

Report of City Council Action Items

July 14, 2016

Members Present: Council President Charles Bare, Council Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Gerald Wingate, and P. C. Wu

Absent: Andy Terhaar



CONSENT AGENDA ITEMS

1. PENSACOLA ENERGY – ECUA INTERLOCAL COST SHARING AGREEMENT PROJECT NO. CR526A – NINE MILE ROAD UTILITY RELOCATION, PINE FOREST ROAD TO HIGHWAY 29

That the City Council authorize the Mayor to enter into an Interlocal Cost Sharing Agreement Project No. CR 526A—Nine Mile Road Utility Relocation, Pine Forest Road to U.S. Highway 29, with the Emerald Coast Utilities Authority (ECUA) allowing for the parties to share a common trench along the north side of the project area.

The motion passed unanimously.

2. AIRPORT ASSIGNMENT OF LEASE AND OPERATING AGREEMENT AEROSE LLC TO PENSACOLA AVIATION CENTER

That City Council authorize the Mayor to execute the Assignment and Assumption of Lease Agreement to provide for the assignment of the Aerose Lease and Operating Agreement to Pensacola Aviation Center.

The motion passed unanimously.

3. PENSACOLA BAY BRIDGE TEMPORARY CONSTRUCTION EASEMENTS

That City Council authorize the Mayor to enter into a Temporary Construction Easement Agreement with the Florida Department of Transportation (FDOT), concerning the replacement of the Pensacola Bay Bridge. Further, that City Council authorize the Mayor to take all actions necessary relating to the execution of this agreement.

The motion passed unanimously.

REGULAR AGENDA ITEMS

4. PUBIC HEARING: ADOPTION OF CITYWIDE FUTURE LAND USE AND ZONING MAPS

That City Council conduct the second of two public hearings on July 14, 2016 to consider adoption of the Citywide Future Land Use and Zoning Maps. - - **MOTION TO APPROVE**

The motion passed 6 - 1. Council Member Wingate dissenting.

PROPOSED ORDINANCE NO. 31-16 – *1ST READING* – **MOTION TO APPROVE**

AN ORDINANCE AMENDING THE FUTURE LAND USE CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE.

The motion passed 6 - 1. Council Member Wingate dissenting.

PROPOSED ORDINANCE NO. 32-16 – *1ST READING* – **MOTION TO APPROVE**

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE.

The motion passed 6 - 1. Council Member Wingate dissenting.

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Members Present: Council President Charles Bare, Council Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Gerald Wingate, and P. C. Wu

Absent: Andy Terhaar

REGULAR AGENDA ITEMS (continued)

5. PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY – 660 EAST GOVERNMENT STREET

That City Council conduct a public hearing on July 14, 2016 to consider the request to vacate a portion of the 9th Avenue right of way adjacent to property located at 660 East Government Street.

The motion passed 6 - 0. Council Member Spencer abstaining.

PROPOSED ORDINANCE NO. 33-16 – 1ST READING – **MOTION TO APPROVE**

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 9TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion passed 6 - 0. Council Member Spencer abstaining.

6. PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – GRANDFATHERING LANGUAGE FOR RESIDENTIAL LOT SIZE AND SETBACKS

That City Council conduct a public hearing on July 14, 2016 to consider the proposed amendment to the Land Development Code pertaining to grandfathering language for residential lot size and setbacks for certain properties affected by recent Zoning Map amendments.

The motion passed unanimously.

PROPOSED ORDINANCE NO. 34-16 – 1ST READING – **MOTION TO APPROVE**

AN ORDINANCE AMENDING TABLE 12-2-2 THE CODE OF THE CITY OF PENSACOLA, FLORIDA; GRANDFATHERING LOT SIZE AND SETBACK REQUIREMENTS FOR CERTAIN PARCELS IN THE MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

7. QUASI-JUDICIAL HEARING: REQUEST FOR CONDITIONAL USE APPROVAL OF OFFICE LAND USE – 112 WEST CERVANTES STREET

That City Council conduct a quasi-judicial hearing on July 14, 2016 to consider the request for conditional use approval to locate an office at 112 West Cervantes Street. – **MOTION TO APPROVE**

The motion passed unanimously.

