

CITY HALL
PANAMA CITY, FLORIDA
FEBRUARY 24, 2004

The City Commission of the City of Panama City, Florida, met in regular session on the above date at 4:00 p.m. with the following members present: Mayor Girard L. Clemons, Jr., Commissioners Kathryn L. Hanline, Robert F. Barnard, and Jonathan E. Wilson, Sr. Also present: City Manager Ken Hammons, City Clerk Michael Bush, and City Attorney Rowlett Bryant. Absent: Commissioner John E. Pilcher, III.

Mayor Clemons presided. Ward III Commissioner Robert F. Barnard delivered the opening prayer. City Manager Hammons led the Pledge to the Flag.

The minutes of the regular Commission meeting of February 10, 2004, were approved as presented by the City Clerk's office.

Mayor Clemons announced that appointments to the Advisory Committee for Handicapped Concerns would be made at the next City Commission meeting.

Commissioner Hanline moved adoption of Code Enforcement Ordinance No. 1941. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote. The ordinance was read by title only as a final reading, as shown below:

ORDINANCE NO. 1941

AN ORDINANCE OF THE CITY OF PANAMA CITY AMENDING CHAPTER 9 OF THE PANAMA CITY MUNICIPAL CODE 1992, COMMONLY KNOWN AS THE "CODE ENFORCEMENT BOARD"; TO INCLUDE A SECTION 9-30 ENTITLED "SPECIAL MASTERS"; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND RECITING AN EFFECTIVE DATE.

Mayor Clemons announced a Public Hearing and final reading of Ordinance No. 1942 granting Ad Valorem Tax exemptions to Mercury Marine, Inc. There being no comment Commissioner Hanline moved adoption of the ordinance. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote. The ordinance was read by title only as a final reading, as shown below:

ORDINANCE NO. 1942

AN ORDINANCE GRANTING AD VALOREM TAX EXEMPTION UNTO MERCURY MARINE, INC., A NEW INDUSTRY, ON THE REAL PROPERTY AND IMPROVEMENTS THEREON AS HEREINAFTER DEFINED, PURSUANT TO THE STATUTES PROVIDED; PROVIDING FOR COMPLIANCE; PROVIDING FOR REPEAL HEREOF, AND RECITING AN EFFECTIVE DATE.

City Manager Hammons said that when the new Solid Waste ordinance was adopted in September the new rates were proposed with a March 1, 2004, effective date for the multifamily housing. He said that day will pass before the Commission has a chance to review the study and he would like to delay the new rate until April 1, 2004 or change by another action by the Commission. City Attorney Rowlett Bryant said that he would prepare a new ordinance amending the effective date.

The City Clerk requested that item number nine, the Contract with Bay County Supervisor of Elections, be deferred until the next meeting of the City Commission.

City Clerk Michael Bush said that the City currently has two 457 Deferred Compensation Providers, Nationwide Insurance (PEBSCO) and VALIC. He said that staff has received a request for the ING, Group to be designated as a third 457 Deferred Compensation Provider for City employees. Commissioner Barnard moved approval of the staff recommendation. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

The City Clerk said that the City's financial advisory concerning bond issues, Gary Akers, has advised that due to the current low interest rates the City can save approximately \$500,000, net of issuance cost, by refunding the City's 1996 Water and Sewer Revenue Bond Issue. He said that staff recommended that the Commission authorize the refunding bond issue and the issuance of a Request for Proposal for bond underwriter service. He stated that the firms who respond to the Request for Proposal will be ranked and submitted to the Commission for consideration as the underwriter(s) for this bond issue. Commissioner Hanline moved approval of the staff recommendation. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

City Clerk Bush said that staff recommended Commission approval of a budget amendment and appropriation of \$13,605.46 for the purchase of four

security cameras and related equipment. He said that there is a need for one additional security camera inside the Panama City Marina Store, one additional exterior security camera on the Panama City Marina, and two security cameras at the City Maintenance Complex. Commissioner Wilson moved approval of staff recommendation. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

City Manager Hammons requested Commission approval of the final lease agreement between the Martin Theatre and the City of Panama City as approved by the Commission on February 10, 2004. Commissioner Barnard moved approval of staff recommendation. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

The City Manager said that staff recommended approval to declare two Fire Department Pumpers, one 1977 Jaco-Hend 1,000 gpm pumper and a 1978 FMC 1.250 gpm pumper, as surplus property and allowing for their disposal. Commissioner Barnard moved approval. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

City Manager Hammons requested that item number fifteen the consideration of award of bid for uniform cleaning services for the police and fire departments be deferred for thirty to sixty days.

