

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 November 12, 2015.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:  
JOHN REICHARD  
RICK RUSSELL  
JOSIE STRANGE  
KEITH CURRY

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

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

Pastor John Woodrow of the Gulfview United Methodist 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. Councilwoman Strange asked that Regular Item #10, "*Palmetto Trace Parking- Discussion*" be moved to the January meeting. There were no objections. **With nothing further, the Agenda was accepted as amended.**

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

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

#### CONSENT AGENDA

**1** *"THANKSGIVING PROCLAMATION". "A Proclamation honoring Thursday, November 26, 2015 as "Thanksgiving Day" in Panama City Beach."*

**2** *"NATIONAL PEARL HARBOR REMEMBRANCE DAY". "A Proclamation designating December 7, 2015 as "National Pearl Harbor Remembrance Day" with the flags being lowered to half-staff on that day."*

**3** *RESOLUTION 16-07, CANCELLATION OF COASTAL COMMUNITY BANK DEVELOPMENT AGREEMENT. "BE IT RESOLVED that the appropriate officers of the City are authorized to execute and deliver on behalf of the City a Cancellation of Development Agreement between the City and Buckhorn Beach Investments, LLC, successor in interest to Coastal Community Bank, relating to the termination of those certain development rights established in the Development Agreement with Coastal Community Bank for the approximate 1.97 acre parcel of land located at the intersection of the Panama City Beach Parkway and Henry Avenue, entered by the parties on October 30, 2007; in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval."*

**4** *RESOLUTION 16-15, EXTENSION OF PEST CONTROL CONTRACT. "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 Extended Agreement with Florida Pest Control, renewing and extending for one year the original Agreement, dated 11/20/13, in accordance with the terms of that Agreement, relating to pest control services to be performed on the City Hall Campus, for the total amount of \$3780, in substantially the form attached and presented to the Council today, with such insertions, omissions or deletions as may be approved by the*

*City Manager whose execution of such Agreement shall be conclusive evidence of such approval.”*

**5 RESOLUTION 16-16, BIDS-DOUBLE DRUM ROLLER PURCHASE.** *“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 Cowin Equipment Company, Inc., relating to the purchase of a Volvo 47.2 inch double drum roller for Parks and Recreation, in the basic amount of \$33,316, in substantially the form of the quote attached and presented to the Council today, with such insertions, omissions or deletions as may be approved by the City Manager whose execution of such Agreement shall be conclusive evidence of such approval.”*

**6 RESOLUTION 16-17, CHRISTMAS PARADE ROAD CLOSURES.** *“A Resolution of the City of Panama City Beach requesting temporary closing of portions of Front Beach Road (U.S.98A) on December 12, 2015 to permit the annual Christmas Parade; and providing an immediately effective date.”*

**7 RESOLUTION 16-19, BIDS- FRANK BROWN COURTS RESURFACING.** *“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 American Tennis Courts, Inc., relating to the resurfacing of tennis courts, basketball courts, and pickle ball courts at Frank Brown Park and Lyndell Center, in the basic amount of \$87,180, in substantially the form of the quote attached and presented to the Council today, with such insertions, omissions or deletions as may be approved by the City Manager whose execution of such Agreement shall be conclusive evidence of such approval.”*

**8 RESOLUTION 16-20, BIDS- CONSERVATION PARK TRAIL STABILIZATION PROJECT 2015.** *“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 XGD Systems, LLC, relating to the Conservation Park Trail Stabilization 2015 Project, in an amount not to exceed \$300,000, at the unit price of \$11.58 per LF for Type I Trail Stabilization and \$7.83 per LF for Type II Trail Stabilization, in substantially the form of the agreement attached and submitted to the Council today, with such insertions, omissions or deletions as may be approved by the City Manager whose execution of such Agreement shall be conclusive evidence of such approval.”*

**9 RESOLUTION 16-21, BIDS- UTILITY FLEET VEHICLES.** *“A Resolution of the City of Panama City Beach, Florida, approving the purchase of 8 trucks for the Water and Wastewater Utilities Department, in the total amount of \$197,559; authorizing the appropriate officers of the City to execute and deliver contracts with vendors for specific types of vehicles as more particularly set forth in the body of the Resolution; and providing an immediately effective date.”*