8. HIRING OF LEGAL COUNSEL TO THE CITY COUNCIL

The selection of the Legal Counsel to the City Council was conducted by a ranking method. Based on two (2) tallies, Council ranked Carol Leone as top choice out of three (3) candidates. Council Member Myers (sponsor) will bring back an item for Council's consideration for the hiring of Ms. Leone.

Ranking process was conducted.

THE FOLLOWING ITEM WAS PULLED BY SPONSOR DURING DISCUSSION

9. PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – GOVERNMENTAL CENTER DISTRICT

That City Council refer to the Planning Board for its consideration and recommendation a proposed amendment to the Land Development Code removing the Governmental Center District.

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Absent: Andy Terhaar

REGULAR AGENDA ITEMS (continued)

10. PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – GATEWAY REVIEW BOARD

That City Council refer to the Planning Board for its consideration and recommendation a proposed amendment to the Land Development Code dissolving the Gateway Review Board and giving aesthetic review to the Planning Board.

The motion died due to a lack of a second.

11. PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE – FUNERAL HOMES

That City Council submit the proposed ordinance to the Planning Board for review and recommendation, which, if adopted, would permit funeral homes to have on-site crematoria only when such use is incidental and accessory to conducting funerals.

The motion passed unanimously.

12. ADJUSTMENT OF CITY COUNCIL COMPENSATION

That the City Council amend Section 2-2-7 of the City Code to fix the salary of all City Council members at ~~the amount paid to members of the District School Board of Escambia County~~ an annual salary of twenty-one thousand five hundred dollars (\$21,500.00) each, including the Council President.

The motion passed 6 - 1. Council President Bare dissenting.

PROPOSED ORDINANCE NO. 35-16 – 1ST READING – **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 2-2-7 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADJUSTING THE SALARY COMPENSATION OF CITY COUNCIL MEMBERS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion passed 6 - 1. Council President Bare dissenting.

13. YEARLY REPORT AND RECEPTION FOR CITY’S BOARDS, COMMISSIONS, AND AUTHORITIES

That City Council schedule an annual presentation by the City’s Boards, Commissions and Authorities, followed by a reception to honor Board member volunteers.

The motion passed unanimously.

THE FOLLOWING ITEM AND PROPOSED ORDINANCE WERE PULLED BY SPONSOR

14. AMENDMENT TO GENERAL PENSION BOARD MEMBERSHIP AND ESTABLISHMENT OF TERM LIMITS

Recommendation:

That City Council amend Sec. 9-5-103 of the Code of the City of Pensacola to eliminate the ability of the Council President to serve on or appoint a member to the General Pension Board, establish term limits for the elected and appointed members of the General Pension Board, and require city residency for Council appointed members.

PROPOSED ORDINANCE NO. 36-16 – 1ST READING

AN ORDINANCE AMENDING SECTION 9-5-103 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, ELIMINATING THE ABILITY OF THE COUNCIL PRESIDENT TO SERVE ON OR APPOINT A MEMBER TO THE GENERAL PENSION BOARD; ESTABLISHING TERM LIMITS FOR THE ELECTED AND APPOINTED MEMBERS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

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Absent: Andy Terhaar

REGULAR AGENDA ITEMS (continued)

****THE FOLLOWING ITEM AND PROPOSED ORDINANCE WERE PULLED BY SPONSOR DURING DISCUSSION****

15. *PROPOSED CHARTER AMENDMENT – COMMENCEMENT OF TERM OF OFFICE AND ELECTION OF COUNCIL PRESIDENT AND VICE PRESIDENT*

Recommendation:

That City Council approve an ordinance proposing an amendment to Section 6.07 of the City Charter changing the commencement of term of office to the first Tuesday in December, and Section 4.03(e) changing the election of the Council President and Vice President to that same day, and if adopted on second reading, that the issue be placed on the November 8, 2016, General Election Ballot.