The City Manager said that staff recommended final payment of \$43,623.82 to CW Roberts for the FY03 Street Resurfacing Project. Commissioner Wilson moved approval of staff recommendation. Commissioner Hanline seconded the motion and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

City Manager Hammons requested consideration of a \$33,720.00 fee to PBS&J for the design of dredging at the following sites: Watson Bayou north of 7th Street, Lake Claire north end, St. Andrews Bay Yacht Club at the end of Corto Avenue, Massalina Bayou across the street from Speedy Car Wash, and the Panama City Marina. Commissioner Hanline moved approval. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

City Manager Hammons requested approval to award the low bid of \$421,425.35 received from CW Roberts for the FY04 Resurfacing Project and a budget amendment of \$13,274.35 for HUD paving. Commissioner Barnard moved approval. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

The City Manager recommended the bid of \$42,740.00 received from Sikes Construction for the Venetian Circle Water Main Replacement project. Commissioner Barnard moved approval. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

City Manager Hammons presented for consideration, the award of a task order contract for curb & gutter installation to Behety-Hayes in the amount of \$93,660.00. He said that the City is currently backlogged approximately nineteen months, and this bid will give residents a cost estimate and alternative to waiting so long if they are willing to pay more. Commissioner Barnard moved approval of staff recommendation. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

The City Manager presented a Planning Board recommendation to approve adoption of a small-scale amendment to the Comprehensive Plan regarding a land use change of approximately .39 acres at 300 West 7th Street from Mixed Use-1 to Public Institutional, and if approved, the first reading of an ordinance. Commissioner Hanline moved approval of the Planning Board recommendation. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote. The ordinance was read by title only as a first reading, as shown below:

ORDINANCE NO. 1938

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PANAMA CITY, SPECIFICALLY THE FUTURE LAND USE MAP, SPECIFICALLY A PARCEL LOCATED IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 14 WEST, AND HAVING PROPERTY IDENTIFICATION NUMBERS 18636-000-000 and 18636-010-000, FROM A MIXED USE-1 LAND USE DESIGNATION TO PUBLIC/INSTITUTIONAL LAND USE DESIGNATION; REPEALING ALL ORDINANCES IN

CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Hammons presented a Planning Board recommendation to approve the adoption of a small-scale amendment to the Comprehensive Plan regarding land use change of approximately .820 acres at 2301 East 9th Street from Recreational to Mixed Use-1, and if approved, the first reading of an ordinance. Commissioner Wilson moved approval. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote. The ordinance was read by title only as a first reading, as shown below:

ORDINANCE NO. 1936

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PANAMA CITY, SPECIFICALLY THE FUTURE LAND USE MAP, SPECIFICALLY A PARCEL LOCATED IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 14 WEST, AND HAVING PROPERTY IDENTIFICATION NUMBER 15884-000-000, FROM A RECREATIONAL LAND USE DESIGNATION TO MIXED USE-1 LAND USE DESIGNATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Hammons announced a Public Hearing for the consideration of a Planning Board recommendation and for the first and final reading of an ordinance amending the zoning map of approximately .212 acres located at 2608 West 12th Street from Mixed Use-1 to Mixed Use-2 with setback variances. Commissioner Wilson moved approval. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote. The ordinance was read by title only as a final reading, as shown below:

ORDINANCE NO. 1935

AN ORDINANCE AMENDING THE CITY OF PANAMA CITY ZONING MAP, SPECIFICALLY A PARCEL LOCATED IN SECTION 1, TOWNSHIP 4 SOUTH, RANGE 15 WEST, AND HAVING PROPERTY IDENTIFICATION NUMBER 29792-000-000 FROM A MIXED USE-1 DESIGNATION TO MIXED USE-2 DESIGNATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager presented a Planning Board recommendation and first reading of an ordinance for the annexation of property at 912 East 24th Plaza, zoned General Commercial-1 District. Commissioner Wilson moved approval. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote. The ordinance was read by title only as a first reading, as shown below:

