

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 July 25, 2019.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

MARY JAN BOSSERT

CITY ATTORNEY:

AMY MYERS

Mayor Thomas called the Regular Meeting to order at 9 a.m. with all Councilmen, the City Manager, City Clerk, and City Attorney present.

Councilman Casto gave the invocation and led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events. He explained Andy Gonsalves, Realtor for Counts Real Estate, donated his recent commission check due from his aide in acquiring land for the City to the Parks & Recreation Department to enhance the lot on Escanaba. The Mayor applauded Mr. Gonsalves' commitment to the City.

The Minutes of the Regular Meeting of June 27, 2019, City Council and Planning Board Workshop of June 27, 2019, Special Meeting of July 11, 2019, and Regular Meeting of July 1, 2019 were read. **Councilman Chester made the motion to approve the Minutes as written. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

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

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

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

PRESENTATIONS

1 **“DUCK RACE FOR BEACH CARE SERVICES” PRESENTATION.** Councilman Casto welcomed Talena Grawburg, Vice-President of Beach Care Services, and Lacey Maxwell, Duck Race Chair, to the podium as he read the proclamation declaring August 2019 as “Beach Care Services Month”. He presented the Proclamation to Ms. Grawburg honoring the organization for their efforts in “helping locals help locals”. Ms. Maxwell stated the Duck Race will be held on August 6, 2019, at Laketown Wharf, benefiting locals through Beach Care Services. The audience responded with applause.

2 **“PARKS AND RECREATION MONTH” PROCLAMATION & PRESENTATION TO JIM PONEK.** Councilman Casto welcomed Jim Ponek to the podium as he read the proclamation declaring July 2019 as “National Park & Recreation Month”. The audience responded with applause.

3 **PARKS AND RECREATION DEPARTMENT UPDATE.** Mr. Ponek gave a PowerPoint presentation on the Parks & Recreation Department. He explained the

divisions within the department and introduced his staff from each division. He thanked all department heads that help the department run smoothly. He explained the department has 37 full-time employees and approximately 70 part-time employees.

Mr. Gisbert noted many of the unseen tasks that keep the City's parks and facilities clean and well-run and expressed his thanks. Each Council Member expressed their gratitude to the department for a job well done.

4 RESIDENTS OF HOMBRE GOLF COURSE ON PROPOSED FUTURE CONSTRUCTION.

Burt Hinson – 111 Glades Turn. Mr. Hinson spoke against future development on or around Glades Turn due to drainage issues. He explained the lengths that some residents have taken to remedy the flooding issues in their area. He argued that any future development will exacerbate the issue.

Anna Costine – 117 Glades Turn. Ms. Costine spoke against future development in the Glades neighborhood. She alleged she is being discriminated against based upon the size of her property. She presented a model to show the height of the rumored townhouse development near her property. She requested the Council change the Building Code and setbacks between her property and neighboring parcels, to make certain future development spares trees, has plenty of green space, and solves the drainage problems before any new development is approved.

Tim Sloan – Mr. Sloan, a local attorney, spoke as representative of a group of property owners abutting rumored development in the Glades neighborhood. Mr. Sloan asserted that inconsistencies of the land uses create concerns about safety and privacy, and that the dwarfing of the single-family residences will diminish their property value. He proposed the Council review the setback of any new development, amend the Land Development Code where there are two inconsistent properties and look at the allowable height. He asked the Council to be proactive in how the concerns are addressed.

Councilman Casto directed staff to review the Land Development Code and see if increased buffering could provide a solution to the residents' concerns. Councilman Solis agreed and commented the drainage issue is a concern. Councilman Solis questioned whether the residents had any claim to property by adverse possession.

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

Mayor Thomas opened the Public Comments section of the meeting at 10:08 a.m. and invited comments.

Alisha Redmon – 5353 Jenkins Road. Ms. Redmon stated she did not believe that beach vendor employees should be required to open water lifeguards because those employees have too many duties and can't focus on swimmers. She commented that education is important and was surprised that the Tourist Development Council does not contribute more.

