

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 13, 2015.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:  
JOHN REICHARD  
JOSIE STRANGE  
KEITH CURRY

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

Mayor Oberst called the Regular Meeting to order at 6:00 P.M. with Councilman Reichard, Councilwoman Strange, Councilman Curry, the City Manager, City Clerk and Assistant City Attorney present. She said Vice-Mayor Russell was out of town at the League of Cities Annual Conference.

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. Gisbert asked to add another parcel of surplus land to Agenda Item #11. He said the site plan and information was at each Council member's seat. He also asked to add consideration of an event during Aaron Bessant Park's 2016 blackout dates. **With no objections, the Agenda was accepted as amended.**

The Regular Minutes of July 9 and July 23, 2015 were read and approved per **motion by Councilman Reichard. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

Councilman Reichard	Aye
Councilman Russell	Absent
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 and 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.*

Ms. White read the Consent Agenda. **Councilman Reichard made the motion to approve the Consent Agenda. Second was by Councilman Curry and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

#### REGULAR AGENDA

**1 ITEM NO. 1 "BEACH CARE SERVICES MONTH" PROCLAMATION & PRESENTATION.** Mayor Oberst welcomed Ms. Karen Smith, President of Beach Care Services, and presented her with the Proclamation declaring September as "Beach Care Services Month". The Mayor then read portions of the Proclamation and explained briefly some of the services offered by Beach Care Services. Ms. Smith thanked the Mayor and Council, and explained that Beach Care Services were locals helping locals. The audience responded with applause.

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**2 ITEM NO. 2 CIVIL SERVICE BOARD MEMBER COUNCIL APPOINTMENT.** Mr. Gisbert explained that current Civil Service Board member Phil Chester was asking not to be reappointed due to his running for office. With Council's consent, he said an application would be placed on the City website for those residents who wished to apply and he would bring back those names at the September 10<sup>th</sup> meeting. There were no objections.

**3 ITEM NO. 3 BID-A-WEE BUILDINGS HEIGHTS- DISCUSSION.** Mr. Leonard said a few months ago, he had met with some of the residents in Bid-A-Wee to talk about different issues within the subdivision. One issue involved their concern about the height of the two large dwellings being built on Oleander which had the same zoning as the first two blocks of Bid-A-Wee, Bay Avenue south to Front Beach Road, R-2. Once north of Bay Avenue, there was a two story height restriction put in place when the LDC was updated. The first two blocks were not part of that protection. Staff brought this matter to the Planning Board who recommended against that particular change since the first two blocks had historically been that height since the Zoning Ordinance was adopted in 1977. The Planning Board's recommendation came to the Council for discussion along with other changes recommended for the LDC and the Council also elected to take that change out of the proposed Ordinance. The Council also recommended that the residents who wanted the change to meet with the other residents to get a consensus and then come back to Council. He continued that there still seemed to be differing opinions among the residents.

Mr. Juddy Stephenson, resident of Bid-A-Wee, said their concerns at that time involved the "old Bid-A-Wee" section and the height of buildings being constructed. He said these first two blocks of Bid-A-Wee were part of an old established neighborhood with very few vacant lots and most homes were one story. He explained the various home heights and said they wanted to protect the integrity of the desirable neighborhood with a dedicated beach. He read the advertisements for the two homes for sale which spoke of phenomenal rental potential for weddings, reunions, and big parties. The houses only had parking for two cars each. Mr. Stephenson said he wanted to protect "the little Mayberry" in the first two blocks.

He said he spoke for the majority of the residents and distributed a map which indicated 147 lots, almost 80% were one story homes, the old beach-type cottages. He mailed every lot owner a letter asking for their opinion on this issue and received 92 responses. He explained why some responses were not received. Of the 92 responses, 87 indicated they supported the proposed change. He said only five responses opposed the issue. He asked the Council to consider the best interest of the most people.