**10 RESOLUTION 16-22, BIDS- BETH AND GARDENIA DRAINAGE IMPROVEMENT PROJECT.** *“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 814 Sand, Inc., relating to the Beth and Gardenia Street Drainage Improvement Project, in the basic amount of One Hundred Sixty Thousand Seven Hundred Seventy-Five Dollars (\$160,775), in substantially the form of the agreement attached and submitted to the Council today, with such changes, insertions or omissions as may be approved by the City Manager whose execution of such agreement shall be conclusive evidence of such approval.”*

**11 RESOLUTION 16-24, NEW YEAR'S EVE STREET PARTY, BALL DROP AND ROAD CLOSURES.** *“A Resolution of the City of Panama City Beach related to the New Year's Eve Street Party event; authorizing a ball drop; authorizing road closures within Pier Park on December 30-31, 2015 for the Event's Street Party; and providing an immediately effective date.”*

**12 RESOLUTION 16-26, BIDS-PCBPD FLEET VEHICLES PURCHASE.** “A Resolution of the City of Panama City Beach, Florida, approving the purchase of 15 automobiles for the Police Department in the total amount of \$396,517; authorizing the appropriate officers of the City to execute and deliver contracts with vendors for specific types of vehicles as more particularly set forth in the body of the Resolution; and providing an immediately effective date.”

**13 RESOLUTION 16-27, BIDS-PCBPD EQUIPMENT PURCHASE AND INSTALLATION.** “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 HG2 Emergency Lighting, relating to the installation of emergency equipment, graphics and tint on 15 police vehicles, in the basic amount of 89,996, in substantially the form of the agreement attached and submitted to the Council today, with such changes, insertions or omissions as may be approved by the City Manager whose execution of such agreement shall be conclusive evidence of such approval.”

Ms. Fowler read the Consent Agenda. Mayor Oberst invited public comment: there was none. Councilwoman Strange made the motion to approve the Consent Agenda. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:

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 Ms. Leslie Thompson and presented her with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated her. Ms. Stacey Shubert, Unit Director, presented her with a gift card donated by a local business. Ms. Shubert also introduced the new Director, Mr. Hank Hill, who replaced longtime Director Paul Mosca. Mayor Oberst explained that the City was the only municipality that supported the Boys & Girls Club by supplying a building, utilities, and over Sixty Thousand Dollars per year. The audience responded with applause.

**2. ITEM NO. 2 PCB FIRE/RESCUE RECOGNITION, FIRST RESPONDER APPRECIATION COMMUNITY SERVICE AWARD.** Mayor Oberst asked Chief Daly and Captain Terry Parris to join her at the podium to explain about the First Responder Appreciation luncheon, held October 29, 2015. Chief Daly explained Captain Parris was awarded the Community Service Award in recognition of his work on the 9-11 Memorial Stair Climb which had raised tens of thousands of dollars for the National Fallen Firefighter Foundation. The Chief stated this Stair Climb was the first of its kind in the Country and was now used as a model for other agencies. The audience responded with applause for Captain Parris.

**3. ITEM NO. 3 POLICE DEPARTMENT RECOGNITION, 2015 LAW ENFORCEMENT OFFICER OF THE YEAR.** Mayor Oberst invited Chief Whitman and Captain Clarkson to the podium. Chief Whitman invited Sgt Eusebio Talamantez to the podium as he explained that Sgt. Talamantez had been presented the prestigious 2015 Law Enforcement Officer of the Year award by Governor Scott on October 29<sup>th</sup> in recognition of his efforts to end human trafficking in the State. Sgt. Talamantez introduced his family and the audience responded with applause.

At this juncture, at the request of Councilwoman Strange for those in the audience, Mayor Oberst and Councilman Russell read the Thanksgiving Proclamation in full.