Stan LeCain – 14104 Pelican Street. Mr. LeCain thanked Ms. Prue Pool for the survey that shown 300 saves have been done by surfers in the last decade. He requested to add paddleboarders and kite surfers to the Ordinance. He requested the definition of a surfboard be updated. He explained a surfboard is made of Fiber Reinforced Plastic; a surfboard is not a Styrofoam board that could be picked up at any retail store on the beach.

Elsa Figueroa – 4117 Lookout Street. Ms. Figueroa suggested to stop allowing floatables on the beach, it is dangerous. She commented tourists need to be educated on the flag system. She commented every access point needs a lifeguard tower. She questioned what is being done to warn people of the flesh-eating bacteria at Access Point 35.

Gary Beck – 1441 Front Beach Road. Mr. Beck stated he invented a surf rescue system in 2012, and the invention was illegally seized from his property.

With nothing further, Mayor Thomas closed the Public Comments at 10:20 a.m.

CONSENT AGENDA

Ms. Bossert read the Consent Agenda Items by title.

ITEM 1 "NATIONAL KOREAN WAR VETERANS ARMISTICE DAY" PROCLAMATION. "A Proclamation honoring July 27th as "National Korean War Veterans Armistice Day" in Panama City Beach."

ITEM 2 RESOLUTION 19-112, BID AWARD – FRANK BROWN PARK LIGHTING PROJECT. "A Resolution of the City of Panama City Beach, Florida, approving an agreement with M. Gay Constructors, Inc. related to the Frank Brown Park Lighting Project in the amount of \$1,185,900."

ITEM 3 RESOLUTION 19-113, BID AWARD – SEA OATS DRAINAGE IMPROVEMENTS – PHASE 2. "A Resolution of the City of Panama City Beach, Florida approving an agreement with Utility Solutions Group, LLC related to the Sea Oats Drainage Improvements Phase 2 in the amount of \$432,610."

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

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

REGULAR AGENDA

ITEM 1 RESOLUTION 19-108, APPROVAL OF PROFESSIONAL SERVICES FOR RIGHT-OF-WAY ASSESSMENT & BUDGET AMENDMENT #47. Ms. Myers read Resolution 19-108 by title. There were no comments.

Councilman McConnell made the motion to approve Resolution 19-108. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

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

ITEM 2 RESOLUTION 19-114, SPECIAL EVENTS RATES. Ms. Myers read Resolution 19-114 by title. She explained this Resolution requests the Council to set rates so that future special event municipal services can begin working under this new system. Mayor Thomas stated the amounts are more than normally charged. Chief Whitman explained the employees are tasked every weekend and cannot be forced to work special events. Chief Couch stated getting the employees to volunteer is hard, we need to entice them and that all areas are charging double the proposed fee. Councilman McConnell stated this may lead to the City no longer providing these services in favor of the private market. Councilman Solis stated that the professional services being provided by the police and fire department are below what other cities charge.

Councilman Solis made the motion to approve Resolution 19-114. Second was by Councilman McConnell and the motion passed by majority roll call vote recorded as follows:

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|-----------------------------|------------|
| Councilman Casto | Aye |
| Councilman Chester | Aye |
| Councilman McConnell | Aye |
| Councilman Solis | Aye |
| Mayor Thomas | Nay |

ITEM 3 RESOLUTION 19-115, AMENDING BUILDING AND PLANNING FEE SCHEDULE. Ms. Myers read Resolution No. 19-115 by title. There were no comments.