PROPOSED ORDINANCE NO. 37-16 – 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 6.07 AND SECTION 4.03(E) OF THE CHARTER TO CHANGE THE DATE OF THE COMMENCEMENT OF TERM OF OFFICE; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

****THE FOLLOWING ITEM AND PROPOSED ORDINANCE WERE PULLED BY SPONSOR DURING DISCUSSION****

16. *REPEAL OF ORDINANCE NO. 38-14, CREATING THE INTERNATIONAL RELATIONS ADVISORY BOARD*

Recommendation:

That the City Council repeal Ordinance No. 38-14 which created the International Relations Advisory Board thereby eliminating the Board.

PROPOSED ORDINANCE NO. 38-16 – 1ST READING

AN ORDINANCE REPEALING ORDINANCE NO. 38-14 OF THE CITY OF PENSACOLA, IN ITS ENTIRETY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE.

17. *REPEAL OF ORDINANCE NO. 33-02, CREATING THE ENTERPRISE ZONE ADVISORY BOARD*

That the City Council repeal Ordinance No. 33-02 which created the Enterprise Zone Advisory Board thereby eliminating the Board.

The motion passed unanimously.

PROPOSED ORDINANCE NO. 39-16 – 1ST READING – MOTION TO APPROVE

AN ORDINANCE REPEALING ORDINANCE NO. 33-02 OF THE CITY OF PENSACOLA, FLORIDA IN ITS ENTIRETY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

18. *REPEAL OF ORDINANCE NO. 65-77 AND SEC. 9-3-78 OF THE CITY CODE, CREATING THE FIRE EDUCATION INCENTIVE BOARD*

That the City Council repeal in its entirety Ordinance No. 65-77 and Sec. 9-3-78 of the City Code which created the Educational Salary Incentive Program for Firefighters and created the Fire Education Incentive Board thereby eliminating the Educational Salary Incentive Program and the Board.

The motion passed unanimously.

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Absent: Andy Terhaar

REGULAR AGENDA ITEMS (continued)

Item 18 cont'd.

PROPOSED ORDINANCE NO. 40-16 – *1ST READING* – **MOTION TO APPROVE**

AN ORDINANCE REPEALING ORDINANCE NO. 65-77 OF THE CITY OF PENSACOLA, FLORIDA AND REPEALING SEC. 9-3-78 OF THE CODE OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

19. TERMINATION OF AGREEMENT WITH UNITED WAY FORMING THE HUMAN SERVICES APPROPRIATIONS COMMITTEE AND DISSOLUTION OF THE COMMITTEE

That the City Council terminate the agreement with the United Way that created the City's Human Services Appropriations Committee, authorization for Council President to sign termination letter and dissolve the Committee.

The motion passed 6 - 1. Council Member Wu dissenting.

20. CHANGING COUNCIL EXECUTIVE RANGE FROM C-04 TO C-05

That City Council approve the change in the Council Executive range from C-04 to C-05.

The motion passed 6 - 1. Council Member Spencer dissenting.

21. TENTATIVE MILLAGE RATE – FISCAL YEAR 2017

That City Council set the tentative fiscal year 2017 millage rate for the City of Pensacola at 4.2895 mils and for the Downtown Improvement District at 2.0000 mils and authorize the Mayor to set final levies in compliance with the new property tax reform regulations. Further that the Mayor may administratively adjust the final adopted millage rate upon receipt of the final valuation if the City's final current year gross taxable value is reduced by more than 1%. Finally, that the first public hearing on fiscal year 2017 millage rates be held on September 7, 2016 at 5:15 p.m. in Council Chambers.

The motion passed 6 - 1. Council Member Myers dissenting.