**4. ITEM NO. 4 CHECK PRESENTATION TO COPS N’ KIDS BY IRONMAN FLORIDA.** Mayor Oberst invited Mr. Ben Rausa of Ironman Florida to the podium for the check presentation from the Ironman event. Mr. Rausa thanked the community for their support and explained that funds from Ironman Florida had been part of the grant which went toward the Miracle League fields, PCMI kids, Friends of St. Andrews Park, and Four Thousand Dollars to

Cops N' Kids for food and toys. Chief Whitman thanked him for their generous donation. The audience responded with applause.

**5. ITEM NO. 5 TDC COLLECTOR SEAT BOARD MEMBER.** Mr. Gisbert explained that the City's Collector seat on the TDC, Mr. Mike Bennett, had his term expiring December 31, 2015. Mr. Bennett, the current TDC Chair, stated he would serve again if selected by the Council. Councilwoman Strange said she thought the seat should be advertised and Councilman Reichard concurred. There were no objections.

**6. ITEM NO. 6 PLANNING BOARD MEMBER VACANCY.** Mr. Gisbert said Ms. Clair Pease had recently resigned from the Planning Board as she was moving out of City limits as well as taking care of a sick friend. He thanked her for all of the work she had done in serving on the Board while the new LDC was created. The Mayor asked if the Council wished Staff to advertise for the seat and by general agreement, there were no objections.

**7. ITEM NO. 7 FIRE TRUCK 1 PRESENTATION.** Deputy Chief Couch gave a brief presentation concerning Staff's recommendation related to Truck 1 with plans to broker the sale of Truck 1 and purchase a new Pierce Ascendant 100' ladder truck. He outlined the funds already set aside for the purchase of the new truck plus the potential money from the sale of the ten year old Truck 1. After the presentation, Mr. Gisbert asked for a nod from Council for Staff to go ahead with this plan and they would bring back firm prices to present once the sale of the old truck was confirmed and then be able to release the purchase of the new truck as fabrication of it was 48 weeks, taking it into the next Fiscal Year.

Councilman Reichard asked how much of those funds would be from Fire Impact Fees and Mr. Gisbert said none because this was maintaining the current level of service not growth. **Councilwoman Strange made the motion to take Staff's recommendation. Second was by Councilman Reichard.** The Mayor called for comments or questions; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

Mayor Oberst reminded the audience about the Three Minute Speaking Rule and that the forms were on the table for those who wished to address Council on any item.

**8. ITEM NO. 8 RESOLUTION 16-14, WATER HEATER REPLACEMENT, BUDGET AMENDMENT #3, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 6:44 P.M. Ms. Myers read Resolution 16-14 by title. Mr. Gisbert said the building water heater had failed unexpectedly and funds needed to be taken from reserves for the replacement. **Councilwoman Strange made the motion to approve Resolution 16-14. Second was by Councilman Russell.** The Mayor called for comments or questions; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 6:47 P.M.

**9. ITEM NO. 9 RESOLUTION 16-18, COLONY CLUB REAL ESTATE SALES CONTRACT AND BUDGET AMENDMENT #4, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 6:47 P.M. Ms. Myers read Resolution 16-18 by title and explained this was the purchase of the 40' strip of land intended for the lift station's new location. She said the old lift station site was intended to be used for the new exit from Colony Club. Councilman Russell said the Twenty Thousand Dollars saved in the movement of the lift station made this purchase feasible. The Mayor called for comments from the audience.

Ms. Kendra Wardlow, resident of Colony Club, asked if this road was part of the planned route for the Loop Road. Mayor Oberst explained the different roads and why the City was buying the lot which would give an exit out of Colony Club through Fairway to Nautilus. Ms. Wardlow expressed concern on the planned Back Back Beach Road route through the subdivision and the Mayor said she would need to speak with FDOT who had their own public meetings concerning the road.

Mr. Blake Ivy, resident of Colony Club, said more residents would prefer to go east to Clara instead of west to Nautilus. Mayor Oberst replied that FDOT determined where the traffic lights were placed on State roads and the criteria for installing a new light would prohibit a traffic light at Colony Club because it was too close to existing traffic lights.