Councilman McConnell made the motion to approve Resolution 19-115. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

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

ITEM 4 RESOLUTION 19-116, SWIM TEAM (PCST) AGREEMENT. Ms. Myers read Resolution No. 19-116 by title. There were no comments. **Councilman McConnell made the motion to approve Resolution 19-116. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 5 ORDINANCE 1494, BEACH SAFETY, 1ST READING. Ms. Myers read Ordinance 1494 by title. Ms. Myers asked for direction on signage requirements and clarification on an effective date. She explained there would need to be two effective dates, one would apply to Beach and Surf Patrol, the other to beach services and businesses. The Mayor asked if there were any questions or comments.

Councilman McConnell commented we need community effort for solving this issue. He explained he has spoken with several officials and businesses. He stated News Channel 13 agreed to run a public service announcement (PSA), and that hotels and condos have agreed to run the PSA on loops in their lobby. He suggested a flag system education form at check-in that shows the meaning of the flags. He suggested beach services have a double-sided board that displays the flag status and its meaning. He stated a benefactor has offered to donate 5 watercrafts to the Beach Safety Services. He also spoke with the TDC about their funding and the City receives \$485,000. He explained there are 8 seasonal positions currently and requested to hire an addition of 16 more, that comes to roughly a half of a million dollars. He commented this would be a small jump forward. He proposed finding a way to hire additional seasonal positions. He requested to remove the arrest provision from the Ordinance, elevate the penalty and remove the surf zone.

Councilman Solis applauded Councilman McConnell's research on the life safety issue. He favored allowing arrest when appropriate. He read a section of the Ordinance commemorating Mr. Stacey Redmon and agreed with Ms. Redmon's recommendations. He stressed the importance of education and suggested a buoy with a rope on each lifeguard tower. Chief Couch expressed his concern with providing throwable devices, as it would encourage others to attempt rescues. Councilman Chester asked Mr. Spivey for an opinion. He explained it is not a proper solution, it will give a false sense of security, properly trained lifeguards are the answer.

Councilman Solis suggested drones drop buoys. Councilman McConnell said wind would make drones unusable. Councilman Casto agreed that arrests are needed in the Ordinance. Councilman Casto explained he started his career as a lifeguard 42 years ago. He commented beach services cannot get enough help as it is, it is not the vendor's job to save lives. Councilman McConnell suggested a workshop with the City, County, and TDC for a long-term plan. Councilman Casto explained the lifeguards should be ocean water certified but not beach service vendors. He explained someone that is in distress may not be able to hang on to the buoy. Councilman Casto expressed a need to find a comprehensive solution.

Mayor Thomas commented that he spoke to several officials and was concerned that throwable devices would encourage dangerous behavior. He commented officials need to be able to make an arrest, it sets a bad precedent if there are no consequences. He stated bench vendors should be certified to protect vendors who voluntarily attempt water rescues. **Councilman McConnell made a motion to schedule a joint workshop. Seconded by Councilman Casto. All Council was in favor.**

Councilman Solis made a motion to approve Ordinance 1494 with the modification of striking the requirement for beach services regarding open water certification, striking requirements for floatable devices, only requiring signage for beach businesses, incorporating the law enforcement aspect with the timeframe extended for businesses, redefining the term "surfboard", and revising the civil penalties. Second was made by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

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

ITEM 6 CITY MANAGER HIRING PROCESS – DISCUSSION. Ms. Myers explained the Florida League of Cities will be a great resource for the City, but it does not itself assist cities with searches. She explained they suggested a Senior Advisor in the area who can assist the City Council in determining the kind of City Manager they are looking for. She commented the process will take approximately six months.

Councilman McConnell suggested a hybrid approach between a headhunter and a hiring committee made up of staff and they bring back to Council the top choices. He requested the new City Manager have previous City Manager experience with a larger city. Councilman Casto commented he spoke with the Florida League of Cities and they suggested the hybrid approach and to put a price limit on the search. Council agreed that amount does not exceed \$20,000.00.

Mayor Thomas commented we are hindered on who will apply due to the retirement system. He suggested offering a competitive pay package, like a 401K plan. He stated the City Manager needs to be offered more than one option. Ms. White explained every employee must be a part of the City pension plan, an addition to that plan can be offered. She explained she will research other options and that an exclusion of the City Manager may need to be changed by Ordinance.

