

The White Sandy Beach Special Events Ordinance
1322 Workshop of the City Council of the City of
Panama City Beach, Florida, conducted on
November 12, 2014.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
HOLLY J. WHITE
CITY ATTORNEY:
DOUG SALE

ITEM 1 ORDINANCE 1322, WHITE SANDY BEACH SPECIAL EVENTS.

Mayor Oberst called the meeting to order at 2:00 P.M., with all the Council, the City Manager, City Clerk and City Attorney present. She reminded the audience about the Three Minute Speaking Rule and forms were available on the table for anyone who wished to address the Council. She said this Ordinance would be on the Regular Agenda tomorrow for possible adoption.

Mr. Gisbert said after discussions with the business owners and comments from the last meeting, some minor modifications were made to the proposed Ordinance 1322. Mr. Sale distributed the color copies indicating the stricken language from the revisions made this morning.

Mayor Oberst asked about the 500 people and if that figure remained. Mr. Gisbert said the 500 people number was not adjusted because at that number, there was the potential for problems. He said Staff still felt 500 was a good number as a start. The Mayor questioned if 500 people meant it was a Special Event and Mr. Gisbert replied affirmatively, if in a place that did not customarily have 500 people. He said in a super club that would normally occupy 3,000 people, it would not be a special event because the establishment was designed for that many people. A condominium with 400 rooms with 500 people would not be a special event because it was designed to hold 2,000 people. This only dealt with a place that did not customarily have 500 people.

Mr. Gisbert said the language in this Ordinance made it clear that a Beach Special Event was different where the audience was entirely on the sand. He emphasized that if the speakers and performers were focused towards the occupants of the pool deck, it would not be a Beach Special Event. He said people on the pool deck were part of the normal occupancy and not counted with the people on the sandy beach for the number of police officers, security, fencing, etc. Mayor Oberst asked what would occur if the band attracted 500 people on the sand to hear the music from the pool deck. Mr. Gisbert said that would be incidental and not a problem under those conditions.

Regarding the fencing, originally the fencing had to be 6' on the east/west and water side. However, when discussing with some of the organizations, they said it could be beneficial to be lower in order to maintain the view of the beach. He said in that scenario, instead of a 6' fence, there would be two 4' double fences with a 10' corridor. This would allow access east/west for emergency personnel and provide a path for walkers on the beach.

Councilman Russell said he would not require a water side fence if the establishment maintained the security along the east/west fences and the south end and were responsible for everything that might happen within those fences. He said if the property owner would take the responsibility during a large event then not require the 4' water side fence. Councilman Russell asked if this would be all year or only Spring Break. Mr. Gisbert replied this would be all year.

Councilwoman Strange said she was concerned about how the crowd would be controlled within the fence. Councilman Russell said the fences would be on the east/west boundaries and security at the southern end of those fences, and the crowd controlled within the fence to the water. The number of security officers used to control the people within the fence would be the responsibility of the promoter. The Mayor asked if there was a distinction between a paid event and a free event. Mr. Gisbert said the Ordinance was written the same whether it was a free or paid event.

Mr. Gisbert said some of these new changes had been at the request of hoteliers and some bar establishments. The Mayor asked for public comments.

Mr. Eric Hoover, resident of 2603 Mystic Lane, said he thought this proposed Ordinance was too broad. He said as written, this Ordinance would kill the corporate sponsorships as they felt the fencing would not create an inviting environment. He said they felt the kids would not want to come and sample the products, do the rides, do the free stuff, etc. Mr. Hoover suggested a tiered Special Events Ordinance. He said this proposed Ordinance would fit a Luke Bryan event or a large paid event. He said with his event, he would move his stage inside the club which would lose the ambiance but still provide the safe non-alcoholic related activities for the kids. Mr. Hoover said he agreed with the requirements for police and security which made the kids feel safer but a fence was not needed to create the safe harbor.

Mayor Oberst asked if most of the corporate sponsors had amplified music in the tents. Mr. Hoover responded that quite a few did but not all. Mr. Gisbert said if the event did not have a stage or amplified music, it did not need a fence. So those corporate sponsors, such as the Marine Corps, Army, etc., could still happen as well.

Councilman Reichard asked Mr. Gisbert if he agreed with Mr. Hoover that the corporate sponsors would not come if this Ordinance was adopted. Mr. Gisbert replied that there were two options which would accommodate the corporate sponsors. Mr. Hoover said with the corporate sponsors, the kids used to leave if a stage was not erected and added that corporate sponsors would not come with these changes. He recommended adding a corporate sponsor events section with levels.