Councilman Reichard asked what were the reasons the five people opposed the change. Mr. Stephenson said one person tried to vote twice, one phone call was from someone who did not live in the specific area, and three of the five lived on Front Beach Road. One person opposing the change owned a vacant lot and wanted to build a three story home in the future. He said two of the people opposing the change were developers. Councilman Reichard asked if he felt the current Building Code would protect the neighborhood and Mr. Stephenson said absolutely not. He continued that the two new homes were not in compliance with the new Codes in the front setbacks. He said he had brought this discrepancy to the attention of the Building Inspector and was told the setback distance varied. He mentioned the three story house on Anemone which was out of Code. He explained his reasons.

Councilwoman Strange said she liked the look of the old Bid-A-Wee and their efforts to preserve its look. Mr. Stephenson said he understood after talking with Mr. Leonard that all they would be asking was to bring the first two blocks of Bid-A-Wee into compliance with the rest of Bid-A-Wee.

Councilman Curry asked if there was a Homeowners Association and Mr. Stephenson replied negatively. Councilman Curry asked for a copy of the petition and responses. Mr. Stephenson said he would supply copies.

Councilman Reichard asked Mr. Leonard about splitting lots in the neighborhood. Mr. Leonard explained that a lot in R-2 must be a minimum of 6,000 square feet. He said the County had been doing a very good job working with the City in that when someone comes to them to split a lot, the County asks for a copy of the City's letter approving its split. He said the rest of Bid-A-Wee was covered by two stories with the new protection by the LDC. The two blocks in front were in the Front Beach Overlay District and that additional protection was not offered to this area in order to encourage intense development and redevelopment.

Mr. Leonard continued that the front setback of those homes Mr. Stephenson believed to be not in compliance was allowed under the FBO District. The application was already in process at that time and would be allowed. He said the difference of the 4' in front actually matched better with the two next lots built under the old Code, offering a gradual stepback of the four houses going west to east. Regarding the height of the houses on Oleander, the height under the old Code was still 35' but an owner could build up the lot prior to building the house. He said the taller buildings now were more economically-driven as opposed to regulatory-driven.

Councilwoman Strange asked if any of the five people opposing the request were in the audience. Mr. Stephenson said no.

Ms. Martha Pettis said she lived next door to that split lot and with the 21' front setback next door, she could no longer see down the street. She said she had called City Hall when notified that the split lot would take her address. She also mentioned her concerns about the side setbacks.

Councilman Curry said the 35' height had been in existence since 1977 and the new LDC did not change that height. He questioned if this would be spot zoning if the Council changed the fifty years of history in that area. Mr. Leonard said it would be the only area within the FBO District treated differently than the rest of the FBO District.

Mr. Van Misso, a resident next door to the split lot, said his only objection was to the parking. He said there was not parking for more than two cars and these two homes would not accommodate a lot of people with cars. Mayor Oberst said the City was struggling with the parking issue and looking at requiring additional parking for that very reason. He said the homes were nice but they did not have adequate parking.

The Mayor said the Council members would talk with the City Manager individually to determine the interest to the issue being sent back to the Planning Board.

**4 ITEM NO. 4 PROPOSED ASSISTANT PLANNER JOB DESCRIPTION.**

Mr. Leonard explained that there was a ten step gap between positions in his department and this would be adding a middle step for advancement. This would not add additional personnel but would give room for advancement and progression within the department. Councilwoman Strange said most cities had this type position and Mr. Leonard said yes, some with more levels. He said this position did not exist in the current pay plan and would have to be created when ready to fill the position. **Councilman Reichard made the motion to approve the proposed Assistant Planner job description. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

Mr. Juddy Stephenson asked to clarify the Council's decision on the Bid-A-Wee matter. Mr. Leonard explained that the Planning Board originally recommended that change be removed from the proposed Ordinance and the Council accepted that recommendation. In the proposed Ordinance, that section was removed and the Council approved the other changes. The Mayor said the Council upheld the Planning Board's ruling.