Councilman McConnell made a motion not to exceed \$20,000 to enter a contract for combined search efforts from the firms recommended by the Florida League of Cities. Second was made by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

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

DELEGATIONS

Mayor Thomas explained the Delegations period and opened this portion of the meeting at 11:22 a.m.

1 Burnie Thompson, 17292 Front Beach Road. Mr. Thompson asked why the Mayor responded very negatively when asked if Mr. Gisbert would keep his salary as a regular employee. He discussed the history of Mr. Gisbert's initial hire and requested assurance that this new Council will heed the advice of its advisors.

2 Michael Knapp – 145 Glades Turn. Mr. Knapp read the Bert Harris Act, a property rights protection act.

3 June Kennedy – 105 Glades Turn. Ms. Kennedy thanked the Council and City Staff for all their hard work. She requested the Council to consider the Glade owners when they receive plans for the new development. She commented they are not objecting to the development but would like single-family homes in place of multi-family.

4 Bill Caravello – 407 Dolphin Street. Mr. Caravello mentioned that the local firefighters were featured in the pickleball magazine. He inquired about the status of the expansion of the pickleball courts.

5 Roland Costine – 117 Glades Turn. Mr. Costine explained he invited the Code Enforcement Manager to the meeting; he was not present. He asked Mr. Gisbert to take note of his contact information because he did not receive a return call. He stated he has called and made verbal complaints about Hombre Golf Course vegetation overgrowth. He stated codes and the rules need to be followed and alleged that the Hombre is receiving special treatment.

6 Gary Beck – Front Beach Road. Mr. Beck started to speak, and Mayor Thomas explained he did not put his requests in writing and was asked to leave the podium.

With no further comments, Mayor Thomas closed the Delegations period at 11:36 a.m.

Mayor Thomas explained he was upset at the last meeting because the same person attends the meetings to criticize every Council Member with no facts and has never offered a solution to any issues. He commented this is the first time he heard a complaint for Hombre Golf Course. He stated he has received calls requesting not to touch it. Councilman Solis explained the Bert Harris act cannot change the rules and both sides to this issue deserve protection.

ATTORNEY REPORT

Ms. Myers stated she had no report.

CITY MANAGER REPORT

Mr. Gisbert read the open bids and available jobs. He explained there is a vacancy on the Fire Fighters Pension Board and is appointed by Council. He asked for direction on advertising. The Council agreed to advertise the vacancy.

COUNCIL COMMENTS

Councilman Casto had no comments.

Councilman Chester addressed the pickleball issue and explained with speaking with Mr. Ponek there is room for 6 additional courts at the Lyndell Center, more will be discussed during the budget workshops. He commented the Glade residents should suggest single-family homes to the landowner instead of townhomes.

Councilman Solis stated Ms. Redmon is trying to do big things and encouraged others to become involved in the effort to enhance beach safety. He gave an update on the latest TPO meeting where the trolley lane will start in September for CRA Segment 2. He thanked Ms. Jenkins for her work on the technical review. He commented Highway 98 has been re-designated as a Strategic Intermodal System (SIS) and will put us in a different category. He commented the CRA segments are moving ahead. He suggested looking at an increase in the buffer zones at the Glades.

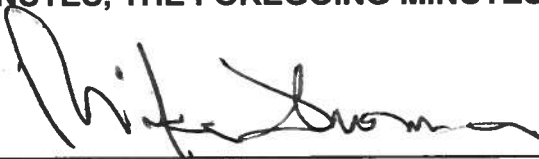
Councilman McConnell had no comments.

Mayor Thomas announced Hand Made Moments are playing at the Concert Series at Aaron Besant Park this evening.

With nothing further, the meeting was adjourned at 11:47 a.m.


READ AND APPROVED this 8th of August, 2019.

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