

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 May 11, 2017.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:
JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER
HECTOR SOLIS

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
DIANE FLOYD
ACTING CITY ATTORNEY:
NICK BENINATE

Mayor Thomas called the Regular Meeting to order at 6:00 P.M. with all Council members, City Manager, City Clerk and Acting City Attorney present. The Mayor introduced Attorney Nick Beninate who was handling the meeting while Ms. Myers was out of town.

Police Chaplain John Woodrow of the Gulfview United Methodist Church gave the invocation and Councilman Reichard led the Pledge of Allegiance.

COMMUNITY ANNOUNCEMENTS

The Mayor announced the following upcoming events: Ironman 70.3 Triathlon May 13; EVP Beach Volleyball May 13; PCB Band Music Festival May 11-13; Pro Watercross May 13-14; PCB Travel baseball 50 teams at Frank Brown Park May 13-14; Flags ½ staff for Peace Officers' Memorial Day May 15; Beach Blast Power-Paragliding at Edgewater Beach Resort May 17-21; Jeep Beach Jam May 17-21; USSSA Fastpitch May 19-21; AAU Youth Basketball May 19-21; Shaddai Shrine Temple Spring Ceremonial Parade May 20; and Memorial Day May 29, 2017 when the City Hall offices will be closed.

There were no Minutes presented for adoption.

Mayor Thomas asked if there were any additions or deletions to the Agenda. Mr. Gisbert asked to move Consent Agenda Item #1 to the Regular Agenda as more items were to be added for the City Auction. There were no objections. **Councilwoman Strange made the motion to approve the Agenda as amended. Second was by Councilman Solis 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 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD PRESENTATION. Councilwoman Strange introduced Mr. Bryant Gidley and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. She then congratulated Bryant.

2 "NATIONAL SAFE BOATING WEEK" PROCLAMATION & PRESENTATION. Councilwoman Strange invited Coast Guard Auxiliary Commander Harry Swezey to the podium as she read the Proclamation designating May 20-26, 2017 as "National Safe Boating Week".

3 "PEACE OFFICERS MEMORIAL DAY" AND "NATIONAL POLICE WEEK" PROCLAMATION AND PRESENTATION. Councilwoman Strange invited Chief Whitman to the podium and she read the Proclamation designating May 11-17, 2017 as "National Police Week" and May 15, 2017 as "Peace Officers Memorial Day".

4 "RIDE OF SILENCE DAY" PROCLAMATION AND PRESENTATION. Councilwoman Strange invited Mr. Joe Fritz to the podium and she read the Proclamation designating May 17, 2017 as "Ride of Silence Day" in Panama City Beach. Mr. Fritz explained the Ride of Silence goals in bicycling and invited the public to the ride.

5 MS. COLLEEN SWAB, CALIFORNIA CYCLES PRESENTATION. Ms. Swab identified her family members and employees of California Cycles in the audience. She explained that her company had been in business 32 years and that the Council planned to take away their grandfathering. She stated that the scooters were not amusements but motor vehicles. Ms. Swab said the data from the Police Department was not correct and explained her reasons. She stated that her earlier report of 14,000 rentals was a guesstimate and she had not verified that information prior to the meeting. Regarding the 5 P.M. curfew, she stated they had less tickets in April. She reminded that two years ago, both the Chief and City Manager stated that lower scooters numbers would work but not now.

PUBLIC COMMENTS (Consent and Regular Items only)

The Mayor opened the Public Comments portion of the meeting at 6:28 P.M. and reminded that the speakers were limited to three minutes.

1 BURNIE THOMPSON, 8317 Front Beach Road. Mr. Thompson commented about the Police Department manpower and questioned the Council and Department Heads giving up their car allowance to pay for more officers.

2 THO BISHOP, 6504 Bridgewater Way. Mr. Bishop spoke of destroying the local economy by passing regulations which killed businesses and that the scooter industry provided jobs and tax revenue.

3 TOM KLOMPS, 614 Poinsettia Ct. Mr. Klomps encouraged the City to hire additional Police which would free the investigators from patrol work. He said scooters slowed the flow of traffic, the drivers did not pay attention and something must be done about the nuisance.

4 DOUGLAS SMITH, 1504 Louisiana Ave, Lynn Haven. Mr. Smith said he represented Sara's Scooters and urged the Council not to ban scooters and stopping the scooters at 5 P.M. could stop all his overtime.

5 CASEY CHELLEN, 12526 Front Beach Road. Mr. Chellsen commented about banning a business for personal reasons and that scooters were great for tourists to ride.

6 JACOB LASSITER, Bay County resident. Mr. Lassiter questioned how banning a business of 32 years was justice and stated that the City had not fully paid the scooter lawsuit.

7 MITCH DEVER, 400 Thomas Drive. Mr. Dever said he did not believe the banning of scooters would solve the problems and it was tough taking away those employees' livelihoods.

8 PAUL CLEMONS, 13416 Front Beach Road. Mr. Clemons made comments about California Cycles being a family who provided employment to a large group of people.

9 ANDY ELLENBERG, 2425 Haggler Avenue. Mr. Ellenberg said the scooters were income and taxes, bringing jobs and people to the beach.

10 MATTHEW BUSH, 13226 Front Beach Road. Mr. Bush stated he owned Classic Rentals with this family and that the 5 P.M. ban would drop his income by 50%. Mr. Bush said the scooter reduction agreed upon two years ago was to be revisited next year and he urged the Council to sit down with the industry to talk rather than merely ban the scooters.

11 **EVA BUSH**, 13226 Front Beach Road. Ms. Bush said Classic Rentals had operated 28 years and her family had worked with the City on every Ordinance. She said they provided insurance and everything the Councils had requested.

12 **COL. NEAL MORGAN**, 17721 Front Beach Road. Col. Morgan questioned the total legal fees for the scooter issue and the financial impact to the City and TDC regarding bed taxes and retail sales.

13 **CYNTHIA BRICKER**, 13412 Front Beach Road. Ms. Bricker said she was a single mom and the company provided her paycheck.

14 **BRIAN TRAMMELL**, 10492 Front Beach Road. Mr. Trammell said he represented King of Scooters and the ban would impact their personal lives because their company employed 30-40 people.

15 **TONY HORTON**, 807 Lyndell Way. Mr. Horton questioned how the City would stop the companies from renting scooters in three years since the City did not have enough Police Officers to police the shops.

16 **PAT QUEZADA**, 7332 Wiregress Blvd. Mr. Quezada said he was a City employee for almost ten years and he questioned why the personnel policy changes were needed. He said the City was taking away things which he felt he had earned with the goal to save money.

17 **LARRY ADAMS**, 8689 Foxtail Loop, Pensacola. Mr. Adams said he was here in case anyone had questions about Agenda Item #1, the additional height request.

18 **ABE RUTLANDDELL**, 316 15th St. Mr. Rutlanddell questioned the role of government in our lives and having the business owners beg to stay in business.

19 **ALEX FAUSS**, 13416 Front Beach Road. He said he worked for California Cycles and that it was a personal vendetta against the company.

20 **RODNEY KING**, Burnt Mill Creek. Mr. King said the wages offered for Auxiliary and Full-time Police were insulting.

With nothing further, the Public Comments section was closed at 7:08 P.M.

CONSENT AGENDA

1 REVISION OF THE MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. Moved to Regular Agenda.

2 RESOLUTION 17-91, BID AWARD- CITY AUCTIONEER SERVICES. *"A Resolution of the City of Panama City Beach, Florida, approving the Agreement with Evans Auctioneers, Inc. to conduct an auction of City surplus property on May 20, 2017 for a fee of 5% of the total proceeds received."*

3 RESOLUTION 17-93, MASTER SERVICES AGREEMENT DEWBERRY ENGINEERS, INC., TASK ORDER #1 FOR DESIGN SERVICES, PANAMA CITY BEACH PARKWAY/CAULEY AVENUE UTILITY RELOCATION PROJECT. *"A Resolution of the City of Panama City Beach, Florida, approving a Task Order with Dewberry Engineers, Inc., in the amount of \$16,745 for design services related to the Panama City Beach Parkway /Cauley Avenue Utility Relocation Project."*

Ms. Floyd read each item on the Amended Consent Agenda by title. **Councilwoman Strange made the motion to approve the Amended Consent Agenda. 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 |

REGULAR AGENDA- DISCUSSION/ACTION

1 REVISIONS OF THE MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS.

"These items are to be removed from the Master Audit List. STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List. **City Auction is planned for May 20, 2017.**" Ms. Floyd read the item by title. Mr. Gisbert explained that two additional vehicles were to be added to the list for the auction. **Councilman Solis made the motion to approve the amended Revision to the Master Audit list. 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 |

2 CONSIDER REQUEST TO USE HEIGHT INCENTIVES FOR ADDITIONAL HEIGHT, SSPCB HOSPITALITY, SPRINGHILL SUITES HOTEL, 12513 FRONT BEACH ROAD, PUBLIC HEARING.

Mr. Beninate explained the Quasi-Judicial Hearing process and opened the Hearing at 7:11 P.M. He said this request was by SSPCB Hospitality to increase the height of the proposed hotel by 6'6". He then asked the Council members for their Jennings Disclosures. Councilman Solis said he was familiar with the property and had spoken with Mr. Gisbert. Councilwoman Strange said she was familiar with the location and had spoken with Mr. Leonard. Mayor Thomas said he was familiar with the property and had spoken with no one. Councilman Chester said he was familiar with the property and spoke to Mr. Leonard. Councilman Reichard said he was familiar with the property and had spoken with Mr. Gisbert.

Mr. Larry Adams introduced himself and said he represented Innisfree Hotels and their development group. At this juncture, Mr. Beninate swore the witnesses.

Mr. Leonard said this was the old Tradewinds site near the County Pier. The original owners had a grandfathered development that planned for 356 condominium units. These new owners only wanted to build 200 units. The Planning Board considered the request at the April 10, 2017 meeting and recommended approval seven to zero (7-0). The applicants proposed five height incentives to gain the additional 6' 6" over the 150' to which they were entitled. He identified the incentives for the record; 1) a recognizable top, 2) a recognizable base, 3) increased side setbacks, 4) covered parking, and 5) use of Florida-friendly plants. Mr. Leonard said the total height available with these incentives would be 35' but the applicants only asked for 6' 6". Staff recommended approval.

Councilwoman Strange asked what would occur if the developer did not follow through with the incentives. Mr. Leonard said the developer would receive a notice that they must cure the deficiency themselves or the City would do so for them and place a lien on the tax bill. Mayor Thomas asked how the setback would be increased. Mr. Leonard said the development would not receive a Development Order or Building Permit for anything less than what was approved by Council. If they constructed something within that setback, they would receive an order for demolition.

Mr. Adams discussed the setback issue and their plan to bring the building in to keep more of a visual corridor to the ocean. He said the other incentives enhanced the building and were a good idea.

Mr. Burnie Thompson, 8317 Front Beach Road, commented about Councilman Solis's prior objections to height and blocking the view to the Gulf regarding Ms. Hatcher. He asked the Councilman if he had the same concerns in this matter.

Mr. Beninate asked if there were any other comments from the audience. There were none. **Councilman Reichard made the motion to enter the written materials from the Agenda Packet into the record. Second was by Councilman Solis 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 |

Councilman Solis made the motion to approve the request. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:

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

The Public Hearing was closed at 7:22 P.M.

3 ORDINANCE 1413, REGULATION OF MEDICAL MARIJUANA DISPENSARIES, 1ST READING, PUBLIC HEARING. Mr. Beninate read Ordinance 1413 by title. The Mayor opened the Public Hearing at 7:23 P.M.

Ms. Kimberly Haverhoff, 9712 S Burnt Mill Creek Road. Ms. Haverhoff said this was not an abuse issue but rather a medical issue. She stated this helped people with cancer and M.S.

Ms. Genese Hatcher said her sister used medical marijuana as relief from her brain cancer. She asked the Council to look at this as medical because the people needed it to ease their suffering.

With nothing further, the Mayor closed the Public Hearing at 7:31 P.M.

Councilwoman Strange asked Mr. Gisbert to explain the maps in the Agenda Packet. Mr. Gisbert identified three general areas within City limits and the areas outside of City limits which would be permitted by the County. He detailed the three general areas for the audience.

Councilman Solis said the Legislature failed to decide what the municipalities could do. He said the County seemed to allow unlimited dispensaries. He said he believed the Legislature was turning the issue over to the Department of Health to determine the locations. He spoke of studies recommending one dispensary for every 175,000 residents so within the City limits, he thought one or two dispensaries would be reasonable. Councilwoman Strange said three. Councilman Reichard said up to three because it was medication.

Mr. Beninate gave an update that the legislation did not pass because of the discussion on the number of licensed growers and how many stores each of those licensed growers could have. The DOH has until July 1st to publish the rules. Mr. Beninate said in this Ordinance, billboards were prohibited and only signage around the stores to keep the family-oriented destination image of the City. He stated the City would only permit stores, not manufacturing or processing plants.

Councilman Reichard said the Council did not want to slow the process for getting the patients what they needed. Mr. Beninate said this was an appropriate Ordinance and three dispensaries was a reasonable number. More importantly, the Ordinance lifted the moratorium and would allow business to proceed.

Councilman Chester said potentially the unincorporated areas on the beach could have 20 to 30 dispensaries. Mr. Beninate said that would depend upon the rules passed by the DOH.

Mayor Thomas said he thought one dispensary would be sufficient for the City's population with the County allowing two or three outside of City limits. He asked Mr. Beninate if one dispensary would be appropriate. Mr. Beninate said one would be satisfactory but would advise against a total ban. Councilman Reichard said if three was permitted, the market would decide who stayed in business. Councilman Solis suggested two dispensaries because the unincorporated areas could have locations on the beach. **Councilman Solis made the motion to approve Ordinance 1413 after changing the number of locations to two within City limits.** Councilwoman Strange suggested three locations and allow competition to limit the businesses. Councilman Reichard agreed. **The motion died for lack of a Second.**

Councilwoman Strange made the motion to approve Ordinance 1413 as written with three locations. 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 |

4 ORDINANCE 1415, PROHIBITING OVERNIGHT SCOOTER RENTALS, 1ST READING. Mr. Beninate read Ordinance 1415 by title and explained this was not a Public Hearing. Councilwoman Strange asked where the 5 P.M. originated. Mayor Thomas explained comments by the Chief about problems with people going out to supper, coming off the beach, and the heavy concentration of both during that period. He said it also helped during Spring Break.

Chief Whitman said the prior Ordinance was 7 P.M. and during the previous Council meeting, discussion ensued concerning the workforce getting off work between 4:30 P.M. and 6:00 P.M., increased traffic, and the beachgoers coming off the beach to go to restaurants at the same time. He said there was a large influx of traffic between 4:30 P.M. and 7:00 P.M. Councilwoman Strange asked if he could handle the traffic for two more hours if he had twenty more officers. Chief Whitman said he could not train twenty officers right now. He emphasized that the Department needed more officers.

Councilman Solis explained his reasons for his decision. He spoke of the comments from residents during his campaign. He continued to receive calls about scooters in neighborhoods, the noise, and disruptions. He said the biggest reason for his decision was enforcement. He continued that 1/3 of the City's budget was for the Police Department, and realistically substantially more officers could not happen. However, the City could not have enough law enforcement to only police one industry. He continued that he thought it had been reasonable to require insurance but had been overridden by the State upon appeal. He mentioned the drivers without insurance hurt on scooters and those who received property damage had to repair the damage at their own expense. He reported comments from an ER doctor whose hospital was having a hard time with uninsured individuals and the cost to the hospitals. **Councilman Solis made the motion to approve Ordinance 1415 after amending the time from 5:00 P.M. to 7:00 P.M. Second was by Councilman Reichard.**

Councilwoman Strange said during the Public Comments at the first of the meeting anyone could have spoken on the scooter issue. She said she did not like the scooters but she felt the Council needed the support from the residents.

Councilman Chester said he received all the calls and emails like Councilwoman Strange. He also asked several residents who opposed the scooters to attend the meeting and speak but was told he was elected to represent. **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 |

5 ORDINANCE 1416, AMORTIZATION OF SCOOTER RENTALS, 1ST READING, PUBLIC HEARING. Mr. Beninate read Ordinance 1416 by title and introduced fellow attorney, Mr. Cole Davis, the primary attorney who was handling this matter. Mr. Davis said this Ordinance would prohibit the rental of motor scooters as of September 8, 2020 and provided within six months after adoption for the filing of a petition requesting additional time beyond the 9/8/20 date. As background, the City had been regulating scooters since 1993 and since that time, the City and the popularity of the scooters had grown. The growth created a strain that caused safety problems. The Council had met with the industry with the industry stating they could not control the riders. In 2013, the Council adopted an Ordinance requiring vests due to problems with the behavior of the riders. In the lawsuit, that appeal was lost which tied the City's hands in the attempt to regulate the riders. Mr. Davis said this Zoning Ordinance stated that the non-conforming uses already declared for motor scooter rentals were to be amortized allowing a reasonable time to realize their investment.

Councilwoman Strange asked about the 50 cc and Mr. Davis said motorcycles were over 50 cc so those rentals were still permitted as well as Low Speed Vehicles. She asked if this included motorized bicycles and Mr. Davis said yes. She asked Mr. Gisbert about the unpaid legal fees and Mr. Gisbert replied that all fees that were due were paid.

Mayor Thomas opened the Public Hearing at 7:55 P.M.

Mr. Burnie Thompson, 8317 Front Beach Road. Mr. Thompson said the City could not pass Ordinances which superseded State Statutes and should pay the fine before banning the businesses.

Mr. Matthew Bush, Classic Rentals, 13226 Front Beach Road. Mr. Bush questioned not being able to add replacement inventory even though he had the medallions.

Mr. John Haley, 164 Gulf Highlands Blvd. Mr. Haley said it was not the Council's job to make a law benefitting one business over another.

Mr. Rodney King, Burnt Mill Creek. Mr. King said everyone who used the scooters for transportation would have to walk once the scooters were banned.

Mr. Justin Glover, 13416 Front Beach Road. Mr. Glover said he rode his scooter back and forth to work every day and as a mechanic, he ensured that the scooters were safe to ride. He said they could not control what the riders did outside.

Mr. Bryan Trammell, 10492 Front Beach Road. Mr. Trammell said he represented King of Scooters and that the scooters provided fun and were a means of transportation.

Mr. Jacob Lassiter, Bay County resident. Mr. Lassiter mentioned the time the Police Department spent on City events, why officers were at this meeting instead of on the street and doing Code Enforcement duties.

Mr. Tho Bishop, 6504 Bridgewater Way. Mr. Bishop suggested "no scooter" signs and questioned the City deciding the proper return on the scooter investments.

Mr. Bretland Dell, 316 15th Street. Mr. Dell mentioned gun control and the free market finding a solution to go around legislating behavior.

Ms. Barbara Vecrumba, 11800 Front Beach Road. Ms. Vecrumba said she did not want anyone put out of business but the people who drove scooters left their brains at home when they came on vacation. She said the users did not drive responsibly.

Ms. Cynthia Bricker, 14932 Front Beach Road. Ms. Bricker said people could rent a car from Enterprise and leave their brains at home also.

There were no further comments from the audience.

Councilman Reichard said the ratio of calls and emails against the scooters outweighed the supporting emails and calls. Councilman Solis repeated his three reasons for voting. Councilwoman Strange said Mr. Bush had the question about not being able to purchase new vehicles and suggested some of the language should be tweaked. Councilman Chester said he had been receiving phone calls, emails, and texts concerning where the scooters went, how they were driven, and the riders' actions.

Councilman Solis asked Chief Whitman how many patrol cars had been damaged by scooters. Chief Whitman replied six (6). Councilman Solis asked how many were recovered for the costs. Chief Whitman said one company paid \$3900 to repair the vehicle but the other five were repaired by the City due to no insurance.

Mayor Thomas said this decision was hard to do. He mentioned growing up being able to ride horses on the beach, driving jeeps on the sandy beach. He said with so many people coming, rules were made to prevent those activities. He said the beach had grown tremendously where in the past, the beach closed at Labor Day with no visitors. That was not the case any longer. He said the City had too many people on the roads to accommodate that amusement. He reminded that the businesses would still have their LSVs and the big bikes. Someone renting a vehicle under 50 CC did not require a license to operate and some of these people had never ridden a scooter. Regarding Mr. Bush and his question about replacing the scooters during the three years, the investments on the scooters if bought close to the end would not be recovered.

Chief Whitman said Ms. Swab had the information and statistics compiled by the Department. He supplied the names and contact information of the officers who assembled the information for updates as he was not hiding anything. He said he heard from his officers and their concerns were scooters. He said the beach was growing and the scooters were a nuisance. He said the growth of the City created traffic and mixing traffic and scooters driven by people who used them as amusements and who did not know how to drive them became problems for his officers. He said the current concerns were horns beeping, scooters driving through the neighborhoods, reckless driving, and arrests for drugs. He said many times those drug arrests did not show up on citations supplied to Ms. Swab because it resulted in a felony arrest. The Chief said there were criminal activities and scooters were used because it was easier to get around traffic. He said he would not issue orders to use their motorcycles because he would not put his officer's lives in jeopardy to chase a moped. He said the riders cut through parking lots and drove on the sidewalks. Business owners complained to him about those issues.

Chief Whitman reported the statistics for 2015, 2016, and 2017. He explained that the number of tickets issued was more than the number of stops because sometimes there were multiple tickets issued during the stop. He said the number of tickets were down in 2016 due to the vests, but his officers were not enforcing the vests because the matter was in court. Chief Whitman said he received complaints about why insurance was not required and how could the City allow something on the road without insurance and who would pay for the damages.

With nothing further, the Public Hearing was closed at 8:33 P.M.

Councilman Solis made the motion to approve Ordinance 1416. Second was by Councilman Reichard. The Mayor asked if there were any comments.

Councilwoman Strange asked about the future lawsuit and costs. Mr. Gisbert said he could not give an answer on that but the Ordinance was written with an appeals process which hopefully would mitigate a lawsuit. **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 |

6 RESOLUTION 17-90, PAYOFF UTILITY DEPARTMENT 2002 STATE REVOLVING FUND (SRF) LOAN AND BUDGET AMENDMENT #32. Mr. Beninate read Resolution 17-90 by title. **Councilman Chester made the motion to approve Resolution 17-90. Second was by Councilman Solis 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 |

7 APPOINTMENT OF HALF-CENT SALES TAX CITIZENS OVERSIGHT COMMITTEE MEMBERS. Councilman Reichard said he was not comfortable with choosing the members yet and asked for two more weeks. Councilwoman Strange said she thought it had been decided they should be a City resident. Councilman Solis said he did not oppose waiting two weeks. Mayor Thomas said bring back the issue in two weeks.

8 PERSONNEL POLICY REVISIONS. Mr. Gisbert said for a while, the City had been accruing debt and up to last year, the City had \$2.1 Million Dollars in the General Fund, approximately \$1 Million Dollars in the Utility Fund, \$22,000 in Pier Fund and \$8,000 in Aquatic Funds. He said the City would pay up to Five Hundred (500) hours Sick Leave time upon retirement. At this point, with 279 employees, that debt reached into the millions of dollars. Mr. Gisbert said the City set aside approximately \$400,000 annually for the payouts for the employees as they left. He said this revision was to update our policy to match other municipalities in the area. Staff recommended to freeze all employees at their current hours. Mr. Gisbert said the employee would still be able to accrue and use Sick Leave, just receive a payout for only those hours presently banked upon leaving the City. Mr. Gisbert said if the Council approved freezing the hours, Staff would be able to supply a figure so that money could be set aside to fund the future payouts.

Mr. Gisbert said this Policy also now set aside four hours for Bereavement. This Policy also allowed Staff to see a pattern of abusing Sick Leave and with the new timeclocks, the City would have mechanisms to track the use better. He said this new Policy would allow the City to meet the needs of the employees and be able to afford the promises.

Councilman Solis confirmed that this was only freezing the payout upon leaving and the employee would still continue to accrue Sick Leave. Mr. Gisbert added that this Policy update did not change the payout for Emergency time. He added that the City still had the Sick Leave Pool. He explained the employees could use accrued Leave but if any of the banked Sick Leave was used, it would not be replenished.

Councilman Chester asked about having this new Policy go into effect for the new hires. Councilman Solis said the Council must be stewards for the City's money and mentioned the large payout. Mr. Gisbert said the new hires would not receive any payout but would be able to accrue Sick Leave. **Councilman Reichard made the motion to accept the new Personnel Policy starting two pay periods from now. Second was by Councilman Solis.** The Mayor asked if there were any further comments. Councilman Chester said he leaned toward starting this effective October 1st. **The motion passed by majority roll call vote recorded as follows:**

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

9 PARKING AT THE CONSERVATION PARK-UPDATE AND DISCUSSION.

Councilwoman Strange said she understood negotiations were ongoing with St. Joe for a four acre parcel. She mentioned moving ahead for additional parking at the Conservation Park. Mayor Thomas said St. Joe had not yet signed the sale of the property and in the meantime, the Utility Department was looking at another site. Councilwoman Strange said it was a safety issue because there was no decent parking. She said the City had the land. Mr. Gisbert said within the Conservation Park, parking could not be built without modifying the Corps of Engineers permit which would take six to ten months. Councilwoman Strange said Staff should start the permit process because additional parking was needed with events being held every weekend. **Councilwoman Strange made the motion to proceed with permitting land next to the pavilion for parking.** Councilman Reichard said by waiting on St. Joe, land would not be taken out of the Park. Councilman Chester asked Mr. Gisbert to contact St. Joe for an update for the next meeting and he agreed with Councilwoman Strange that more parking was needed.

Mr. Gisbert said he was working on it as well as acreage to extend the Loop Road. He received a copy of the license from St. Joe last week and Ms. Myers said she would review as soon as she returned from out of town. He said he negotiated Five Hundred Dollars (\$500) per year for four acres of land and a construction price of approximately One Hundred Thirty Thousand Dollars. He said the Agenda packet had the draft parking lot design for 130-140 parking spaces, four times the amount of parking compared to the first site. Mr. Beninate said Ms. Myers had reviewed the license and the first draft did not suit the project well so it was in negotiation. Mr. Gisbert said if the St. Joe lawyers and Ms. Myers came to an agreement, he would bring it to Council. **The motion lied for lack of a Second.**

10 PROHIBITED USES ON PANAMA CITY BEACH PARKWAY- DISCUSSION.

Councilwoman Strange said there were some businesses such as used car lots opening on the Parkway and she suggested a review. She said the Planning Board had created Prohibited Uses for Front Beach Road. She suggested obtaining some direction from the Planning Board. She said someone contacted her about her piece of land on the Parkway for a car lot and she had said no. Councilman Reichard said he was also contacted. Councilwoman Strange said she felt with the City's growth, the Parkway needed guidelines. Mr. Leonard said the Parkway was a Tourist Corridor and that the Planning Board could look at Prohibited Uses, Supplemental Uses or Conditional Uses, and make a recommendation to Council. The Mayor said there must be some place in the City for certain businesses, and should not the Parkway be the correct location. Councilman Solis asked Councilwoman Strange if there was a specific business she was considering. She replied no, that she wanted the City to look good, and there were issues with the car lot across from her neighborhood. Mayor said the City had to give the businesses a place to locate and there was no other location other than the Parkway. Mr. Leonard suggested creating a buffer against the neighborhood when they located onto the Parkway.

Councilwoman Strange said she could talk with Mr. Leonard and have something for the Planning Board. Councilman Reichard agreed with the Mayor in that the Parkway was intended to have the different types of businesses and keep them off the Tourist Corridor. Discussion ensued. Mr. Leonard said there were buffers between commercial and residential but they were only 10'-20'.

11 POLICE DEPARTMENT MANPOWER- DISCUSSION/ BUDGET AMENDMENT.

Councilman Solis said he had recommended two more Patrol Officers be hired and wanted to continue the discussion. With moving forward today on the reamortization of the loan, he suggested this would be a good area for drawing the funds to pay for the additional manpower. He also had discussed with Ms. White that funds were in the General Fund so he recommended moving forward.

Councilman Reichard said he would rather not use the savings from the reamortization of the loan that should remain in the Utility Fund. He mentioned upcoming repaving on Thomas Drive by the County which would require the City to

make utility changes costing as high as six to seven figures. He also mentioned the Sports Park engineering. Councilman Solis said the Utility Fund had sufficient reserves to handle those projects. **Councilman Solis made the motion to hire two Patrol Officers to be paid out of General Fund Reserves. Second was by Councilwoman Strange.** Councilman Reichard said the City's income was dropping yet funds were being pulled from Reserves. He also mentioned the grant program hiring and its ultimate costs. Councilman Solis said this was not for the grant program. Councilwoman Strange mentioned in three years, more police would be needed due to more residents.

Councilman Chester asked Chief Whitman about the grant. Chief Whitman said the grant was not yet open and the Department would have to apply for the funds for three officers. Councilman Reichard said these officers were not budgeted. Mayor Thomas said personally he did not like taking money out that had not been considered when reviewing the budget. He suggested waiting for the grant and go through the budget process. He also believed the City's revenue would be going up this year, not down. **The motion passed by majority roll call vote recorded as follows:**

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

12 REVISED JOB DESCRIPTION ADMINISTRATIVE AIDE, LICENSING DEPARTMENT- DISCUSSION/BUDGET AMENDMENT. Mr. Leonard said this was the revised job description for future hires for Licensing with raised minimum requirements of more of an accounting background or business management, or equivalent. He said it was important to have someone who could speak with the Finance Department more clearly. Councilman Solis said the 1% tax was currently 40%-45% of the City's budget so it only made sense for this change. Mr. Gisbert said this change would also allow the City to be comparable to the County and State. Mayor Thomas mentioned the software problems. Mr. Gisbert said the City did not have the expertise inhouse to operate the new software program. Mr. Leonard said it was a state-of-the-art program and converting old data into the new system took time. He continued that the program was being tweaked into what the City wanted. He said this program allowed for seamless cooperation between the City, County and State for review of taxes. **Councilman Solis made the motion to approve the revised job description. Second was by Councilman Chester.** Mayor Thomas asked about the Budget Amendment and Mr. Gisbert replied that a Budget Amendment would be brought back to Council before the person was hired. **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 |

13 PUBLIC COMMENTS (LIMITED TO THREE MINUTES)

Mayor Thomas opened the Public Comments section of the meeting at 9:22 P.M.

MR. BURNIE THOMPSON, 8317 Front Beach Road. Mr. Thompson commented about the \$450 car allowance and the Mayor's wall. He made statements about the Fire Inspector and made a verbal public records request.

MR. TOM KLOMPS, 614 Poinsettia Court. Mr. Klomps mentioned the noise from banner planes and ThunderBeach, the kids still in school but not being able to sleep due to the noise and future traffic due to additional housing being built.

MS. JESSICA DILIBERTO, 151 Heritage Circle. Ms. Diliberto had questions for Councilman Solis concerning his business.

MR. ROY MANSFIELD, 203 Summerwood Drive. Mr. Mansfield commented about the Seahaven cleared area and opposed amplified sound and lights right behind the subdivision. He said 30' beyond the 50' buffer was cleared and mentioned the owners had met with the community to outline their plans.

MR. BOYD WHIGHAM, 13221 Oleander. Mr. Whigham commented about the ongoing traffic situation on Oleander. He displayed the prior view of the beach before the Hatcher's buildings. He left documents with Mr. Gisbert for research and planned to meet him the next day.

MS. JENNIFER de SHAZO, 315 Summerwood Drive. Ms. de Shazo mentioned the unbearable noise and traffic congestion, not being able to sleep and opposed the plans for Seahaven due to how it would affect the neighborhood.

Mayor Thomas said that the City had received no paperwork from Seahaven, and if so, notifications would be sent out to the residents. Ms. De Shazo said a letter had been sent out inferring it was a "done deal". The Mayor stated it would come to Council and there would be no surprises for the residents.

MR. MICHAEL PUGH, 130 Summerwood Drive. Mr. Pugh made comments about Hills Road being a racetrack with drivers cutting through the neighborhood. He objected to the noise and pollution.

MR. THO BISHOP, 6504 Bridgewater Way. Mr. Bishop spoke of the underfunded Police Department and declining revenue.

MR. DILLON MILLER, 123 Palm Harbour Blvd. Mr. Miller mentioned the Police manpower being the real problem and priorities.

MR. PAUL DALTON, 107 Manistee Drive. Mr. Dalton thanked the Police Department for their hard work and commended Chief Whitman.

MS. SARAH MOON, 123 Heritage Circle. Ms. Moon mentioned the photo of Oleander Drive and Mr. Whigham answered it was taken from Front Beach Road.

MS. GENESE HATCHER, 203 South Wells. Ms. Hatcher mentioned the picture and that her homes on Oleander were in full compliance. She mentioned harassment. She said there were 34 homes on Oleander with 24 being short-term rentals and that she would have 8 homes on that street.

MR. BRETT LYNDELL, 316 15th Street. Mr. Lyndell mentioned telemedicine for the medical marijuana dispensaries with a larger demand. He mentioned procedural points and Roberts Rules.

MS. SANDIA HAMPTON, 115 Sandalwood Lane. Ms. Hampton said their HOA encouraged the residents to come to tonight's meeting. She mentioned the potential noise and encouraged the Council not to allow Seahaven to have events.

MS. SARAH MILLER, 214 Oleander Court. She reminded that events brought money to the City. She encouraged the residents to attend the meetings and vote.

MR. JACK BISHOP said the Council deserved a medal for tonight.
The Public Comments section was closed at 10:07 P.M.

Councilman Solis said Warrior Beach Retreat was occurring next week and the ceremony would be at Arnold High School Councilman Reichard mentioned that Soldier's Angels would be on the parade route waving flags. Mayor Thomas said he would answer all questions which pertained to the City but would not answer personal questions. He said he spent time making the City a better place.

With no further comments, the meeting was adjourned at 10:10 P.M.

READ AND APPROVED this 8th of June 2017.

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

ATTEST:

Alicia B. Floyd
City Clerk

[Signature]
Mayor