

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 March 22, 2018.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:  
JOHN REICHARD  
JOSIE STRANGE  
PHIL CHESTER  
HECTOR SOLIS

CITY MANAGER:  
MARIO GISBERT  
CITY CLERK:  
JO SMITH  
CITY ATTORNEY:  
AMY MYERS

Mayor Thomas called the Regular Meeting to order at 9 A.M. with all Council members, City Manager, City Clerk and City Attorney present.

Navy Chaplain Bill Kundo gave the invocation and Commander Jim Doescher of Chapter 794 Military Order of the Purple Heart led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events. He also announced that the Facebook Comcast feed was not working but the meeting could be watched from the City website. He also announced that the flags would be half-staff on March 27<sup>th</sup> in honor and memory of Sgt. Kevin Kight, killed in the line of duty.

Mayor Thomas asked if there were any additions or deletions to the Agenda. There were none. **Councilwoman Strange made the motion to approve the Agenda as prepared. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

|                      |     |
|----------------------|-----|
| Councilman Chester   | Aye |
| Councilwoman Strange | Aye |
| Councilman Solis     | Aye |
| Councilman Reichard  | Aye |
| Mayor Thomas         | Aye |

The Minutes of the Regular Meeting of March 8, 2018 were read. **Councilman Chester made the motion to approve the Minutes as prepared. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

|                      |     |
|----------------------|-----|
| Councilman Chester   | Aye |
| Councilwoman Strange | Aye |
| Councilman Solis     | Aye |
| Councilman Reichard  | Aye |
| Mayor Thomas         | Aye |

**PRESENTATIONS**

**1 "NATIONAL VIETNAM WAR VETERANS DAY" PROCLAMATION & PRESENTATION.** Mayor Thomas invited Commander Doescher and Navy Chaplain Kundo to the podium as he read the Proclamation declaring March 29, 2018 as "National Vietnam War Veterans Day" and thanked them for their service. Navy Chaplain Kundo made a few comments, thanking all Veterans for their service. Councilman Reichard also thanked Mayor Thomas for his service during the war and mentioned the Mayor being awarded a Bronze Star for his service. The audience responded with applause.

**2 MR. DEL LEE, AIRPORT AUTHORITY BOARD MEMBER PRESENTATION.** Mr. Lee gave a powerpoint presentation concerning the 2017 airport results and Mr. Parker McClellan, Executive Director, presented a short video about the airport.

**PUBLIC COMMENTS (REGULAR NON-PUBLIC HEARINGS AND CONSENT ITEMS)**

Mayor Thomas opened the Public Comments section of the meeting at 9:37 A.M. and invited comments.

**1** Mr. Bill Caravello, 407 Dolphin Street. Mr. Caravello asked questions about the Police Department budget and the updated Impact Fee schedule.

With no further comments, the Mayor closed the Public Comment section at 9:38 A.M.

Mr. Gisbert responded to Mr. Caravello that the Impact Fees had been discussed at the meetings of December 8, 2016, January 25, 2018, and March 8, 2018. He mentioned that all had been public meetings and notices published in the News Herald. Ms. Myers added that it was posted on the City's website. Councilman Reichard gave his copy of the proposed Ordinance 1451 to Mr. Caravello.

Regarding the Police Department budget, Chief Whitman said it was approximately \$7.9 Million Dollars. Mr. Gisbert added that it was also available on the City's website.

#### **CONSENT AGENDA**

Ms. Smith read the Consent Agenda Item by title.

**1 RESOLUTION 18-69, NUISANCE ABATEMENT LIEN, 305 Dogwood Street.** "A Resolution of the City of Panama City Beach, Florida, approving an amount of \$1,318.74 to be liened on property located at 305 Dogwood Street for costs incurred by the City to abate nuisances located upon such property; authorizing the appropriate officers of the City to record the lien and notify interested parties of such lien; and approving an immediately effective date."

**Councilman Reichard made the motion to approve the Consent Agenda. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilman Chester</b>   | <b>Aye</b> |
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Solis</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Mayor Thomas</b>         | <b>Aye</b> |