Councilman Reichard asked Mr. Gisbert to explain the plans to reconfigure the median at Colony Club to help now and prevent the cars from stacking up while turning. Mr. Gisbert explained the "porkchop".

Mr. Lou Weychulas, resident of Colony Club, asked the cost of a traffic light. Mr. Gisbert explained that FDOT would not give the City a warrant for another traffic light within ¼ of a mile of an existing traffic light. He said FDOT's original recommendation was to totally close the median cut at the exit of Colony Club to prevent any left turns.

Ms. Rachel Ivy, resident of Colony Club, asked why not have the road go east to Clara. Mr. Gisbert replied the land costs alone would exceed the current planned land purchases as the road would be twice the length plus require the City to pay for business damages to the golf course and driving range. Councilman Russell said this was more of a safety issue, not a matter of convenience. Councilwoman Strange mentioned the cars darting into traffic to reach the median and that it would be safer going to a traffic light. Councilman Curry said this new road would also benefit the golfers coming out of the golf course as well as residents of the apartment complex. Councilman Russell mentioned the safety issue for young drivers.

Ms. Gail Bernstein, resident of Colony Club, said she supported going to Nautilus rather than turning left out of Colony Club. Mr. Rick Roof, resident of Colony Club, said he thought it was a great idea. **Councilman Russell made the motion to approve Resolution 16-18. Second was by Councilwoman Strange.** The Mayor called for comments.

Councilman Reichard said he thought Ten Thousand Dollars for closing costs was too high. Ms. Myers explained she saw the settlement statement today and the closing costs were less than One Thousand Dollars, but when preparing the Budget Amendment, an exact figure was not known. Mr. Gisbert said there would be additional costs for appraisals.

Councilwoman Strange said she would motion to proceed with the road now and Mr. Gisbert responded that the road had yet to be designed in order to determine its cost. Ms. Myers said a Budget Amendment would be required but the Council could direct Staff to proceed as opposed to setting an amount certain aside and bring that back to Council. Councilman Reichard said that would also eliminate any further discussion. Mr. Gisbert said Staff had already been directed to prepare a RFQ to design the road. Ms. Myers said she had been directed to draft the RFQ and it would be finished tomorrow. Mayor Oberst said she did not believe the road could be designed until all of the land was bought. Ms. Myers said the City would be required to have all of the land before the roadway could be built. With no further discussion, **the motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 7:11 P.M.

**10. ITEM NO. 10 PALMETTO TRACE PARKING- DISCUSSION.** Moved to January.

**11. ITEM NO. 11 PARTICIPATORY PAVING PROGRAM- DISCUSSION.** Mr. Casto said a copy of Bay County's Participating Paving Program was included in the packet which had been used for 42 roads since 2000. He said the County used it for resurfacing roads as well as paving dirt roads. He explained that 60% of the community's property owners would have to agree to participate and the County would put all of the money upfront for the work. 40% of that cost would then be paid by the property owners and the County Finance Department would do the billing for those costs. He gave an example how the program worked. A previous comment had been made to possibly include this cost on the water bill but this would not capture vacant lots within the community. Discussion ensued concerning placing an assessment on the tax rolls. Mr. Casto said if the Council wanted to move forward with this type of program, Staff could work

with Ms. Myers to draft a program for the City. Councilman Russell asked if the County had used this program to pave a new road in a wooded area or used only for existing dirt roads. Mr. Casto said it had mostly been for dirt roads and to date, had not been used for a road like ours. Ms. Myers said it had also been used for canal dredging.

Councilman Reichard said with the property owners paying only 40% and the City paying the full amount up front, it might be wise next year to begin budgeting funds in reserve for future resurfacing because many subdivisions such as the Glades and Summerwood would need the streets resurfaced at the same time. He said One to Two Million Dollars per year should be placed in reserve for this purpose.