Councilman Reichard asked Mr. Gisbert if the fencing requirement was removed and the security doubled, would it achieve the same purpose. Mr. Gisbert replied that the fence created the perimeter which defined the area which determined the number of people, which encompassed the three levels of control. All those facets were entwined which would determine the number of officers required. Mr. Hoover said addressing coolers would solve a lot of the problems.

Councilman Reichard asked Sheriff McKeithen's thoughts on these changes. Chief Whitman said he had not spoken to him about Special Events because the Sheriff's Office did not handle any Special Events outside of the City limits.

Mr. Neel Bennett, 15238 Front Beach Road, said each property owner had different needs. He agreed to most of these regulations but the challenge would be for the sponsors on the beach who were very important. He said the owners met as a group yesterday to discuss the differences between a large event such as Luke Bryan concert and a corporate sponsor behind Spinnaker. He suggested adding something for sponsors with a smaller stage and limited music. He said this Ordinance had been crafted with a big event in mind, such as the Luke Bryan concert, with a large beach and more room. These regulations would handicap Mr. Sparkman with his events.

Councilman Russell asked how many corporate sponsor events were held. Mr. Bennett said they were held at the Summit, Boardwalk, Spinnaker, Holiday Inn, and LaVela. He said the fencing was a problem because it could not be left standing overnight and it did not look good. Mr. Gisbert said the idea of the fence stopping 25' from the water was to allow an open path for travel. Mr. Bennett said they did not have corporate sponsors so each property owner had a different need.

Mr. Russell Kinslow, resident of 2210 Hammock Square, said this would affect two of their properties as they had erected a small stage for about the last ten years. The stage was less than 3' tall and less than 400 square feet without a fence. He said the stage would be used from about noon to 6 P.M. and never had more than 200 people. Mr. Gisbert said if less than 500 people, they could still have a stage on the beach. Mr. Kinslow said they had security on their property which watched the stage as well. He said he represented Paradise Palms and Days Inn.

Mr. Sparky Sparkman, resident of 6817 North Lagoon Drive, said this was about safety. He said the property owners were responsible enough to handle the events. The ultimate answer would be to eliminate Spring Break entirely and he felt that was the way this was going. He said Hannity started all of this with the subsequent kneejerk reactions. As far as the debate between paid and free events, they were different.

Councilman Reichard said he did not believe the City Council was trying to eliminate Spring Break, only trying to make it better. He discussed the Hannity Show and its effect on the City. Mr. Sparkman clarified his comments that he had thought Councilwoman Strange had been on record with that sentiment. Councilwoman Strange said she was on record for no alcohol on the sandy beach during Spring Break. Mayor Oberst asked for his thoughts on how activities could be controlled on the sandy beach. Mr. Sparkman said he did not have an answer for control

but there would be no way to eliminate the potential of a problem. He said bad things would happen regardless of what was done. He said getting rid of the thugs was a big part of the process and that was easier said than done. Mr. Sparkman also commented that Hannity should have attacked parenting across the country but instead picked on Panama City Beach.

Mayor Oberst asked if increased emergency management personnel would help when an event occurred. Mr. Sparkman said yes but he was not sure about the number needed. He said by using the Luke Bryan concert as an example, then 15-20 EMT's required would be excessive because he felt it was not a war zone. He said the kids were drinking and having a good time but there was not a riot. Mr. Sparkman said this year he had agreements with nearby properties to work with him on the fence which would provide the element on control which had not been available in the past. He said they planned a significant security presence and mentioned having dogs at the ends of the fence. For this event, they planned to serve beer in cups and eliminate coolers which would potentially prevent the "one beer can away from a riot". He said dogs would keep the thugs away from the fence and the kids.

The Mayor asked what else could be done by the City to make sure Spring Break was safe. Mr. Sparkman said he thought the Council had done a good job and exceeded good in some areas. Some areas might be counter-productive such as the 2 A.M. closing.

Councilman Russell asked Mr. Sparkman if he was confident he could control the crowd only using the north/south fencing without the east/west waterline fence. Mr. Sparkman responded yes by utilizing the dogs and uniforms.