**5 ITEM NO. 5 RESOLUTION 15-120, INITIAL ASSESSMENT RESOLUTION FOR NUISANCE ABATEMENT ASSESSMENTS.**

Ms. Myers said she added one sentence to the Resolution after the Packet was published, which clarified how the assessment would be computed and placed on a given parcel. She explained in detail. She then read Resolution 15-120 by title. Councilman Curry asked if this would be an annual process in nuisance abatement. Ms. Myers said the entire assessment area was the Front Beach Road CRA area and every parcel located within that area was eligible for an assessment for any nuisance abatement activities. She said the Chapter 28 Assessment Ordinance allowed for an assessment roll with only one parcel listed. She said the Council would have a Public Hearing and final Assessment Resolution at the September 10<sup>th</sup> Council meeting to formally adopt the roll. She said it would be similar to the annual Stormwater Assessment Resolution. The Mayor asked if there were any other questions and there were none. **Councilman Curry made the motion to approve Resolution 15-120. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**6 ITEM NO. 6\* RESOLUTION 15-124, ATKINS NORTH AMERICA VALUE ENGINEERING STUDY TASK ORDER 16, SUPPLEMENTAL AGREEMENT 13, FRONT BEACH ROAD SEGMENT 2 IMPROVEMENT PROJECT.** Mayor Oberst announced that this item was one in which the City Council was also acting as the PCB Community Redevelopment Agency and voting as both. Ms. Myers read Resolution 15-124 in full. Ms. Kelly Jenkins explained on April 30<sup>th</sup>, bids were opened for the Segment 2 construction project which came in higher than the estimated budget. In May, the City decided to reject all bids and since then Staff had went back to the contractors and engineers for some value engineering solutions. She said the engineers lowered their cost about Ten Thousand Dollars and the new estimate for the construction project was about One Million Dollars less than the lowest submitted bid opened April 30<sup>th</sup>. She said she anticipated spending about Fifty Thousand Dollars for the engineers to get the Million Dollar savings and hopefully more. Ms. Jenkins said the engineers would look at the original plans, look at the ponds, and change some of the large ticket items which would help the City save money.

Councilman Reichard asked about the stormwater pond. Ms. Jenkins replied that the pond would stay in the same location but the configuration would change, removing the expensive retaining wall. Mr. Gisbert clarified that an earlier change already moved the pond from the Burger King to the Barnacle Bay Golf location. The Mayor asked if there were any further questions and there were none. **Councilman Reichard made the motion to approve Resolution 15-124. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**7 ITEM NO. 7 RESOLUTION 15-125, BUDGET AMENDMENT #37 FOR LEAVE NO TRACE FUNDING, PUBLIC HEARING.** The Public Hearing was opened at 6:53 P.M. Ms. Myers read Resolution 15-125 by title. The Mayor asked if there were any questions. Mr. Gisbert explained that when the Agreement between the County and City was adopted, a Budget Amendment was not done at that time to account for the revenue or expenditures. Ms. White said this was merely housekeeping with a net effect of zero. **Councilwoman Strange made the motion to approve Resolution 15-125. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

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

**8 ITEM NO. 8 RESOLUTION 15-127, BIDS-KNUCKLEBOOM TRASH LOADER AND DUMP BODY PURCHASE.** Ms. Myers read Resolution 15-127 and explained the last line in which it would be necessary to appropriate the funds for the next Fiscal Year because it took so long to manufacture the truck and Staff wanted the right to purchase it now. Councilwoman Strange said she was thrilled with this purchase. In response to Councilman Reichard about the number of trucks, Mr. Gisbert said the City would then have two functioning trucks and one backup. Councilwoman Strange said this was a wonderful free service the City provided the residents. Councilman Curry said he opposed the new truck due to the local haulers being able to pick up the yard debris as they served the neighborhoods. Councilman Reichard asked if an additional person would be needed for this new truck. Mr. Gisbert said existing personnel would be used. Councilman Curry said the City needed to stop being in the trash business or buy another truck since one truck was always in the shop. Councilwoman Strange said the trucks were not only used for yard debris but also in the event of a hurricane.

