

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 June 28, 2018.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

JO SMITH

CITY ATTORNEY:

AMY MYERS

Mayor Thomas called the Regular Meeting to order at 9 A.M. with Council Members, 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.

The Minutes of the Regular Meeting of June 14, 2018 were read. **Councilman Chester made the motion to approve the Minutes as prepared. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:**

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. Mr. Gisbert asked to add one item concerning TDC funds for Frank Brown Park improvements, one item for road closures within Pier Park for softball tournament opening ceremonies, and an Ordinance concerning signage on the white sandy beach. Councilman Solis asked to add a discussion about enforcement for the double-red flag system. Councilman Casto said he would agree as long as the discussion encompassed the entire Beach & Surf program. There were no objections. **Councilman McConnell made the motion to approve the Agenda as amended. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

PRESENTATIONS

1 INTRODUCTION OF CAIR ORGANIZATION. Ms. Hiba Rahim introduced herself and Ms. Azka Mahmood, and explained about the CAIR (Council on American-Islamic Relations) organization. She spoke of their legal work and vision. Ms. Mahmood spoke of their mission and training opportunities.

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

Mayor Thomas opened the Public Comments section of the meeting at 9:10 A.M. and invited comments. There were none.

CONSENT AGENDA

Ms. Smith read the Consent Agenda Item by title.

1 RESOLUTION 18-106, JULY 4TH "STAR SPANGLED SPECTACULAR" ROAD CLOSURE. "A Resolution of the City of Panama City Beach, Florida, authorizing temporary closures of portions of Pier Park Drive from LC Hilton Drive to Front Beach Road on July 4, 2018, for the "Star Spangled Spectacular" event."

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

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

REGULAR AGENDA

ITEM 1 MOONRAKER PLAT APPROVAL, PUBLIC HEARING. Ms. Myers asked that the Public Hearing be opened and continued until the next meeting because the Plat was not complete. The Mayor opened the Public Hearing at 9:11 A.M. and invited comments from the audience. There were none. He announced that the Public Hearing would be continued until July 12, 2018 at 6 P.M.

ITEM 2 RESOLUTION 18-105, AMENDING SICK LEAVE POOL POLICY RELATED TO VOLUNTARY EARLY PAYOUT AND BUDGET AMENDMENT #35. Ms. Myers read Resolution 18-105 by title. The Mayor asked if there were any questions and there were none. **Councilman Solis made the motion to approve Resolution 18-105. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 3 RESOLUTION 18-107, BUDGET AMENDMENT #34 RELATED TO ACCRUED LEAVE PAYOUT. Ms. Myers read Resolution 18-107 by title. The Mayor asked if there were any questions or comments; there were none. **Councilman McConnell made the motion to approve Resolution 18-107. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 4 RESOLUTION 18-108, SALE OF SURPLUS CITY PROPERTY, 100 ARGONAUT STREET. Ms. Myers read Resolution 18-108 by title and explained this offer was above appraised value and only for a portion of Argonaut Street. Mr. Gisbert said Bids were not received for all lots and he proposed that "for sale" signs be placed on the remaining residential lots and bids taken with the same caveat. For the commercial lots available on Thomas Drive, he proposed issuing an RFQ for a commercial broker to handle the sales. There were no objections. **Councilman Solis made the motion to approve Resolution 18-108. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 5 RESOLUTION 18-109, BUDGET AMENDMENT #38 RELATED TO ADDITIONAL BUILDING INSPECTIONS & PLAN REVIEW SERVICES WITH GORDON & ASSOCIATES. Ms. Myers read Resolution 18-109 by title. The Mayor asked if there were any questions and there were none. **Councilman Chester made the motion to approve Resolution 18-109. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 6 RESOLUTION 18-110, INITIAL ASSESSMENT RESOLUTION FOR 2018 NUISANCE ABATEMENT ROLL. Ms. Myers read Resolution 18-110 by title and explained the County had requested that the City give them the preliminary roll in July for seven properties. She said a final Assessment Resolution would be presented in September. The Mayor asked if there were any questions and there were none, **Councilman Chester made the motion to approve Resolution 18-110. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 7* RESOLUTION 18-111, MASTER SERVICES AGREEMENT WITH DEWBERRY ENGINEERS, INC., RELATED TO CRA MAJOR TRANSPORTATION ENGINEERING & DESIGN SERVICES AND TASK ORDER 2018-01. This item was one in which the City Council acted as the Panama City Beach Community Redevelopment Agency jointly and concurrently. Ms. Myers read Resolution 18-111 by title. The Mayor asked if there were any comments; there were none. **Councilman Casto made the motion to approve Resolution 18-111. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 8 RESOLUTION 18-112, SALE OF SURPLUS CITY PROPERTY, 224 16TH STREET. Ms. Myers read Resolution 18-112 by title and said this was the sale of three lots that collectively made up that address plus above the reserve amount for all three lots. The Mayor asked if there were any questions and there were none. **Councilman Chester made the motion to approve Resolution 18-112. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 9 ORDINANCE 1463, PROHIBITING LOITERING AND OTHER CERTAIN ACTIVITIES AT PUBLIC TRANSIT SHELTERS, 1ST READING. Ms. Myers read Ordinance 1463 by title and said this came with the recommendation of Chief Whitman to prevent the shelters being used as an accommodation. The Mayor asked if there were any questions and there were none. **Councilman Solis made the motion to approve Ordinance 1463. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 10 RESOLUTION 18-113, BUDGET AMENDMENT #39 TO APPROPRIATE AND RECEIVE FUNDS FOR FRANK BROWN PARK FESTIVAL SITE IMPROVEMENTS. Ms. Myers read Resolution 18-113 by title. Mayor Thomas explained that the concert promoters had asked if the area around the stage could be