#### **AMENDED REGULAR AGENDA**

**ITEM 1 PLAT APPROVAL, WATERFALL PHASE 1 SUBDIVISION, PUBLIC HEARING.** Ms. Myers explained this was a Quasi-Judicial Hearing and she asked the Council members for their Jennings Disclosures. Councilman Reichard said he knew the property location and had spoken with the City Manager. Councilman Chester said he knew the property location and had only spoken with Mr. Leonard. Councilwoman Strange said she knew the property location and had spoken with several residents concerned about flooding. Councilman Solis said he knew the property location and had only spoken with the City Manager. Ms. Myers explained that this was a replat to reduce lot sizes and disclosed that her involvement with the issue was mostly ministerial because her firm represented the developer. She continued that City Staff had reviewed the plat. Mayor Thomas asked if this replat changed the number of lots. Ms. Myers replied that the replat did not change the number of lots but instead redistributed the square footage of the homes. With no further questions, the Mayor opened the Public Hearing at 9:44 A.M. and asked for audience comments or questions. There were none. He closed the Public Hearing at 9:44 A.M. **Councilman Solis made the motion to approve the plat. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilman Chester</b>   | <b>Aye</b> |
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Solis</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Mayor Thomas</b>         | <b>Aye</b> |

**ITEM 2 ORDINANCE 1451, UPDATING IMPACT FEES, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Ms. Myers read Ordinance 1451 by title and said there were no changes since the information was presented to Council during the January 25, 2018 Workshop. At the request of the Mayor, she read the current and proposed Impact Fee schedule in full. With no comments or questions from the Council members, the Mayor opened the Public Hearing at 9:46 A.M. and invited audience comments.

Ms. Genese Hatcher. Ms Hatcher said she thought the City lowered Impact Fees for new companies. Mayor Thomas said that was incorrect, that the City did not lower any Impact Fees.

Mr. Tony Horton. Mr. Horton asked how often the Impact Fees would be reviewed as he recommended the Impact Fees be as high as possible. The Mayor responded that it was recommended to review every four to seven years. Mr. Horton asked how the City's Impact Fees compared to surrounding municipalities. Ms. Myers said she recollected that the City's rates were lower than Destin. Councilman Reichard said that the study information was on the City website. Councilman Chester asked if they could be reviewed earlier and Mr. Gisbert responded that was up to the City Council. Councilman Solis said the rates were lower than the surrounding areas but that the City would gradually raise the rates. Mr. Gisbert said these were not arbitrary numbers but rather based on studies for future growth.

With no further questions, the Mayor closed the Public Hearing at 9:50 A.M.

Councilwoman Strange asked why the difference in the Fire and Police Impact Fees. Mr. Gisbert explained the reasons, related to the new Police Department building already built and the proposed Fire Station. He also reminded that the Fire Assessment was for workforce, not capital improvements.

Mayor Thomas mentioned comments about the need for more Police. He discussed the Mutual Aid officers working now, being paid hourly, and their not working during the off-season, keeping taxes low. **Councilman Reichard made the motion to approve Ordinance 1451. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

|                      |     |
|----------------------|-----|
| Councilman Chester   | Aye |
| Councilwoman Strange | Aye |
| Councilman Solis     | Aye |
| Councilman Reichard  | Aye |
| Mayor Thomas         | Aye |

**ITEM 3 RESOLUTION 18-70, PURCHASE OF NEW POLICE EQUIPMENT AND BUDGET AMENDMENT #14.** Ms. Myers read Resolution 18-70 by title and said these bids piggybacked a prior bid of the City's in October for the same vehicles. The Mayor asked if there were any questions or comments by the Council and there were none. **Councilwoman Strange made the motion to approve Resolution 18-70. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

|                      |     |
|----------------------|-----|
| Councilman Chester   | Aye |
| Councilwoman Strange | Aye |
| Councilman Solis     | Aye |
| Councilman Reichard  | Aye |
| Mayor Thomas         | Aye |

**ITEM 4 RESOLUTION 18-71, REPLACEMENT K9 VEHICLE AND BUDGET AMENDMENT #15.** Ms. Myers read Resolution 18-71 by title and explained this also piggybacked a prior bid of the City's for a similar vehicle. Councilman Reichard asked about the insurance costs and Mr. Gisbert explained that this amount was the cost not reimbursed. Councilman Solis asked if some of the equipment could be transferred to the new vehicle, and Chief Whitman responded that some could go to the new vehicle. **Councilwoman Strange made the motion to approve Resolution 18-71. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

|                      |     |
|----------------------|-----|
| Councilman Chester   | Aye |
| Councilwoman Strange | Aye |
| Councilman Solis     | Aye |
| Councilman Reichard  | Aye |
| Mayor Thomas         | Aye |

**ITEM 5 RESOLUTION 18-72, FDOT SHARED-USE NONMOTORIZED GRANT AGREEMENT GAYLE'S MULTI-USE TRAILS AND BUDGET AMENDMENT #16.** Ms. Myers read Resolution 18-72 by title. The Mayor asked the Council members if there were any questions or comments. Mayor Thomas said he understood that the new trail would not go to Colony Club. Mr. Paul Casto said that was correct and explained that there would be a gap. Mayor Thomas said he understood that the Trieste owners had said they would give the City an easement for the trail but that they had not done so. Councilman Reichard asked what could be done now instead of waiting on the Trieste owners and if the City was waiting on the FDOT Back Back Beach Road. Mr. Gisbert said the City had a willing partner with the St. Joe Company for the easements and the