Councilman Curry mentioned the business in Colony Club which generated many trips on the road. He said maybe the trip generation should compare a homeowner to a business in that program. Mr. Casto said a traffic count would be part of the City's program. Mr. Gisbert said the City should rely on a traffic consultant concerning trips involving a business. Mayor Oberst said the Council needed to decide whether to direct Staff to be creative and advise what could and could not be done. She reminded that the City had no property tax and future Councils would have to deal with road resurfacing. Mr. Casto said he could check with other jurisdictions to see how they handled this type of program. He said Staff could begin working on a draft program for the City. There were no objections.

**12. ITEM NO. 12 RESOLUTION 16-23, LOOP ROAD CONSTRUCTION DOCUMENTS.** Ms. Myers read Resolution 16-23 by title. She explained the agreement approved several months ago contemplated that construction documents would come to the Council for approval. This Resolution was in two parts, one to approve the construction drawings and the second to approve the legal descriptions. She said the legal descriptions were updated and new copies were at each chair tonight. She explained in detail the differences. She said the legal descriptions and illustrations now matched the design drawings which were available for review in the City Manager's office this week. Mr. Gisbert said this step would allow Staff to put the drawings out to bid and obtain prices from responsible contractors. The Mayor called for questions or comments; there were none. **Councilman Reichard made the motion to approve Resolution 16-23. Second was by Councilman Russell.** The Mayor called for comments or questions; there were none. **The motion passed by majority roll call vote recorded as follows:**

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

**13. ITEM NO. 13 RESOLUTION 16-25, BUDGET AMENDMENT #5 FOR RECEIPT OF FDOT COMPREHENSIVE TRAFFIC ENFORCEMENT (CTEP) GRANT, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 7:27 P.M. Ms. Myers read Resolution 16-25 by title and said these funds would be for salaries of additional officers on the street for traffic enforcement. The Mayor called for questions; there were none. **Councilwoman Strange made the motion to approve Resolution 16-25. Second was by Councilman Russell.** The Mayor called for comments or questions; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 7:28 P.M.

**14. ITEM NO. 14 ORDINANCE 1333, AMENDING LDC SECTION 5.02.08 REGARDING SETBACK REQUIREMENTS FOR SWIMMING POOLS ENCLOSED WITH SCREENING, 2<sup>ND</sup> READING, PUBLIC HEARING, AND ADOPTION.** The Mayor opened the Public Hearing at 7:28 P.M. Ms. Myers read Ordinance 1333 by title. The Mayor called for questions or comments. There were none. **Councilman Russell made the motion to approve Ordinance 1333. 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

The Public Hearing was closed at 7:29 P.M.

**15. ITEM NO. 15 ORDINANCE 1364, AMENDING LDC SECTION 5.04.09 SUPPLEMENTAL STANDARDS FOR DUPLEX, TRIPLEX, AND QUADPLEX BUILDINGS, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** The Mayor opened the Public Hearing at 7:29 P.M. Ms. Myers read Ordinance 1364 by title. The Mayor called for questions or comments. There were none. **Councilman Russell made the motion to approve Ordinance 1364. Second was by Councilwoman Strange.** The Mayor called for comments; 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 7:30 P.M.

**16. ITEM NO. 16 ORDINANCE 1365, AMENDING LDC 5.06.02, MAXIMUM HEIGHT FOR AN AMUSEMENT, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** The Mayor opened the Public Hearing at 7:30 P.M. Ms. Myers read Ordinance 1365 by title. The Mayor called for questions or comments. There were none. **Councilman Curry made the motion to approve Ordinance 1365. 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 7:31 P.M.

**17. ITEM NO. 17 ORDINANCE 1366, AMENDING LDC 7.02.03G, FRONT YARDS IN FRONT BEACH ROAD OVERLAY DISTRICT, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** The Mayor opened the Public Hearing at 7:31 P.M. Ms. Myers read Ordinance 1366 by title. The Mayor called for questions or comments. There were none. **Councilman Russell made the motion to approve Ordinance 1366. 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 7:32 P.M.

**18 ITEM NO. 18 ORDINANCE 1367, AMENDING LDC SECTION 10, CLARIFYING APPLICATIONS FOR LARGE CONDITIONAL USES AND STAND-ALONE TOWERS, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** The Mayor opened the Public Hearing at 7:32 P.M. Ms. Myers read Ordinance 1367 by title and explained that all of these Ordinances were merely housekeeping to correct glitches and had been recommended for approval by the Planning Board. The Mayor called for questions or comments. There were none. **Councilwoman Strange made the motion to approve Ordinance 1367. 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.