Mr. Tyler Isaacs, resident of 655 Gravel Switch Road, Kentucky, said he was planning to build a marketing entertainment company and was looking at the Shores of Panama property. He said he felt he needed to provide entertainment to the kids that would be on that property. He suggested the number be set instead as capacity-based for the properties, not a flat 500. Mr. Gisbert said if he supplied a stage entertaining the kids on the sand, a fence was needed to secure the people. If he wanted to use the pool deck instead, that would not apply. Mr. Isaacs said he supported the fence requirement.

Mr. Neel Bennett said he thought there were four Special Events, two behind Sharky's and two behind Spinnaker. He said the Ordinance would work as written for Sharky's. However, the day-to-day promotional activity needed more discussion and he asked if there was any consideration about a smaller stage, a smaller footprint that would allow for corporate sponsors not requiring a fence. He suggested trying something for the smaller events for the first year and separating promotions and Special Events in this proposed Ordinance.

Mr. Gisbert said the key was the stage and the stage elevation allowed the event to reach a larger crowd. He said this Ordinance was trying to capture an event over 500 people and if less than 500 people were being serviced, it was not an issue. He said a corporate sponsor without amplified music did not need a fence. Councilman Reichard said the corporate sponsors such as the Army, the Navy, etc., were in smaller tents.

Mr. Tyler Isaacs suggested not requiring the same magnitude during the first and last week of Spring Break due to less kids but focusing more on the second and third weeks when the larger crowds were expected. Councilman Reichard questioned Chief Whitman if weeks 1 and 4 were drastically different numbers than weeks 2 and 3. The Chief responded that weeks 2 and 3 were the largest.

Mayor Oberst said many years ago, the Council had endeavored to take the kids off the streets and put them on the sand. She said at that time, the resident complaints were that the kids were running wild through the neighborhoods. This was the beginning of keeping the kids on the beach, away from the neighborhoods and out of the cars. After that, the corporate sponsors grew. She said she did not think the City wanted to discourage the kids from staying on the sand.

Chief Whitman said he had more problems with small stages as opposed to the large stages. He said he had no problems behind the Bennetts or Mr. Sparkman. The young lady last year was behind the Summit on a small stage being encouraged by a DJ. He explained the problems with small stages and said most problems were when the kids took over the stages.

Mr. Sparkman said none of his properties catered to high school kids and the young lady in question was a high school student. Spring Break was over at that time. He said the target needed to be parents and the property owner in order to be effective. The Mayor said former Mayor Lee Sullivan was right in that the kids were here only one week but yet the City was expected to change their behavior when they were home the rest of the time.

Councilman Curry said the environment drove the behavior and the bad elements must be weeded out. He said personally, he was frustrated over the many hours of meetings that had already occurred. He said Staff had done a great job and he liked the Ordinances as written with

the amendments. He also said he heard many comments about the fear so said the changes needed to be tried. Councilwoman Strange said she concurred.

Councilman Reichard said he was concerned about the corporate sponsors and would prefer to not hamstring the corporate sponsors as they allowed kids something to do. Councilman Curry said it was unknown at this time if it would hurt business. He said these changes have not yet been tried. Councilman Reichard said he did not want to send away responsible business opportunities which entertained the kids.

Relating to the Luke Bryan concert, Councilman Russell said he felt if the property owner could assure the City that it would be controlled by security or dogs, then the City should allow the event without the fence at the east/west boundary. He suggested that the Council think of this event by itself. Mayor Oberst asked if he thought there should be a difference between paid and free events. Councilman Russell said yes. He continued that if Mr. Sparkman said he could control the crowds without that fence, the City should give him the chance. Councilman Reichard added that the property owners were under pressure regarding the liability for what occurred on their property. He said he thought the business owners were already considering many of these items because of their own liability. Councilman Russell commended the business owners for stepping forward this year and putting up their own money.

Ms. Nancy Gilmore, resident of 11127 Front Beach Road, suggested not passing this Ordinance because there were so many guidelines which would be uncomfortable or a challenge for some people. She asked why the 10,000 people number was used to prohibit a sandy beach event. Mr. Gisbert clarified that it meant no more than one event on one day could be held on the sandy beach once that number was reached. It would allow the Luke Bryan concert but not allow a similar size concert on the same day on the sand. Ms. Gilmore said she thought this proposed Ordinance was too subjective. She asked to narrow the scope.

With nothing further, the Workshop was adjourned at 4:10 P.M.

READ AND APPROVED this 12th of May, 2015.

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

White Sandy Beach Special Event
Ordinance 1322 Workshop
November 12, 2014