City wanted to take advantage of that now. In the meantime, Staff would continue to try and acquire the easement between the St. Joe land and Trieste as well as go back to the Trieste community to discuss their giving an easement to the City. Councilman Reichard asked if it would be practical instead to go around Trieste through Eagle Drive. Mr. Casto said that route had been considered but the best route was to go down the power line easement. Mr. Gisbert said the issue with Eagle Drive was that there was insufficient right-of-way for a ten foot (10') trail path. He said one option was to deadend into the roadway system and the bike riders could access the park that way. Councilman Reichard asked about obtaining another two feet (2') right-of-way to add to the road right-of-way. Mr. Gisbert said Gayle's Trails were required to have a segregated twelve foot (12') path. Councilman Reichard said he would like Staff to find a practical way to continue the Trail since Trieste seemed not to be a willing partner.

Councilwoman Strange said she understood that the Back Back Beach Road would go through Trieste and possibly the City could add the Trail at that time. Councilman Reichard said that was FDOT's longrange plan. Regarding Trieste, it was a gated community and he would like other routes explored in earnest because the Trieste subdivision was not willing to participate. He asked for someone to determine how it could happen. Mr. Casto suggested a workshop to discuss. With no further comments, **Councilwoman Strange made the motion to approve Resolution 18-72. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilman Chester</b>   | <b>Aye</b> |
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Solis</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Mayor Thomas</b>         | <b>Aye</b> |

**ITEM 6 ORDINANCE 1449, AMENDING LDC PARKING LOT AND PARKING GARAGE SETBACKS, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1449 by title. She explained that the LDC current had setback standards only within residential zoning and this would expand the setbacks to include properties used for residential purposes. The Mayor asked if there were any questions by the Council members. There were none. **Councilman Reichard made the motion to approve Ordinance 1449. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilman Chester</b>   | <b>Aye</b> |
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Solis</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Mayor Thomas</b>         | <b>Aye</b> |

**ITEM 7\* RESOLUTION 18-73, TRIP FUNDING APPLICATION FINAL ENGINEERING DESIGN, CRA SEGMENT 4.1.** Action on this item was taken by both the City Council and the Panama City Beach Community Redevelopment Agency jointly and concurrently. Ms. Myers read Resolution 18-73 by title and said this was an application which would not commit the City for any funds now but would acknowledge the 50% match if awarded.

Councilman Solis said he had encouraged staff to apply for TRIP funds for the Bay Parkway extension and he understood that Bay County was also applying for TRIP funds in partnership. He said FDOT had mentioned numerous times for the City to apply for the TRIP funds for the Bay Parkway Extension. Ms. Jenkins confirmed that it had already been submitted. The Mayor asked if the Council members had any questions; there were none. **Councilwoman Strange made the motion to approve Resolution 18-73. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

|                             |            |
|-----------------------------|------------|
| <b>Councilman Chester</b>   | <b>Aye</b> |
| <b>Councilwoman Strange</b> | <b>Aye</b> |
| <b>Councilman Solis</b>     | <b>Aye</b> |
| <b>Councilman Reichard</b>  | <b>Aye</b> |
| <b>Mayor Thomas</b>         | <b>Aye</b> |

**DELEGATIONS**

Mayor Thomas explained the delegations period and opened this portion of the meeting at 10:08 A.M.

1 Mr. Bill Caravello, 407 Dolphin Street. Mr. Caravello asked questions about the cost on one police officer per year, the construction of a retention pond on Alf Coleman and who would pay for it, and a study of the traffic impact for the new road on South Nautilus and the subdivision.

2 Mr. Tom Klomps, 614 Poinsettia Ct. Mr. Klomps complimented the City in the cleanup efforts and asked for a review of solicitors. He recommended requiring them to come back after distributing materials to clean up unwanted items. He also recommended registering those addresses to opt out of receiving solicitation.

3 Mr. Tony Horton, 15812 Front Beach Road. Mr. Horton opposed eminent domain for Bay Parkway going through Colony Club. He said he could not see how the road could be built without taking people's land.

4 Mr. Burnie Thompson, 301 Lullwater Drive. Mr. Thompson asked for the opportunity to respond as a matter of fair play. He questioned the Trieste neighbors being shamed into giving an easement for the trails. He also asked about a sitting Council member making false claims during an election and violations of a Florida Statute concerning using influence to interfere with an election.

