

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 January 26, 2017.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER
HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

DIANE FOWLER

ACTING CITY ATTORNEY:

KEVIN OBOS

Mayor Thomas called the Regular Meeting to order at 9:00 A.M. with all Council members, City Manager, City Clerk and Acting City Attorney present.

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

Minutes of the Regular Meeting of December 8, 2016 and January 12, 2017 were read and approved as written **per motion by Councilwoman Strange. Second was by Councilman Chester. The motion passed by unanimous roll call vote recorded as follows:**

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

Mr. Gisbert asked to remove Consent Agenda Item #2, **Resolution 17-49, Bid Award-Two Solar Message Boards**. Councilwoman Strange asked to add a discussion about widening the sidewalks on the western side of the Loop Road for the Palmetto Trace residents. There were no other changes. **Councilman Chester made the motion to approve the Amended Agenda. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

PRESENTATIONS

None

PUBLIC COMMENTS (Consent and Regular Items only)

1 BURNIE THOMPSON, 8317 Front Beach Road. Mr. Thompson asked the Council to follow Resolution 14-61 again about allow public comments at each Agenda Item. He questioned if the votes were valid if the protocol allowing those public comments was not followed.

There were no further public comments.

CONSENT AGENDA

1 **RESOLUTION 17-48, BID AWARD- KUBOTA TRACTOR FOR PARKS & REC.** "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Sowell Tractor in the amount of \$30,313 for the purchase of one Kubota Tractor for the Parks & Recreation Department; and providing an immediately effective date."

2 **RESOLUTION 17-49, BID AWARD- TWO SOLAR MESSAGE BOARDS.**
Removed from Agenda.

3 ORDER 02-PL-17 AND FINDING OF FACTS, SANDS STREET RESIDENTIAL PLAT APPROVAL. *“After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on January 12, 2017, the City Council orders that the subject request to subdivide the land is hereby GRANTED and the captioned plat of Sands Street Residential is APPROVED WITH CONDITIONS, as more particularly stated in the body of the Order.”*

4 RESOLUTION 17-51, NUISANCE ABATEMENT LIEN, 120 MANISTEE DRIVE. *“A Resolution of the City of Panama City Beach, Florida, approving an amount of \$1258.47 to be liened on property located at 120 Manistee Drive 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.”*

5 RESOLUTION 17-52, NUISANCE ABATEMENT LIEN, 128 CORAL DRIVE. *“A Resolution of the City of Panama City Beach, Florida, approving an amount of \$602.87 to be liened on property located at 128 Coral Drive 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.”*

Ms. Fowler read each item on the Amended Consent Agenda by title. **Councilman Solis made the motion to approve the Amended Consent Agenda. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

Councilman Reichard asked if interest was being charged on liens since they could potentially remain outstanding for twenty years until the homes were sold. He said if the City currently was not charging interest, he would like to pursue that aspect. Mr. Gisbert said this was only the authorization to place the lien on the tax roll. Councilman Reichard questioned about someone only paying the tax amount and not the lien amount; Mr. Gisbert said the taxes must be paid in full or risk default and potentially lose the home. Mr. Obos said later this year, Staff would present a Special Assessment Resolution which would include all unpaid liens and be part of a Special Assessment. They would then appear on the upcoming tax bill similar to the Stormwater Assessment.

REGULAR AGENDA

ITEM 1 SIDEWALKS ON WESTERN SIDE OF LOOP ROAD. Councilwoman Strange asked Mr. Gisbert, in light of St. Joe developing that property in the residential area, if they would widen the sidewalk or the City do so now. Mr. Gisbert said that sidewalk would be 6' wide in accordance with the LDC as opposed to the opposite side of the road which was 10' wide as an extension of Gayle's Trails. Councilwoman Strange asked how the 6" could be widened to allow golf cart travel to Frank Brown Park. Mr. Gisbert explained the City would have to take the initiative to determine the wetlands impacted. He continued that he could research the matter, determine a cost and bring the issue back to Council.

