gonzalez, St. Joe Company, said their prospective was not to preclude the City from building four lanes and the intent of that language was not to obligate either the City or the St. Joe Company to build the four lanes. He said they would permit the roadway at 150' which in the State's world was four lanes. As part of the design, they intended to be very careful in coordinating the vehicular traffic with Gayle's Trails and pedestrians. From their point of view, the motivation for this road was not theirs as they could provide access to their land much cheaper and more efficiently than connecting US 98 with SR 79. He said this road would be a collector and St. Joe typically did not build collector roads. This was the reason why it was a good public/private partnership but the benefit to the City was that the new road would connect two arterial roads and prolong the life of the intersection at US 98 and SR 79. Mr. Gonzalez agreed with Mr. Gisbert in that there was no better way to build the roadway. One cost to build a road through wetlands was mitigation and the St. Joe Company had a mitigation bank which would be provided as part of the Agreement so that no cost would be incurred by the City.

Councilman Curry read some of the language of the Agreement into the record and said to Mr. Gonzalez that the City building that roadway would provide St. Joe a great benefit. Mr. Gonzalez said they could open their lands without building this connector road, and if that had been their sole motivation, they would not be entering into this partnership.

The Mayor asked if there were any further questions. **Councilman Reichard made the motion to go forward. Second was by Councilwoman Strange.** The Mayor called for comments. Councilman Curry said this was only going forward with the planning of the project, no commitment of funds. Mr. Gisbert replied affirmatively. **The motion passed by majority roll call vote recorded as follows:**

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

15 ITEM NO. 14 CITY MANAGER UPDATE. Mr. Gisbert said on the Consent Agenda, one item concerned a lien being placed on the Beach Club Motel property. This project had been in process since February and at this time, all the legal notices had been done in order to tear down the building. Staff was in the process of preparing the demolition plans, obtaining the FDEP permits and asbestos report. He said in order to get onto the site the City must go through the process again because we did not have a willing partner in this matter. He said in November, everything should be ready to demolish the building.

This weekend, Gulf Coast Jam would be performing at Frank Brown Park. Earlier this week, Staff had met with the security personnel to coordinate the event and their activities. The organizers of this event seemed to address the transportation issue from last year and planned to bring fifteen tour buses to transport the participants. He estimated approximately 18,000 event

participants. Regarding sound, the stage had been rotated to the east and the speakers adjusted. He said the changes hopefully would mitigate the sound issues and Staff would continue to monitor the sound during the event. He reported that the sound readings last year were within the Noise Ordinance but that did not mean that the residents could not hear the music.

Councilman Curry asked about the Charter Referendum items and Ms. Myers responded that they were adopted upon approval by the voters and were posted on the website by Municode.

Mayor Oberst said she understood that the City was moving forward with the CRA and would soon let some contracts prior to the end of the year. Mr. Gisbert said Segment 2 was moving along and had started the purchases and License Agreements. The Mayor asked if the contracts would be let early enough to avoid starting in Spring Break. Mr. Gisbert said that would be part of the challenge because the initial start time was February or March. He hoped to move it more to the December timeframe. However, he reminded that it was still a twenty month project and would impact Spring Break; but starting in Spring Break was not the ideal situation.

The Mayor asked about the status of the new building. Mr. Gisbert said Staff had received the Gulf Power drawings and they were being incorporated into the engineering drawings now. He said the construction documents were almost 100% complete and then could go out for bid. He estimated the groundbreaking could be in November. He added that all of these projects had been built into the new Budget which would be presented at the upcoming Workshop.

Councilman Reichard said he understood that Segment 2 construction would not start until approximately April, and he said this project would impact two Tourist seasons and two Spring Breaks, no matter when it started. Mr. Alaghemand said plans had changed due to changing the location of the pond and having to start over again, which prolonged the completion of the final design. He said they hoped for completion by the end of this year and be able to advertise soon. He continued that he had been talking with the property owners affected by this construction to keep them aware of the plans. He said they planned to maintain the driveways throughout the life of the project to minimize their impact. He said they were moving forward with the right-of-way acquisitions and almost everyone agreed with our proposals and he planned to return to Council soon with sales agreements for approval.

16 SCOOTER INSURANCE. Ms. Olesea Siriteanu, owner of Hangout by the Sea, asked the City to consider extending the effective date of the liability insurance for another thirty days. She said she planned to close at the end of September and during the last two months had poor rental results and could not afford the insurance. Ms. Siriteanu said MBA required insurance coverage for a minimum of three months in order to be active next year. She asked the Council to reconsider as she did not want to close today due to the insurance requirement.