5 Ms. Sara Moon, 123 Heritage Circle. Ms. Moon asked for an update on Alert Bay for the Boil Water Notices.

With no further comments, the Mayor closed the Delegations section of the meeting at 10:15 A.M.

In response to some of the questions, Mr. Gisbert said a police officer with the new car for the first year would total approximately One Hundred Thirty-Six Thousand Dollars (\$136,000) according to the Impact Fee study. Councilman Reichard asked how much the Mutual Aid officers cost during Spring Break. Chief Whitman responded Thirty Dollars (\$30.00) per hour. Councilman Reichard said by not hiring 1.5 full-time officers, that amount would pay for all of the Mutual Aid officers used during Spring Break. He said it was most efficient and better than hiring new officers and he hoped the City would continue with the Mutual Aid practice. Chief Whitman said after the full-time officer's first year, their base pay would be approximately Forty Thousand Dollars (\$40,000) without benefits.

Regarding the retention pond on Alf Coleman, Ms. Myers said the City owned two retention ponds on Alf Coleman acquired in 2006 or 2007, two of the three ponds identified in the then-current plans for the expansion of Alf Coleman Road.

Regarding the traffic impact study on Nautilus, Mr. Gisbert said Staff was in the process of preparing an RFQ to hire an engineer to do all of the studies necessary for the Bay Parkway Extension.

Regarding solicitors, Ms. Myers said the City had regulations for solicitors but they could be revisited because 2014 was the last review. Councilman Reichard said Mr. Klomps had complained about solicitors since 2010.

Regarding Mr. Horton's comments about eminent domain, Ms. Myers said she was unsure how the City or FDOT could acquire the property needed for the easements without eminent domain. She confirmed the City had no easements through Trieste and the Mayor said Gulf Power sold their easement to the developer.

Ms. Myers said regarding election laws and interference, City Council members were free to endorse candidates or speak in opposition to candidates. The purposes of election laws were to avoid corrupt activities with regard to elections. She imagined the matters would be a civil court matter.

#### **ATTORNEY REPORT**

Ms. Myers said the thirty days appeal period had passed on the Fire Assessment Validation so her office would ask for a certificate of validation from the court and close the file.

#### **CITY MANAGER REPORT**

Mr. Gisbert reported the job vacancies for multiple people per vacancy posted on the website as well as the Bid Opening for the Street Resurfacing project. He also announced the Ranking Committee meeting for the Major Wastewater Facilities Statement of Qualifications. Regarding Trieste, Mr. Gisbert said it had been about two years since the last meeting, and during that meeting many options had been discussed.

One comment made during that meeting was from a Trieste owner that the owners would love for the City to build the trail up to their subdivision and they would gladly use the trail. At that time, Staff had explained that biking trails would not decrease the value of the neighborhood and many subdivisions had trails such as this. Mr. Gisbert said this was a voluntary program, and he had never proposed to the Council for eminent domain. He said a road going through Trieste would be a FDOT process in the longrange plan.

**COUNCIL COMMENTS**

Councilman Solis said anything he had done was as an ordinary citizen. He said the complaint stood for itself and he would not comment.

Councilwoman Strange announced again the Doggie Easter Egg Hunt at the Conservation Park on Saturday and asked the status on the additional parking. Mr. Shortt said the drawings were complete and Robert Carroll was doing the stormwater engineering. He said FDEP had been onsite approximately ten days ago to verify no wetland mitigation was necessary. He said he hoped to put the project out for bid in approximately two weeks and construction shortly thereafter if the Council approved the construction price.

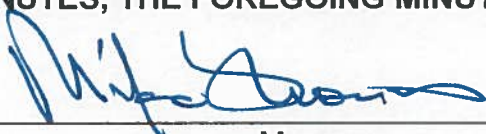
Mayor Thomas asked about the RFQ for the Bay Parkway Extension and Ms. Myers said it was in her hands to finalize the document. She said she would finish this week.

Mayor Thomas announced that this possibly was Councilman Reichard's last meeting and that cupcakes were in the hallway in his honor. He said he had not known Councilman Reichard before becoming mayor but since then, he had realized that no one did as much benefit work for the community as he did. He spent many hours performing civic work especially for the Veterans, and he would be missed. He commended Councilman Reichard for his great job on the City Council for his eight years.

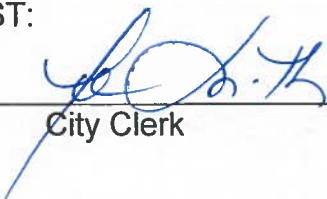
The meeting was adjourned at 10:30 A.M.

READ AND APPROVED this 12<sup>th</sup> of April, 2018.

**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