**19. ITEM NO. 19 ORDINANCE 1369, GULF FRONT SHORT TERM RENTALS AS RELATES TO R-1C ZONING, 1<sup>ST</sup> READING, PUBLIC HEARING.**

Mayor Oberst opened the Public Hearing at 7:35 P.M. Ms. Myers read Ordinance 1369 by title. Mr. Leonard explained this Ordinance related to the two residential zones on Front Beach Road, zoned Single Family Residential. The prohibition for short term rentals in all Single Family Districts, which included these two areas, was adopted several years ago to protect the neighborhoods. He said these two areas had historically short term rentals occurring and it was time to address the issue for the property owners' sake and Staff to know whether the prohibitions should be enforced or exceptions made. The Planning Board considered the issue on September 14, 2015 and recommended approval five to zero (5-0). Mr. Leonard displayed maps of the two areas.

Councilman Reichard asked the impact on residents of Beach Drive with this Ordinance. Mr. Leonard replied that Beach Drive was zoned Commercial High Intensity not Single Family Residential. He also explained Single Family Residential zoning for the audience. In response to Councilman Reichard's questions about a three story structure with twelve bedrooms being a single family residence, Mr. Leonard replied that it could still be considered such because it was the way the dwelling was used and he elaborated. Councilwoman Strange asked the percentage of homes used for the short term rentals and Mr. Leonard said it appeared about 60% for both areas. Mr. Gisbert said maintaining the R-1C zoning maintained the height, only exempted the two areas from short term rental prohibition. Mr. Leonard said this Ordinance would also allow any new owners to rent short term in the two areas. Councilman Reichard said he was concerned about someone buying a smaller older home, tearing it down and building a huge single family residence for rent. Mr. Leonard said usually the first thing that occurred would be issues with parking, and one remedy would be no parking signs. He said any owner who overbuilt their property and dumped excess parking onto the public road, the no parking signs would help solve the problem. Councilman Reichard mentioned the ratio of parking places to the number of bedrooms, and Mr. Leonard said that was an issue that he, the City Manager and Counsel had been discussing, putting additional standards in place. He added that Staff recommended approval with the idea that later on, he would be able to bring something to Council to address parking.

Mayor Oberst read two emails in support of the Ordinance into the record, one from Mr. John Benefield and the other Mr. Ben Golden.

Mr. Robert Tuno, owner of Sunspot Realty, said traditionally these two areas had been short term rentals and the owners did not want a zoning change which might target their areas for redevelopment. He spoke of property taxes and their different rates for gulf front footage for single family residents. He supported the Ordinance.

Mr. John Haas said more than 60% were rented in those two areas. He explained the taxes paid by these rentals and reminded that the areas were in the Tourist Corridor, and the high demand on the beach for family vacation rentals.

Ms. Mary Jo Swift questioned Ms. Myers if this Ordinance was changing single family residential into commercial. Ms. Myers explained it was not a rezoning Ordinance and the allowing of short term rentals in R-1C would be limited to only these two areas. She said she opposed the Ordinance.

Ms. Sue Reiss suggested limiting the number of cars parking in the driveways. She said these areas were small lots with limited parking, typically rented to multi families which brought in more cars than a single family. She said cars parked in the bike lanes on Front Beach Road and spoke of the safety issue with cars backing out onto Front Beach Road. She suggested limiting the cars to 3 or 4 per house and proactive code enforcement.

Ms. Katie Patronis, property management, said the clientele drawn to these areas were families and recommended approval of the Ordinance.

Mr. Brian McGinity recommended approval to be fair for those owners who bought property for short term rentals.

Mayor Oberst asked Mr. Leonard what would be the differences between these two areas and Oleander Drive, with the twin large homes in the trench. Mr. Leonard responded Oleander was zoned Limited Multi-Family, R-2, so short term rentals were allowed. He also confirmed that only one structure per lot would be allowed in the two areas, maximum 35' tall.