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Mr. Paul Casto said one truck was being used now which did not need to be on the road due to its age. He said sometimes it was three to four weeks before all of the neighborhoods could be picked up and many residents complained. He said he also agreed with Councilman Curry to either get into the garbage business or get out of it. Right now, one truck was five years old and one ten years old, and five years was the lifespan of a truck. He said technically, both trucks were breaking down and the City had no backup. **Councilwoman Strange made the motion to approve Resolution 15-127.**

Councilman Reichard asked if Staff had explored the option for the independent haulers to handle the yard debris pickup for the City. Mr. Gisbert said for the City to hire those haulers would be an expense for something in which the City was now supplying free. Councilman Reichard said the City was not getting reimbursed but it was a free service offered by the City. Mr. Gisbert said for a City-wide service, it would be approximately Five Hundred Thousand Dollars (\$500,000).

Mayor Oberst said the City had picked up yard debris at no charge since the City was created. Mr. Gisbert said it was easier in the beginning because the City was smaller and the cost less. Councilman Reichard mentioned that the City also hauled trimmings dumped by commercial landscape companies. Councilwoman Strange mentioned the City picked up discarded mattresses dumped in the neighborhoods.

Mayor Oberst asked if the other Council members wanted to authorize buying the new truck keeping in mind it would be needed in the event of a hurricane, and ask Mr. Gisbert to talk with the haulers. She said she agreed with Councilwoman Strange in that the City needed a new truck. Councilman Curry reminded that the private haulers were already on the road. Discussion ensued concerning charging the residents for this free service. **Councilwoman Strange amended her motion to approve Resolution 15-127 and ask Mr. Gisbert to research the private haulers and a potential cost to the individual resident for pickup. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote of those present recorded as follows:**

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

**9 ITEM NO. 9 RESOLUTION 15-128, UPDATE OF LOCAL MITIGATION PLAN.** Ms. Myers read Resolution 15-128 by title and explained the City approved the County-wide Local Mitigation Plan in 2010, a disaster preparedness plan. Ms. Kathy Younce worked with the rest of the team to update the plan with regard to the City's facilities, present infrastructure and future projects. The Mayor asked if there were any questions and there were none. **Councilwoman Strange the motion to approve Resolution 15-128. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**10 ITEM NO. 10 RESOLUTION 15-129, EXTENDING SCOOTER REGISTRATION BAN.** Ms. Myers read Resolution 15-129 by title. She explained this would extend the previous Resolution for ninety (90) days until the adoption of an Ordinance or an intent to abandon the ban. She said the proposed Ordinance was planned for First Reading on September 24, 2015 with the Second Reading on October 22, 2015, both as Public Hearings. The Mayor asked if there were any questions; there were none. She called for public comment.

Ms. Colleen Swab, owner of California Cycles, said this would put her out of business. She asked if the City had hired a business consultant to determine what this action would do to a scooter business. She said her business was 90% scooters and 10% rental electric cars and the electric cars did not supply enough revenue for her company. Ms. Swab said she understood the City trying to gain some control over the number of scooters on the beach but why pick three years. She said a lot of comments were speculation and she had seen no research supporting the ban. She said she had been fighting with the County and City for the last three years. Her company employed thirty employees, and was a big sponsor of charities and part of this community. She invited and welcomed anyone to visit her company and see how they operated.

Mr. Jacob Lassiter asked why punish the business for the customer's actions. He said the scooters were less dangerous than cars and questioned where was the personal responsibility. He supported more enforcement of the current traffic laws.

Councilwoman Strange asked Deputy Chief Lindsey to respond. DC Lindsey said over the years, there had been numerous complaints. He said a majority of the complaints were from the renters and involved the operation of the business. Regarding accidents, for 2013-2014, there were almost One Hundred accidents related to the rental scooters. Councilwoman Strange asked if the complaints were word of mouth or actually filed at the Department. DC Lindsey said the complaints were from people coming to the Department, calling from the actual business, and calling the Department. Councilwoman Strange asked how many scooters were registered and DC Lindsey responded City-wide, approximately Two Thousand (2,000) scooters. Councilwoman Strange said her biggest problem were riders on the Parkway. DC Lindsey agreed it was a problem and the riders were not supposed to travel on the Parkway or Middle Beach Road according to State Statutes. Mayor Oberst mentioned last year, five Patrol cars were damaged by scooters and DC Lindsey responded some cars had been damaged this year. The Mayor asked if there were any further questions and there were none. **Councilwoman Strange made the motion to approve Resolution 15-129. Second was by Councilman Reichard.** The Mayor called for comments; there were none. **The motion passed by majority roll call vote of those present recorded as follows:**

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

**11 ITEM NO. 11 UTILITY SYSTEM SURPLUS PROPERTY.** Mayor Oberst said the City Manager had listed the surplus utility system properties and he asked the Council if they should be placed out for bid to sell or hold onto the land for now. Mr. Gisbert explained the various locations, some within Bid-A-Wee, some within Bay Point, and one on Lantana. He said Lots 1,2,3 and 4 were residential lots and he should be able to determine their value from the Property Appraiser's website, then list them for sale for the going price. However, lots 5 and 6 were a larger size so he proposed to bring those lots back to Council after an appraiser gave a price. Mayor Oberst said she understood the land on Lantana was requested in order to build a nice entrance to the subdivision. Councilman Reichard said the nearby residents had been asking about this piece of land for six months. Mayor Oberst said she thought it would be nice to sell that piece on Lantana to the subdivision for their entrance and the rest of the land held for the future since the City did not need the money. Councilman Reichard said that three acre parcel in Bay Point was just sitting there and he questioned whether something better could be on the site.

Mr. Shortt said Site 5 was the old Bay Point Water Plant and Site 6 was the old Bay Point Sewer Plant, both now empty lots. He said the zonings had been changed to multi-family residential to help increase the saleability and value. Staff requested to surplus the parcels to generate money to buy new parcels for future lift stations for areas without sewer such as Grand Lagoon and the Laguna Beach area. With land values rising, he would like to buy land now that might not be available in ten years when the lift stations were needed. Mr. Shortt said about six locations had been identified south of Grand Lagoon that would be needed in the longterm plans for sewer reaching all the way to the Treasure Ship. Laguna Beach needed at least three sites. He said if all the lots were built out in those areas, it would be a challenge to bring sewer to those neighborhoods.

Councilman Reichard questioned the money being earmarked specifically for land in the Utility Fund and not used for anything else, such as vehicles or gasoline, etc. Mr. Shortt said the Utility System had significant reserves, over Twenty Million Dollars, so he did not think he would need to spend this money on something else. He said if Council approved, he would start acquiring some of the new properties now and use these funds to repay the Utility Fund.

Councilman Curry said he agreed with the Mayor in that if there was not a need, to keep the land. Councilwoman Strange asked if there had been any interest in the Bay Point sites. Mr. Shortt said yes and explained they were odd parcels, neither had frontage on public right-of-way so an easement would be needed to reach the parcels. The real value would be to the neighboring parcels to expand their properties.

Councilman Reichard questioned if the City bought land and then decided not to use it, could the previous owners request it be resold to them at the original purchase price. Mr. Shortt

said that was the reason he preferred buying an empty lot before improvements. Councilwoman Strange said before deciding, if appraisals should be done on the sites. Mr. Gisbert said he did not want to order appraisals if the Council elected not to sell the parcels.

Mr. Gisbert said the parcel #4 on Lantana was the site mentioned by Councilman Reichard and the Mayor agreed that it should be sold. Councilwoman Strange concurred. Councilman Reichard said the two sites in Bay Point were out of sight. Mr. Shortt said Staff did receive complaints about the properties at Bay Point, requiring the Street Department to go out several times per year to bushhog the land. The Mayor said the additional parcel was added to the list due to a phone call from a gentleman wanting to buy it. Mr. Gisbert said it was a very awkward piece of land but it was frontage on the Parkway.