Mr. Robert Sale, attorney, said insurance was not appropriate on a local government level because the State did not require insurance on mopeds and scooters. Because there was not a Statewide requirement for insurance on scooters, there were insufficient carriers to provide a market for coverage affordable for smaller companies. If the insurance was required by the State, then more carriers would provide coverage at a more affordable rate. Mr. Sale said this one carrier could set whatever rates they chose and drop coverage whenever they wanted.

Councilman Reichard made the motion to extend the deadline another thirty days for the insurance to be effective. He explained this would allow the companies the extra time as it seemed that obtaining the coverage was more difficult than originally thought. Mr. Sale said they would try to get a ruling on their lawsuit within that time frame, but he was not sure thirty days would be sufficient. He said he would ask to delay enforcement for at least sixty days. He confirmed that there was a current lawsuit against both the City and County concerning the insurance. Councilman Reichard said that was a separate issue.

Mayor Oberst asked what would be the effect for the owner who had already obtained insurance. Councilwoman Strange said this requirement had already been extended. Councilman Russell asked about self-insurance. Councilman Reichard said that had already been researched and if a pool of funds had been set aside, the first suit would ask for the entire amount.

Ms. Myers said the effective date had already been delayed once. She said to change the effective date now would require another Ordinance and an Emergency Ordinance could be enacted tonight. Councilman Reichard said Ms. Siriteanu had asked for another thirty days which would help her. Mayor Oberst said Ms. Siriteanu had told the Council at a prior meeting that she could get insurance but she needed three months. Councilwoman Strange said it had been mentioned then that if she had obtained insurance at that time, she would have had the three months. Councilman Reichard said he believed this was insurance that these type vehicles needed but also for the Council to be as reasonable as possible with the understanding the insurance would be effective in thirty days. Mayor Oberst reminded that the date had already been extended thirty days. **Second was by Councilman Curry.** He explained that he felt the actions were fast-tracked as evidenced by the Ordinance repealing the flag requirements.

Mayor Oberst asked Mr. Gisbert if he knew what actions the County had taken. Mr. Gisbert said the County was waiting on the City's actions. Mayor Oberst said she understood that the County had already enacted the requirement for One Hundred Thousand Dollars for liability insurance, and Mr. Sale said yes but that enforcement was being delayed. Mayor Oberst asked Ms. Myers if the Council directed the Police not to enforce the Ordinance at this time, then an Emergency Ordinance would not be required. Ms. Myers said that was an option but would not give the businesses any comfort. Mr. Gisbert said the City had delayed enforcement on the vests in the same manner. He added that the one company already insured rented scooters year round so she would receive the full benefit.

Mayor Oberst asked Councilman Reichard if he wanted to stand on his current motion or amend it to direct the Chief not to enforce the Ordinance. **Councilman Reichard withdrew his motion.** He asked if these actions accomplished what he had requested. Mayor Oberst said there will not be enforcement on the insurance requirement until after thirty days. Mr. Gisbert asked the owners to continue to enforce the vest requirements.

With nothing further, the meeting was adjourned at 4:15 P.M.

READ AND APPROVED this 25th of September, 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

BALLOT

Council selection for 4 Planning Board members,

- Ed Benjamin(current)
- Felicia Cook(current)
- Ron Dowgul(current)
- Craig Duran(current)
- Josh Wakestein(new)

Choices:

- Ed Benjamin
- Felicia Cook
- Ron Dowgul
- Josh Wakestein

Jim Richard
 Signature 8/28/14

BALLOT

Council selection for 4 Planning Board members,

- Ed Benjamin(current)
- Felicia Cook(current)
- Ron Dowgul(current)
- Craig Duran(current)
- Josh Wakestein(new)

Choices:

- Cook
- Dowgul
- Duran
- Wakestein

[Signature]
 Signature 8/28/14

BALLOT

Council selection for 4 Planning Board members,

- Ed Benjamin(current)
- Felicia Cook(current)
- Ron Dowgul(current)
- Craig Duran(current)
- ~~Josh Wakestein(new)~~

Choices:

- _____
- _____
- _____
- _____

Chris B. Stone
 Signature 8/28/14

BALLOT

Council selection for 4 Planning Board members,

- Ed Benjamin(current)
- Felicia Cook(current)
- Ron Dowgul(current)
- Craig Duran(current)
- Josh Wakestein(new)

Choices:

- Ed Benjamin
- Felicia Cook
- Ron Dowgul
- Craig Duran

[Signature]
 Signature 8/28/14

BALLOT

Council selection for 4 Planning Board members,

Ed Benjamin(current)
Felicia Cook(current)
Ron Dowgul(current)
Craig Duran(current)
Josh Wakestein(new)

Choices:

Ed

Felicia

Ron

Craig



Signature

8/28/14