ITEM 2 ORDINANCE 1407, TRESPASSING ON PUBLIC PROPERTY, 1ST READING. Mr. Gisbert explained that problems had occurred in the past with people coming onto City property, such as City parks, City stormwater ponds, and City beach accesses, and doing things which the City did not like to happen, such as panhandling, public intoxication, and basically breaking the law. He said today if something occurred, the person would receive a civil citation. This Ordinance would allow the City to trespass that person and prohibit them from a public park, public property, or public beach access. He continued that it must be an offense breaking the law. He said the person could come before Council to ask that the trespass be waived, but if not, the trespass would be valid for one year. He said some of the City's parks had repeat offenders and right now, the City did not have a tool to keep the repeat offenses from reoccurring, such as public

intoxication, public urination, or consumption of alcohol in a City park. Our attorneys looked at an Ordinance from St. Petersburg and modified it to fit our needs to withstand any legal challenges similar to those that St. Petersburg had faced contesting their ordinance.

Councilwoman Strange asked if this would cover the fishermen on the Pier. Mr. Gisbert replied that the City already had that right because it was a gated location and the City had trespassed people in the past. In both cases, the people came back to Council to appeal their trespass and both were denied. This Ordinance will allow for an appeal process. She asked would the County stand behind the City if someone was trespassed on the County Pier and Mr. Gisbert replied that yes, typically they had done so.

Councilman Chester asked Chief Whitman if he wanted to add anything. Chief Whitman said no. Mr. Obos read Ordinance 1407 by title. **Councilman Solis made the motion to approve Ordinance 1407. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

At this juncture, Mayor Thomas passed the gavel to Councilwoman Strange. Mayor Thomas said he had spoken with Ms. Myers about when to allow public comment and when not to allow public comment. He said the manner of the meetings now were similar to how the County ran their meetings and seemed to work well. He said in today's procedures, public comments were allowed at the first of the meeting for Regular and Consent Agenda Items, time at the end of the meeting to talk about any subject, and on every Public Hearing. **Mayor Thomas made a motion to adopt the style of running the meetings in the manner in which they were being conducted now.** Councilman Reichard said the City Charter stated the Mayor would run the meetings which he interpreted to mean that the Mayor would set the format of the meeting.

Councilwoman Strange said she disagreed because Resolution 14-61 was still valid and in place which stated the public could talk at each item. She said at the beginning of the meeting, the public might not have a question and why have the Resolution if it was not being followed. Councilman Reichard said this procedure allowed everyone a minimum of six minutes to speak, as well as another three minutes per Public Hearing, which should be ample time to state their position. He said this Resolution had been enacted in the past to establish control over the meetings, prevent endless comments without a time limit, shouting, and cursing against the Council members.

Councilman Solis said he had twice spoken with Counsel concerning the Resolution and he asked Mr. Obos to explain why the Council was not in violation. Mr. Obos explained that the Council was not violating State law or the City Charter. The Resolution was not a City law but was rather an administrative expression of the City which could be temporary. Looking back as how the meetings had been conducted since this administration was elected, Mr. Obos said he understood the meetings were being conducted in the same manner as today. Through this course of action, there had been a de facto amendment to the Resolution anyway. He said the procedures of the meetings now were compliant with State law which allowed the City to designate a specific period of time for public comments. So legally, everything was fine. The only issue was the prior Resolution 14-61, and it could be changed today by motion. He said it actually had already been changed by the actions of this Council over the last year since the election.

Councilman Solis seconded the motion. Councilwoman Strange said she did not think three minutes were sufficient to speak if numerous items were involved. Councilman Reichard reminded that the Council could extend the time which had occurred in the past. Mayor Thomas said he had allowed for extra time for the public to speak on occasion. Mr. Obos said he did not feel that another Resolution was warranted but that would be up to the Council. Councilman Reichard said the other Resolution was in place which confused the public. Councilman Solis said today's actions were to repeal that Resolution. Mayor Thomas said the Council was following State law and just not following a Resolution adopted by another Council. Councilwoman Strange called for the vote. Comments were made from the audience about speaking at the end after the votes were already taken. Mr. Obos repeated that the motion was to formally recognize the

manner in which the meetings were being conducted now. With no further discussion, **the motion passed by majority roll call vote recorded as follows:**

Councilman Solis	Aye
Councilman Reichard	Aye
Councilman Chester	Aye
Mayor Thomas	Aye
Councilwoman Strange	Nay

Councilwoman Strange returned the gavel to the Mayor.

PUBLIC COMMENTS

1 BURNIE THOMPSON, 8317 Front Beach Road. Mr. Thompson repeated his question if votes taken while the Council was violating Resolution 14-61 were valid. He also questioned if the Mayor supported the County suing the State and taxpayers in order to secure Fifty Million Dollars in Bonds for the State Park. He continued that the Mayor had said to Ms. Sarah Moon that was inaccurate and that was wrong.