Ms. Genese Hatcher, owner of those two structures on Oleander, said if the issue of parking in bike lanes or improper parking, she would encourage the people to call the police. She said she was respectful in her rentals. She questioned how much bedtax and gross sales would be lost if the short term rentals were stopped. She said it would be a hardship if the rentals were stopped and she recommended approval of the Ordinance.



Councilman Curry asked if a precedent had not already been set with the short term rentals being allowed for so many years. Ms. Myers said she did not believe a precedent could be set by not enforcing an Ordinance but the City had a custom of allowing such use in these two areas. Ms. Myers said precedent would be the City setting an official policy and a custom was more of a blessing by omission.

The Mayor called for further comments; there were none. **Councilwoman Strange made the motion to approve Ordinance 1369. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

The Public Hearing was closed at 8:13 P.M.

**20. ITEM NO. 20 ORDINANCE 1370, PIER PARK OVERLAY AMENDMENT, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1370 by title and explained this Ordinance would set height limitations for uses that were already permitted in Pier Park. She said the Planning Board considered the request on November 9<sup>th</sup> and their recommendation was to bless the permitted height of the beachball structure at 125' instead of the 106' noted in the proposed Ordinance in the packet. She said the Planning Board considered the trees in the roundabout where the pole was located and thought the structure should be higher.

Mr. Leonard said that was a good recommendation made by the Planning Board and the Ordinance ratified the base height and established one new amusement at 206' in the General Commercial area of the DRI, the roundabout where the existing amusement park was located. **Councilman Reichard made the motion to approve Ordinance 1370. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**21. ITEM NO. 21 ORDINANCE 1351-L, LIMITING SCOOTERS, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Mayor Oberst opened the Public Hearing at 8:25 P.M. Ms. Myers read Ordinance 1351-L by title and explained there were two minor changes which did not change the purpose of this Ordinance. She added the "4<sup>th</sup> wheel" to scoot coupes throughout the Ordinance and recommended adding the further definition of "after dark" used in other recently adopted Ordinances.

Councilman Reichard asked why add the "4<sup>th</sup> wheel" and Ms. Myers explained this addressed the concerns of Councilman Russell at the last Public Hearing. Councilman Reichard asked how this would differentiate this regulation from golf carts. Mr. Gisbert explained that the golf carts were licensed street vehicles. Chief Whitman explained the definition of "slow moving vehicle" and the differences with golf carts. He said the plan was to cover everything 50 cc or less, no matter how many wheels were on the equipment.

Ms. Myers incorporated into the record the testimony and comments received at the October 8<sup>th</sup> and October 22<sup>nd</sup> meetings. she summarized the Chief's prior testimony that limiting the number of scooters on the road would be a useful tool to better control and enforce the numbers. She added that the businesses approved or could accept the reduction in numbers as opposed to the absolute phase out of scooters. Ms. Myers said Mr. Gisbert and Chief Whitman attended the meetings where the businesses stated they would be able to recoup their investments for the units they would no longer be able to rent. Both Mr. Gisbert and Chief Whitman confirmed that statement.

Mr. Bryan Trammell, representative for the King of Scooters, said his client agreed with the Ordinance but questioned if the City meant to limit golf carts in the future. Mr. Gisbert replied that this Ordinance did not address street-legal vehicles (LSVs) and Ms. Myers added that the City required the registration for the low speed vehicles but did not set a limit on the number for rent.

Mr. Rick Roof, California Cycles, asked if there could be an age restriction for scooter rentals, as their company let bus drivers rent a scooter for free when a group came to their shop. He asked if the City could look into this idea for responsible adults, not kids. Mr. Gisbert reminded that the only restriction on night uses were during Spring Break. The Mayor asked if there were any further comments from the audience or Council; there were none. **Councilman Russell made the motion to approve Ordinance 1351-L. Second was by Councilwoman Strange.** The Mayor called for comments. There were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

Ms. Myers said several of these businesses were non-conforming uses, and to the extent they wanted to transition to low speed vehicles, she said she was unsure if they could rely on their existing Development Orders in order to do so. She said they may need to come back to the City for a site review. The Public Hearing was closed at 8:37 P.M.