Councilman Reichard suggested selling the commercial sites first since the value of commercial parcels seemed to be rising faster than residential lots. He asked Mr. Shortt for his recommendations. Mr. Shortt said the Council would have to choose the best time to make the sale. If the Council decided not to sell any land at this time, he asked for an endorsement to begin buying the new parcels of vacant land in the older neighborhoods to provide for future sewer service. Councilman Reichard said that was an immediate problem along South Lagoon due to the many septic tanks. Mr. Gisbert said buying the needed parcels now before land prices rose or the vacant land was no longer available was a good idea even if the sewer projects were five to ten years down the road. Councilman Curry said he was comfortable holding onto the land unless needed for the betterment of the community and approving Mr. Shortt buying needed parcels.

Mayor Oberst asked the other Council members about selling parcel 4 to the neighborhood to fix their entrance to the subdivision. Mr. Gisbert said once he placed the parcel on the market, an adjacent landowner may find it beneficial to purchase instead of only the subdivision. Councilwoman Strange asked about the additional parcel across from Lyndell. Mr. Gisbert said there was not much use for such an odd piece except as a buffer. **Councilman Reichard made the motion to explore selling Parcel 4 and the new parcel, hold off selling the other parcels and endorse Mr. Shortt buying new land as needed. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**12 ITEM NO. 12 UPDATED JOB DESCRIPTIONS FOR PUBLIC WORKS AND UTILITY DEPARTMENTS.** Mr. Gisbert explained this lengthy item was a cleanup of old data, updating information plus adding some transitions and creating a City Engineer position which absorbed some of the duties of the CRA Director. He said the large printout showed how the structure worked together and said some of the positions were progressions for advancement.

Mr. Shortt said he was asking for two additional positions due to the restructuring, after Ms. Jenkins assumed the CRA duties. He asked to increase to four engineers in order to keep up with the work, a Utilities Engineer and a Utilities Inspector, both paid out of Utilities. Mr. Gisbert said Ms. Jenkins, Ms. Younce, and Mr. Don Churchwell would be partially paid out of CRA. Mr. Shortt explained the need for an Utilities Inspector with Mr. Churchwell going over to be the CRA Inspector. The Mayor asked if there were any further questions and there were none. **Councilman Reichard made the motion to approve the job descriptions. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**13 ITEM NO. 13 RECOMMENDATION FOR RISK MANAGEMENT/CITY CLERK HIRE.** Mr. Gisbert said numerous applications were received in response to the original posting in December. He said based on the resumes received, the position was readvertised to more emphasize the Risk Management side. From the original ninety-three applications, the choices were narrowed to the top four applicants. He and Ms. White interviewed those four applicants and he recommended Ms. Diane Fowler for the position. He explained she had an

extensive Human Resources/Risk Management background. He added that the Agenda Packets contained the resumes of all four of the top applicants. Mayor Oberst said this person as City Clerk would report directly to the City Council but as the Risk Management/HR person, she would work for the City Manager. Mr. Gisbert confirmed that the job description and position had been approved last November. Councilwoman Strange said she concurred with the recommendation after looking at the resumes. **Councilman Reichard made the motion to accept the City Manager's recommendation of Ms. Fowler. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

Regarding salary, Ms. White said the pay study gave a range and it would be up to the City Manager to negotiate with Ms. Fowler. Mr. Gisbert said he would take into account the experience she had when setting her salary.

**14 ITEM NO. 13A TDC REQUEST TO AMEND 2016 BLACKOUT DATES FOR AARON BESSANT PARK.** Mr. Dan Rowe, TDC Executive Director, said the TDC voted August 11<sup>th</sup> to move forward with a new event March 31-April 2, 2016 to help shift some of the Spring travel to the beach next year. He said the TDC was focused to ensure they were doing everything possible to increase visitor spending to support the local economy all year. The Spring Jam will be a concert event produced by the TDC with the Gulf Coast Jam producers working for the TDC. Mr. Rowe asked for a Resolution from the Council to utilize Aaron Bessant Park during those dates. He said when the amphitheater was built, guidelines were created with a blackout period during Spring Break which could be adjusted by the Council. He said the TDC felt this was important to promote a positive family message for next Spring. Because of their history in PCB, the Gulf Coast Jam folks would ensure there were no guns, drugs, etc., at the event so it would remain family-friendly for those three days. Mr. Rowe said if the Council approved, the new event would be announced at the Gulf Coast Jam and promotion started Labor Day weekend.

Mr. Rowe said the audience would be focused on families, targeting kindergarden through middle school. Councilwoman Strange said after meeting with Mr. Rowe, she thought it was a good idea as long as the artists were family-friendly. She said this would be an experiment. Mr. Rowe agreed and that the TDC's reputation was on the line with the talent. He explained that the Gulf Coast Jam promoters were focusing exclusively on country music and he stressed the TDC would control the artists selections.

Councilman Curry said this was a positive event to change the beach to a Spring destination but he was concerned about the additional traffic from this event and the stress on the law enforcement. He asked Deputy Chief Lindsey if the force would be able to handle one more event being added to that timeframe. DC Lindsey said during that same time, the City was already heavily involved with Mutual Aid so other agencies would be able to help the Beach Police. Mr. Gisbert added that the promoter had a proven track record, with about Sixty Thousand people during last year's Gulf Coast Jam and only about three arrests. He said he had spoken with Chief Whitman and he concurred. DC Lindsey said law enforcement could handle the crowds. Ms. Myers read Resolution 15-134 in its entirety. The Mayor asked if there were any questions or comments; there were none. **Councilman Reichard made the motion to approve Resolution 15-134. Second was by Councilman Curry.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

**15 ITEM NO. 14 CITY MANAGER UPDATE.** Mr. Gisbert said he had nothing to report.

The Mayor called for Floor Items.



**FLOOR ITEMS**

**ITEM NO. 1 BANNED FROM PIER.** Mr. Chris Prescott said he had been banned from the City Pier due to his falling asleep and his armband expiring. He said he had bought a County Pier pass and the County banned him because the City had already done so. He explained he understood the Pier rules but had only fallen asleep because he had been exhausted. He asked the City to lift the ban because fishing was his life and to his knowledge, he was the only one banned from one pier because he had been banned from the other pier. Mr. Gisbert said he had not heard from this gentleman and his situation. He asked Mr. Prescott to talk with Parks Director Ponek, and if not resolved, then Mr. Ponek would bring the matter to him.

Mr. Shawn Nguyen said a City employee had threatened a handicapped man. Mr. Gisbert explained this issue had a history longer than merely one day. Mr. Nguyen claimed that he had been threatened by the employee while on the pier. Mr. Gisbert said when he had spoken earlier with Mr. Nguyen, he had advised him to file a complaint with the police. Mr. Nguyen replied that he had refused because he knew the complaint would be thrown in the trash. Councilwoman Strange asked why he had been threatened. Mr. Nguyen explained he and the employee had words concerning signs being placed at the pier, and he considered the replies as threats. Mayor Oberst said this meeting was being recorded, a complaint was verbally made, and the City Manager would speak with Mr. Ponek about the employee. Mr. Nguyen said he would not go to the City Pier again as he had two boats. He complained about the number of signs on the pier.

**ITEM NO. 2 BID-A-WEE.** Mr. Frank Merritt said Mr. Stephenson had not talked with him concerning the rezoning. He said the Council had only heard from a small group of residents who had the right to their opinion. However, this small group was opposed to progress. He said he thought there was a large group who wanted to see three story buildings. He added that Mr. Stephenson himself had a three story house.

**ANNOUNCEMENTS**

The Mayor reminded that the last Pier Park Summer Concert Series concert was tonight and began at 7 P.M. She said the next Budget Workshop would be on Thursday, September 3<sup>rd</sup> at 1 P.M. Flyers were on the table for the annual PCB Fire/Rescue 9-11 Stair Climb at Laketown Wharf on Saturday, September 12<sup>th</sup>. She said everyone was invited.


Mr. Gisbert announced that he had amended his vacation schedule to September 4 through September 20 so that he would be here for the Budget Workshop.

With nothing further, the meeting was adjourned at 8:25 P.M.

READ AND APPROVED this 27th of August, 2015.

**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