22. SIX-CENT LOCAL OPTION FUEL (GASOLINE) TAX

That City Council approve the attached **(revised)** resolution, **as amended on pages two and four**, authorizing a financing not to exceed \$15 million to finance street rehabilitation, street reconstruction and intersection/traffic improvements including ADA improvements and authorize the Mayor to take all actions necessary to execute the transaction. Further, provisions of the loan agreement and Series 2016 Bond, each described in the resolution, will conform to the final terms negotiated with the lender, subject to the parameters described in Sections 6 and 7 of the resolution and upon favorable recommendation of the City's Bond Counsel, City's Chief Financial Officer, City's Financial Advisor and the City Attorney. **Further, that City Council approve the Interlocal Agreement with Escambia County providing for an additional allocation of the Six-Cent Local Option Fuel (Gasoline) Tax (LOGT) to the City of Pensacola at a distribution percentage of 8.63%.**

The motion passed unanimously.

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Absent: Andy Terhaar

REGULAR AGENDA ITEMS (continued)

Item 22 cont'd.

RESOLUTION NO. 23-16 -- ***MOTION TO APPROVE AS AMENDED***

A RESOLUTION AUTHORIZING THE ISSUANCE BY THE CITY OF PENSACOLA, FLORIDA OF A LOCAL OPTION GAS TAX REVENUE BOND, SERIES 2016, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000 TO FINANCE THE COST OF THE ACQUISITION AND CONSTRUCTION OF CAPITAL IMPROVEMENTS TO THE ROAD SYSTEM OF THE CITY; PLEDGING THE PLEDGED REVENUES FOR THE PAYMENT OF SAID SERIES 2016 BOND; PROVIDING FOR THE PAYMENT OF THE SERIES 2016 BOND AND THE EXECUTION OF THE RELATED FINANCING DOCUMENTS IN CONNECTION THEREWITH; AUTHORIZING THE AWARD OF THE SALE OF THE SERIES 2016 BOND; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE SERIES 2016 BOND; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

23. STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY GRANT AGREEMENT

That City Council authorize the Mayor to accept and execute the State of Florida Department of Economic Opportunity Grant Agreement #SL024 in the amount of \$1,000,000 for property acquisition and demolition services for the Air Commerce Park at the Pensacola International Airport. Further, that City Council approve the grant resolution and authorize the Mayor to take all actions necessary related to the finalization of the grant. Also, that City Council approve the supplemental budget resolution appropriating the grant funds.

The motion passed unanimously.

RESOLUTION NO. 24-16 -- ***MOTION TO APPROVE***

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE A GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR PROPERTY ACQUISITION AND DEMOLITION SERVICES AT THE PENSACOLA INTERNATIONAL AIRPORT; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

SUPPLEMENTAL BUDGET RESOLUTION NO. 25-16 -- ***MOTION TO APPROVE***

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016; PROVIDING FOR AN EFFECTIVE DATE

The motion passed unanimously.

24. FY 2016-2017 ANNUAL ACTION PLAN FOR THE CITY OF PENSACOLA'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAMS

That City Council approve the proposed FY 2016-2017 Annual Action Plan for the period October 1, 2016 through September 30, 2017, which includes the City of Pensacola's use of CDBG funds in the amount of \$836,602 and HOME funds in the amount of \$139,436 for submission to the U. S. Department of Housing and Urban Development (HUD). Further, that City Council authorize the Mayor to execute all documents relating to the programs' administration.

The motion passed unanimously.

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Absent: Andy Terhaar

REGULAR AGENDA ITEMS (continued)

25. AWARD OF CONTRACT – BID #16-032 BAYOU BOULEVARD AT TYLER AVENUE STORMWATER TREATMENT ENHANCEMENT PROJECT

That City Council award a contract for construction of the Bayou Boulevard at Tyler Avenue Stormwater Treatment Enhancement Project to BKW, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$296,750.46 plus a 10% contingency of \$29,675.05 for a total amount of \$326,425.51.

The motion passed unanimously.