**22. ITEM NO. 22 ORDINANCE 1371, SPECIAL EVENTS LATE APPLICATION PENALTIES, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1371 by title and explained the various penalties. Mr. Gisbert said most promoters followed the time limits but a few did not by turning in completed paperwork only seven days in advance of the event. This year, in some cases, this was abused by some promoters turning in paperwork after the event had started. He said this Ordinance would be an incentive for all promoters to follow the rules. Councilman Russell asked if \$350 was the most charged for a special event. Mr. Gisbert said there was a deposit required and the potential City Services Fee, with the deposit varying depending upon the number of people for the event and was refunded after the event. Councilman Curry said he did not want to stop events but also did not want Staff and Law Enforcement reactive to promoters who did not do their due diligence.

Councilman Reichard expressed his concerns about weddings becoming a special event. Mr. Gisbert said he did not foresee weddings being a problem as this was more for the larger events. Councilwoman Strange said, since it was a small number of promoters who abused the system, why not make the fine larger. Mr. Gisbert explained this system basically followed the fines used for building permits. Councilwoman Strange said she thought it was too little and Councilman Russell agreed that it should be more severe. Ms. Myers asked for caution until Staff had a better feel that this Ordinance would bring the few promoters into compliance, as making fees too high could be considered prohibitive for anyone wanting to have a special event. She reminded that this fee was part of the application fee. Ms. Myers said this was a moderate penalty and reasonable. **Councilman Reichard made the motion to approve Ordinance 1371. Second was by Councilman Russell.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

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

**23. ITEM NO. 23 PLAT APPROVAL, BREAKFAST POINT COMMERCIAL SUBDIVISION, PUBLIC HEARING.** Mayor Oberst opened the Public Hearing at 8:45 P.M. The Councilors gave their Jennings Disclosures. The Mayor asked if there were any opposition to the plat approval; there was none. Ms. Jenkins and Mr. Leonard were sworn for their testimony. Ms. Jenkins said she reviewed the plat and it met with the City's Subdivision Ordinances and regulations and was properly noticed. Mr. Leonard testified the area was in City limits, compatible with the Comp Plan and consistent with the LDC. Ms. Myers said the face of the plat contained the title certificate, she had reviewed the title report, all interested parties appeared to be joined in the dedication, and the plat appeared to satisfy the requirements of Florida Statutes. The Mayor said anyone from the public who wished to comment would need to be sworn if they wished their comments to be relied upon by Council in making their decision; there was none. **Councilman Russell made the motion to approve the plat. Second was by Councilwoman Strange.** The Mayor called for comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

Regular Meeting  
November 12, 2015

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

The Public Hearing was closed at 8:49 P.M.

**24. ITEM NO. 24 CITY MANAGER UPDATE.** Mr. Gisbert said there would be a road closure in Pier Park for the Thanksgiving holidays, similar to what occurred for the Thursday night concerts. On November 27<sup>th</sup> and November 28<sup>th</sup>, portions of Pier Park West would be closed for free concerts and fireworks from 6-9 P.M. He distributed information and gave the good news that Fitch Ratings had given the City a "AA" rating.

**ANNOUNCEMENTS**

Mayor Oberst announced that City Hall would be closed for Thanksgiving on November 26<sup>th</sup> and 27<sup>th</sup>. The next Regular Council meeting would be December 10, 2015 at 6 P.M. She said Beach Home for the Holidays would be occurring at Aaron Bessant Park on November 27<sup>th</sup> and November 28<sup>th</sup> and flyers were on the table. She announced the City Christmas Tree Lighting would be held December 7<sup>th</sup> at 6:30 P.M. at Frank Brown Park and flyers were on the table. The Optimist Club Christmas Parade would be held Saturday, December 12<sup>th</sup>, in the afternoon.

With nothing further, the meeting was adjourned at 8:53 P.M.

READ AND APPROVED this 14th of January, 2016.

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

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk