

The Regular Meeting of the City Council of the City of Panama City Beach, Florida, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency, held on August 9, 2018.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

JO SMITH

CITY ATTORNEY:

AMY MYERS

Mayor Thomas called the Regular Meeting to order at 6 P.M. with Council Members, City Manager, City Clerk and City Attorney present.

Pastor John Woodrow of the Gulfview United Methodist Church gave the invocation and Councilman Solis led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events.

The Minutes of the Regular Meeting of July 26, 2018 were read. **Councilman McConnell made the motion to approve the Minutes as prepared. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilman McConnell</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

Mayor Thomas asked if there were any additions or deletions to the Agenda. Councilman Casto asked to move Consent Item #1 "**Resolution 18-123, CRI Engagement Letter FY18 Audit**" to the Regular Agenda. There were no objections.

**PRESENTATIONS**

**1 BOYS AND GIRLS CLUB CIVIC ACHIEVEMENT AWARD.** Councilman Solis introduced Ms. Barbara Guier and presented her with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. He then congratulated Barbara and Ms. Latina Reed, Director, explained why the Club picked Barbara this month.

**2 9-11 MEMORIAL STAIR CLIMB PRESENTATION.** Councilman Solis welcomed Captain Terry Parris to the podium to explain about this year's annual 9-11 Memorial Stair Climb which raised funds for the National Fallen Firefighters Foundation and local First Responder projects. He said the event would be held at the Edgewater Beach Resort on Saturday September 8<sup>th</sup> and the public was invited. He reported the various uses for the funds raised.

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

Mayor Thomas opened the Public Comments section of the meeting at 6:10 P.M. and invited comments. There were none.

**AMENDED CONSENT AGENDA**

Ms. Smith read the Amended Consent Agenda Items by title.

**1 RESOLUTION 18-123, CRI ENGAGEMENT LETTER FY18 AUDIT.** Moved to the Regular Agenda.

**2 RESOLUTION 18-124, BID AWARD- FRANK BROWN PARK FESTIVAL SITE ELECTRICAL IMPROVEMENTS.** "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with New-Tech Electrical Systems, Inc., for the Frank Brown Park Festival Site Electrical Improvements, in the amount of \$29,500."

**3 RESOLUTION 18-127, PORTABLE DIESEL POWERED PUMP PURCHASES.**  
"A Resolution of the City of Panama City Beach, Florida, authorizing the purchase of two portable diesel powered pumps from Thompson Pump & Manufacturing Co. in the amount of \$109,458, as more particularly set forth in the body of the Resolution; and providing an immediately effective date."

**4\* RESOLUTION 18-128, CRA 2019 NEAR TERM WORK PLAN.** "A Resolution of the City Council of the City of Panama City Beach, Florida, and Ex Officio as the governing body of the Panama City Beach Community Redevelopment Agency, relating to the Community Redevelopment within the Front Beach Road Redevelopment Area; providing for Findings; authorizing and directing the execution of a Near Term Work Plan; and providing for an effective date."

**\*Action on this item is taken by both the City Council and the City of Panama City Beach Community Redevelopment Agency, jointly and concurrently.**

Councilman Chester made the motion to approve the Amended Consent Agenda. He also asked to confirm the electrical improvements would be paid by the TDC and Ms. Myers said the City would be reimbursed for the work by the TDC. **Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Mayor Thomas	Aye

#### **REGULAR AGENDA**

**ITEM 1A RESOLUTION 18-123, (CRI) CARR, RIGGS & INGRAM ENGAGEMENT LETTER FY18 AUDIT.** Ms. Myers read Resolution 18-123 by title. Councilman Casto mentioned he would like another set of eyes for the auditing work. Mayor Thomas said CRI had reduced their prices the last two years, and he welcomed Mr. Rich Moreira, CRI partner, to the podium.

Mr. Moreira said efficiency had increased now that the Accounting Department had two people and costs could be lowered. He also said that the City's financial statements had independent reviews by their audit partners and that CRI had worked with the City since at least 2008. Discussion ensued concerning issuing a RFQ for next year's audit since CRI would begin this year's audit in September and there would not be sufficient time now to look for another firm. **Councilman Solis made the motion to approve Resolution 18-123. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Mayor Thomas	Aye

**ITEM 1 CIVIL SERVICE BOARD AND PLANNING BOARD APPOINTMENTS-DISCUSSION.** Mr. Gisbert explained that the terms of Civil Service Board member, Ms. Sherry Swartout, and Planning Board members, Mr. Ed Benjamin, Ms. Felicia Cook, Mr. Ron Dowgul, and Mr. David Scruggs, were ending September 30<sup>th</sup>. All agreed to serve again at the pleasure of the City Council except Mr. Dowgul. Councilman McConnell suggested a standing rule that the vacancies be advertised, and the other Council members agreed.

Mayor Thomas asked that copies of the Civil Service Board meeting be given to the other Council members so that they may watch the proceedings. He asked if afterwards they would think that all rules had been followed. He said if not, he would suggest that the City Attorney conduct some educational training on how hearings should be conducted. He said he had served on the Civil Service Board years ago and that he thought this hearing was not handled properly.

**ITEM 2 APPOINTMENT TO PARKS & RECREATION BOARD BY MAYOR THOMAS.** Mayor Thomas said his appointment was Mr. Chris O'Brien who worked for the CVB but also had children in the City. He continued that there was not much statistical information about the Frank Brown Park users. He said the TDC kept very

good records of the park's usage plus they shared in the funds with the City. Ms. Myers said she had concerns that Mr. O'Brien, if appointed, may have some voting conflicts in the foreseeable future. She said possibly the existing Ordinance could be amended to always have an employee from the TDC/CVB on the Board. The Council indicated agreement with such an amendment.

**ITEM 3 ORDINANCE 1470, MORATORIUM ON ACCEPTING APPLICATIONS FOR HEIGHT INCENTIVES, 1<sup>ST</sup> READING, PUBLIC HEARING.** Ms. Myers read Ordinance 1470 by title. Mayor Thomas opened the Public Hearing at 6:25 P.M. and invited comments. There were none. The Public Hearing was closed at 6:26 P.M. **Councilman Casto made the motion to approve Ordinance 1470. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilman McConnell</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**ITEM 4 ORDINANCE 1469, BUILDING MAINTENANCE STANDARDS, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1469 by title. Mr. Leonard explained what circumstances would trip the standards that would stop the decline of the property. He displayed various photos and explained the problems of each structure. These new regulations would bridge the gap between the Building Code and Code Enforcement in those circumstances where there was nothing in the LDC to address a declining property. Councilman Solis asked if Staff received calls from the residents about various properties, and Mr. Leonard replied affirmatively. He said it was difficult to tell the neighbors that the properties were not bad enough for the City to do something. He said the Building Code authors realized this gap and created supplemental standards which could be adopted by local governments. Mr. Leonard said they used some of these supplemental standards for the proposed Ordinance and felt it would help Staff to bridge that gap. He continued that a Twenty-Five Dollar (\$25) per day fine was proposed with the goal to bring the property up to standards.

Mr. Leonard explained the process for the Notice of Violation and only if the property owner was unresponsive would tickets be issued. He added that the tickets could also be appealed to the Code Enforcement Hearing Officer. Councilman Casto asked about the circumstances of the homeowner not having the funds to make repairs, and if the City would lien the property. Councilman Solis said it was the same process of grass nuisances. Mr. Leonard confirmed this would be applicable for the entire City and he had sufficient Staff to address the properties in the neighborhoods.

Councilman McConnell asked about lessening the fine as daily fines would accumulate quickly. Mr. Leonard said it could be Twenty-Five Dollars per week but did not want to prevent the City from being able to be aggressive with a property using a daily fine. Ms. Myers added that measures were in the Ordinance for the homeowner to apply for mitigation.

Councilman Chester asked about the buildings in question and if the City had approached them. Mr. Gisbert said no because the City did not have the tools or regulations to make the homeowners fix the problems. Councilman Casto questioned if the City planned to eventually condemn homes and demolish them. Ms. Myers said those type nuisances were already addressed in Chapter 15 for failed structures, and Mr. Leonard said the Building Code could address those type buildings. Councilman Casto asked about homeowners on a fixed income that did not have the funds to fix the problems and the fines continuing to accumulate. Mr. Leonard said the goal was to bring the structure up to the standards of the neighborhood to prevent it being a nuisance. Ms. Myers said the City historically had no appetite to foreclose on homes. Councilman McConnell said he thought the daily fine was excessive. Discussion ensued concerning the 25% threshold and who would determine those properties meeting that standard. **Councilman Solis made the motion to approve Ordinance 1469 after changing the daily fines to weekly. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilman McConnell</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 6:42 P.M.

1 Mr. Burnie Thompson. Mr. Thompson spoke of comments made by Mayor Thomas during the Budget Workshop and the number of people signing a petition.

2 Mr. Tom Klomps, 614 Poinsettia. Ms. Klomps spoke of the traffic situation and no solutions. He spoke of the numbers of tourists destroying the neighborhoods and suggested not approving future Special Events to lessen the numbers of tourists.

With no further comments, the Delegations portion of the meeting was closed at 6:48 P.M.

**ATTORNEY REPORT**

Ms. Myers stated once the new Boards were seated in October, she would like to meet with each Board and explain their duties and responsibilities.

**CITY MANAGER REPORT**

Mr. Gisbert reported the various job opportunities posted on the City website.

**COUNCIL COMMENTS**

Councilman Solis said if his reaction to the Mayor's comments offended anyone, he apologized. However, this emphasis overshadowed the City approving the four Patrol Officers, nine Firefighters, and one Communications Officer position for the upcoming year. Regarding Mr. Klomps comments concerning traffic, steps were being taken to improve the traffic by having the Parkway designated as SIS, the Bay Parkway Loop extension progressing, and the CRA on pace to do a segment every two to two and a half years. He spoke of the limited access requirements for the Bay Parkway to alleviate slowdowns in traffic. Mr. Gisbert said Bay Parkway was a restricted access roadway and had that requirement.

Councilman Chester thanked Ms. Jenkins and Mr. Corky Denham on their response to flooding issues last week, and that some of the recently finished projects drained well during the rain.

Councilman Casto had no comment about the Mayor's comments.

Councilman McConnell apologized to the residents and the Police Department for his reaction to the comments, and asked Mr. Gisbert and Chief Whitman accompany him to the Department to apologize to the Officers.

Mayor Thomas said he just received a text that retired Police Major Mike Odom just lost his wife after a long illness, and to keep the family in everyone's prayers.

The meeting was adjourned at 6:55 P.M.

READ AND APPROVED this 23rd of August, 2018.

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

  
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Mayor

ATTEST:  
  
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City Clerk