26. FY 2016 STREET REHABILITATION

That City Council award a contract for Fiscal Year 2016 Street Rehabilitation Project to MidSouth Paving Inc. the lowest and most responsible bidder with a base bid amount of \$1,208,227.10 plus a 5% contingency of \$60,411.35 plus \$4,000.00 for miscellaneous construction items for a grand total of \$1,272,638.45.

The motion passed unanimously.

27. APPROVAL OF SUBLEASE AND ESTOPPEL CERTIFICATE – HARBORVIEW BUILDING

That City Council approve a sublease of property located at 25 W. Cedar Street in favor of Moulton Properties, Inc., and Publix Super Markets, Inc., and approve the execution of an estoppel certificate pertaining to the same transaction.

The motion passed unanimously.

28. SPECIAL PARTIAL ASSIGNMENT OF LEASE – ICEHOUSE BUILDING

That City Council approve assignment of the Icehouse building property located at 815 South Palafox Street, from Icehouse Property, L.L.C. to Palafox Icehouse Partners, LLC.

The motion passed 6 - 0. Council Member Johnson abstaining.

29. ASSIGNMENT OF SUBLEASE – UNITS 200S, 202S PALAFOX PIER & YACHT HARBOUR, A CONDOMINIUM

That City Council consent to assignment of the sublease for Units 200S and 202S of Palafox Pier & Yacht Harbour, a Condominium, located at 850 South Palafox Street, from Quarter Portions, Inc. to PENCSK, LLC., and approve a non-disturbance agreement and estoppel certificate pertaining to the same transaction.

The motion passed unanimously.

30. REQUEST TO VACATE RIGHT-OF-WAY – 1401 EAST HERNANDEZ STREET

PROPOSED ORDINANCE NO. 19-16 – 2ND READING - - **MOTION TO APPROVE**

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 14TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 18-16**)

The motion passed unanimously.

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Members Present: Council President Charles Bare, Council Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Gerald Wingate, and P. C. Wu

Absent: Andy Terhaar

REGULAR AGENDA ITEMS (continued)

31. PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – BOAT HOUSES

PROPOSED ORDINANCE NO. 20-16 – 2ND READING -- **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-2-37 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE MAXIMUM ALLOWED SQUARE FOOT AREA FOR RESIDENTIAL BOATHOUSES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (**Ordinance No. 19-16**)

The motion passed 6 - 1. Council Member Johnson dissenting.

32. DISCUSSION: FORM-BASED CODES

City Council had a discussion pertaining to Form-Based Codes

Discussion only -- no action taken.

33. DISCUSSION: AWARDS

City Council had a discussion about an Awards Program to recognize Citizen Volunteers who serve our City in differing capacities, including service on our many Boards, Commissions, and Authorities.

Discussion only -- no action taken.

THE FOLLOWING ITEM WAS PULLED BY SPONSOR

34. DISCUSSION: INQUIRIES AND INVESTIGATIONS

Recommendation:

That City Council have a discussion regarding City Council's inquiries and investigatory powers.

35. DISCUSSION OF CITY DEPARTMENTS AND CONFIRMATION POWER OF THE CITY COUNCIL

City Council discussed the city departments enumerated in Section 2-4-3 of the Code of the City of Pensacola, the Council's power to consent to appointment of department heads in Section 4.01(a)(7) of the City Charter and Section 1-1-1 of the Code of the City of Pensacola which grants the Mayor "exclusive authority to designate departments".

Discussion only -- no action taken.

36. DISCUSSION: REVIEW OF HISTORIC STRUCTURES PRIOR TO ISSUANCE OF DEMOLITION PERMIT

City Council had a discussion pertaining to a citywide review of historic structures prior to the issuance of a demolition permit with the following action:

That the City Council direct the Planning Board to determine if the City's building and land planning codes, regulations, and permitting processes adequately protect and preserve historic structures citywide from demolition. If the Planning Board determines the current process to obtain a demolition permit is inadequate, City Council further requests that the Planning Board draft a demolition application process with emphasis on the preservation of our city's historic building inventory, historic culture, and historic streetscapes.

The motion passed unanimously.