ORDINANCE NO. 1937

AN ORDINANCE ANNEXING TO THE MUNICIPAL LIMITS OF THE CITY OF PANAMA CITY, FLORIDA, TRACTS OF UNINCORPORATED LAND LOCATED AT 912 EAST 24TH PLAZA IN BAY COUNTY, FLORIDA, AS MORE PARTICULARLY HEREINAFTER DESCRIBED; CHANGING THE LAND USE DESIGNATION OF THE PROPERTY BEING ANNEXED INTO THE MUNICIPAL LIMITS TO GENERAL COMMERCIAL-1; AMENDING THE WARDS AND BOUNDARIES OF THE CITY TO INCLUDE SAID LAND AND RECITING AN EFFECTIVE DATE.

City Manager Hammons said that staff recommended a change order in the amount of \$46,094.23 to Garney Companies on the Panama City North sewer force main project and an additional appropriation of \$9,444.23. Commissioner Barnard moved approval of the staff recommendation. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

The City Manager requested an increase of \$11,750 fee to Preble-Rish, Inc. Consulting Engineers for the design of 13th Street drainage improvements east of Martin Luther King, Jr. Boulevard and an increase in the scope of the project to a total of \$270,000 (to be funded from CDBG funds). Commissioner Wilson moved approval of staff recommendation. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

City Manager Hammons said that the City Attorney had prepared a release and hold harmless agreement as amended that if approved by the Commission would become a part of the park permits and street closure/parade permits. Commissioner Barnard moved approval of staff recommendation. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA".

"NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

The City Manager withdrew item number twenty eight the consideration of a Park and Parade Permit application. He said that the anticipated street closure was not going to be needed.

Mayor Clemons said that a suggestion had been made to name the new bridge over St. Andrews Bay to Panama City Beach, the "St. Andrews Bay Bridge". Commissioner Hanline said that they could name it after her mama and she would still call it the Hathaway Bridge until the day she died. Commissioner Wilson said that he had received many calls concerning the name of the bridge, some for and some against. Commissioner Barnard said that they had discussed this for some time. He thought that if the name is changed that it should be for someone who has passed on and had made a contribution to the City. He said that the St. Andrews Bay Bridge was also a very good name. Mayor Clemons said that this discussion would be brought up at the next Commission meeting when all Commissioners were present.

City Manager Hammons said that the City Attorney recommended the employment of Suzanne Brownless, Attorney at Law as a consultant for Utility Districts for Water and Wastewater. Commissioner Hanline moved approval of the City Attorney's recommendation. Commissioner Wilson seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

City Manager Hammons requested that item number thirty-one, the consideration of approval for use of consultant for franchise renewals be withdrawn until the next agenda.

The City Manager presented for consideration of approval of a Department of Environmental Protection Proposed Consent Order. He stated that the City of Panama City was contacted by the Department of Environmental Regulation regarding apparent violations of an ammonia standard that is part of the wastewater treatment for the St. Andrews Wastewater Treatment Facility. The City Manager said that the violations for the ammonia standard occurred over a number of years but were sporadic and without a definitive pattern. He said that staff recommended the implementation of an in kind project in a minimum amount of \$16,290 rather than contributing \$10,610 in settlement. Commissioner Hanline moved approval of staff recommendation. Commissioner Barnard seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

The City Clerk said that the Florida League of Cities Board of Directors requested the City Commission adopt a resolution that supports the League's key priority issues during the 2004 state legislative session. Commissioner Barnard moved approval of the Florida League of Cities Resolution as written. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

Upon unanimous consent the City Manager requested a budget amendment of \$31,050 for the ASAP Haney job training program. Commissioner Wilson moved approval. Commissioner Hanline seconded the motion, and on a roll call vote Commissioners Hanline, Wilson, Barnard, and Mayor Clemons voted "YEA". "NAYS": None. Absent: Commissioner Pilcher. The City Clerk certified the motion passed by a 4-0 vote.

There being no further business to come before the Commission at this time, the meeting was adjourned.

Mayor

City Clerk