2 GENESE HATCHER, 203 South Wells Street. Ms. Hatcher said when Mayor Oberst signed Resolution 14-61, it was to make a positive environment between the Council and the audience members. She said the only way to accomplish anything was to talk and be respectful. She mentioned kindness and respect for each other.

3 MIKE MINNICK, 101 Windsor Way. Mr. Minnick said some homeowners in Palmetto Trace received certified letters from St. Joe concerning development on Pier Park Drive and the Loop Road, and the Public Hearing on February 13th. He questioned what about the homeowners who had not received that letter and if the City planned to publish a notice in the paper so everyone knew about the meeting. His concerns were that this might make the subdivision landlocked and reported difficulties getting out of the main entrance onto the Parkway at times. He was concerned that the new development would overload Pier Park Drive and drivers seeing that the Loop Road was backed up would cut through Palmetto Trace to avoid the congestion. He asked for a "no thru traffic" sign or speed humps to prevent the speeders.

Councilwoman Strange asked Mr. Leonard if every homeowner in Palmetto Trace should have received a letter. Mayor Thomas said only those owners within 300' of the change.

4 MIKE GRAHAM, 53 Park Place. Mr. Graham said his concern was being able to safely get across the Loop Road to Pier Park. He questioned being able to install a pedestrian light similar to that on Front Beach Road in front of the Sandpiper Beacon.

5 RYAN SINGLETON, owner of Night Owl Taxi. Mr. Singleton asked if the Council could lift the ban on issuing taxi permits and licenses because of UBER. Mr. Gisbert said the City had extended the licenses for the taxi services (where typically they had only been for a year) until the UBER matter had been resolved. Mr. Singleton said he had been trying to get his permit since December and he needed to work. Mr. Gisbert said he would not receive a new permit as the City merely extended last year's permit. Mr. Singleton said he had not been told of that extension.

6 JUSTIN WILSON, 5218 Beach Drive. Mr. Wilson said his issues were the same as Mr. Singleton but added that he had new drivers that had not been permitted in 2016 to be extended. He said he did not feel comfortable putting them on the road without a permit. His main concern was the 65 cab companies trying to be permitted in a very short time before Spring Break and although the County was voting Tuesday, he did not believe the issue would be resolved. He suggested passing a moratorium to allow all companies time to transfer to the new system. He said the beach knew how to issue taxi permits and complimented the Police Department for the great job they were doing with the taxi permits.

Mayor Thomas asked Mr. Gisbert to check to ensure no taxi permits were being held which would prevent someone from working.

7 JACOB LASSITER, Bay County resident. Mr. Lassiter said he did not see the problem in allowing the public to speak on each item before the Council voted. He stated many times, he did not have questions until after hearing the Council discussion.

8 FRANK SEWELL, 435 Hidden Island Drive. Mr. Sewell said Laketown Wharf planned to make a 28,000 square foot convention area downstairs in their resort. He understood that it was within the existing footprint but his question was if more parking spaces would be required for the new use. He also had a friend ask if they expanded their business, would more parking be required and were concerned if the permit would be denied if they could not accommodate additional parking. He made additional statements about public comments and possible violations.

Councilwoman Strange said she also had questions about the parking. Mr. Gisbert explained that changing the use of a building, even from retail to convention, would trigger life safety issues, such as more exit doors, and those changes would have to be submitted. Councilwoman Strange asked Mr. Leonard if the proposed convention center would have sufficient parking. Mr. Leonard replied affirmatively, and if any event would potentially exceed the amount of parking, it would trip a Special Event application. Councilwoman Strange said the existing parking was for the units and Mr. Leonard said the Resort had additional parking for public spaces. Councilman Reichard said most of the space that was being converted was the retail space that was never leased and they had parking allotted for the retail space.

9 SARAH MOON, 123 Heritage Circle. Ms. Moon asked if events at the Convention Centers at Boardwalk or Edgewater also triggered the Special Event application. She said parking at Laketown Wharf was a nightmare and it was insane not to require additional parking for the Convention Center.

There were no further public comments. Mayor Thomas asked if it was correct that only the use had changed for the 28,000 square foot area of Laketown Wharf and if Staff had already calculated that the existing parking was sufficient for its use, and Mr. Leonard replied affirmatively to both questions.

Mayor Thomas said the other day, he had spoken to a Women's group and met Ms. Moon who asked if he knew of or condoned the County suing the citizens of Bay County. He did tell her it was inaccurate, that they were not being sued and explained the process of validating the bonds. It was not an actual lawsuit. Mr. Obos advised him that it was considered a suit, but a suit to justify the fact that the TDC could meet the needs of the bonds. Mayor Thomas said it was an error on his part and he apologized. He said no one was trying to take money away from the citizens of the County.

Councilman Solis asked Mr. Gisbert to look into a "no thru traffic" sign for Palmetto Trace and follow-up on a pedestrian traffic light. Mr. Gisbert said a traffic study would be needed for that issue. Councilman Solis said the irony today was that the majority of people complaining how the Council was conducting business did not live in the City limits. He said he talked with the citizens, met with them, and went to their properties to discuss their concerns. He said he heard positive comments in the community and heard weekly how the Council was doing right yet listened to comments at the meetings about what the Council was doing wrong. He said he was available to any person inside the City who had issues to discuss. He said the Council members were available other than merely the Council meetings. Also, the lawsuit involving the County was an appropriate question to ask the County, not the City Council.

For good news, he said several Department Heads had met with the TPO, and it appeared FDOT would move forward with the extension of US98 east to Pier Park Drive. During that discussion, it also appeared they would move forward building the sidewalks SR79 west starting in December.

Councilwoman Strange had nothing. Councilman Reichard said now that Breakfast Point was being extended and with continued development on the northside of the Parkway, it was time to consider mandatory garbage. He said he would like to ask Staff to move forward and explore that service without the many options that had been considered last time. He said most of the cities in the State had mandatory garbage so it was time to move forward on that issue. Mayor Thomas said a good idea.

Councilman Chester asked Chief Daly about phone calls he had received from people wanting bonfires on the sandy beach. Chief Daly said that was a problem because in the past, permits were issued and the people just left the debris after the bonfire, not cleaning up. He said they were banned until the TDC came with a special weekend with a vendor that provided the materials and took care of the fires which worked fine. A vendor recently approached him about providing bonfires and he had suggested that he meet with the City Manager. He would recommend using a vendor to

handle the bonfires if the City did anything, otherwise it could get out of control. Mayor Thomas suggested Staff contact Walton County to see how they were handled. Chief Daly said one vendor he knew used glass rock and propane which were very clean. Mayor Thomas suggested that he bring something back to the next meeting to discuss. Mr. Gisbert said this could be added into Chapter 7, Beach Services, and look at it through that Chapter. Councilwoman Strange asked about yard debris fires and Chief Daly said that was against State law plus the City provided pick up.

Councilman Chester added his prayers for the Bland family.

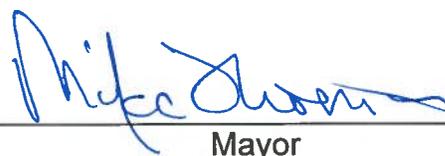
Mayor Thomas said during November and December, the Council loses a meeting per month due to the holidays. With that, many of the employees wait until the end of the year to take their leave. He said he checked 2017 and 2018, and if the Council moved the meeting dates to the first and third Thursdays of the month, it would not hinder the City in being open before the holidays. He also mentioned the leave system and accrued leave with about Three to Four Million Dollars outstanding. He said he did not believe the City could budget for that. He said he would like Mr. Gisbert and Ms. White to research and bring back an alternative to the Council. There were no objections.

Regarding City Hall, Mayor Thomas said he would like Staff to put out an RFQ and find an architect for the new building. By the time that was accomplished, the studies in process should be finished and the City would be able to move forward with the new project. By the time the CRA reached this area, this corner would be finished. He said the City had the money and he thought it should move forward. Councilman Solis said he agreed with the discussion and it would be a good time to set priorities once the capital studies were completed. He said he also wanted to ensure that funds were there for the new Fire Station. More importantly, he wanted to keep moving on the Back Back Beach Road (Bay Parkway). Councilman Reichard asked if the firm doing the study could prioritize the City Hall portion and Mr. Gisbert said Staff had already done so. Councilman Strange asked about the new Fire Station. Mr. Gisbert said it was more complex because it involved the employee side, the cost of new employees. Mayor Thomas said building the Fire Station was not the problem but manning the station was the issue. There were no objections for the search for the architects.

With nothing further, the meeting was adjourned at 10:20 A.M.

READ AND APPROVED this 9th of February, 2017.

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