hardened by gravel to prevent the heavy buses and equipment trucks being bogged down after rain. The TDC had originally been preparing to do the work, and the Mayor said the City would do the labor and the TDC furnish the materials and reimburse the City for the labor. Mayor Thomas added that some additional electrical work would also be done at TDC expense. Mr. Gisbert explained the electrical work, an upgrade, and that the City had been doing upgrades for the last six years. Councilman Chester said this would also benefit Thunderbeach and Cops N' Kids. Councilman McConnell said this upgrade would also alleviate some of the noise created by generators that disturbed Palmetto Trace. **Councilman Casto made the motion to approve Resolution 18-113. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 11 RESOLUTION 18-114, USFA SOFTBALL TOURNAMENTS OPENING CEREMONY PARADES ROAD CLOSURES. Ms. Myers read Resolution 18-114 by title. The Mayor asked if there were any comments and there were none. **Councilman Solis made the motion to approve Resolution 18-114. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 12 ORDINANCE, BEACH SIGNS. Ms. Myers read the proposed Ordinance by title. She clarified that legal had been directed to prepare the Ordinance as an Emergency Ordinance and had been drafted in response to some of the concerns arising from recent legislation and some activities in Walton County. Currently, the City's Sign Code exempted "no trespassing" signs from permitting and no location had been specified in the Code. Given the concerns about misunderstanding of use the sandy beach and Walton County, and some residents excited to place signs and fences on the sandy beach, legal had been directed to prepare this Ordinance. While it would not prohibit fences or obstructions, it would prohibit the "no trespassing" signs on the sandy beach.

Councilman Solis said he opposed the State's recent legislation but also was concerned that this Emergency Ordinance would not allow for citizen feedback and was the first time the Council members had seen the draft. He felt the public should be able to discuss the Ordinance. He added that he would like the public to be able to have a "no trespassing" sign at the toe of the dune to prevent people from coming onto their property. Ms. Myers clarified that the definition of sandy beach stopped at the toe of the dune. Councilman Solis said then his only opposition was it being potentially adopted as an Emergency Ordinance. Ms. Myers said it could be adopted as a normal Ordinance with a First Reading today at the Council's direction. Councilman Casto agreed with that change. The Mayor asked if there were any further questions and there were none. **Councilman Casto made the motion to approve the Ordinance at First Reading. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 13 DOUBLE-RED FLAG SYSTEM AND ENFORCEMENT- DISCUSSION. Councilman Solis said he had discussed with the City Manager that the City had no enforcement capabilities with the double-red flags. He said our officers could go down the beach advising the public that the beach was closed but the public would go back into the water as soon as the officer left. He said the County had adopted regulations in 2008 which he felt was reasonable. However, his bigger concern was placing our first responders at risk when someone was irresponsible. He continued that unfortunately most drownings were those who went into the water to save someone else. He explained

the County regulations allowed the surfers as long as they had the tethered flotation device. Councilman Solis suggested either a ticket or arrest for those stubborn individuals who would not leave the water. He said he would like this to move forward with research first to start the process.

Councilman Casto asked Chief Whitman if this was a tool that he needed or wanted. Chief Whitman replied that he had no additional manpower for enforcement. He said this issue had also been discussed in 1995 and 2008, and in 1995 it had been enacted but repealed one month later because Chief Sullivan said he did not have the manpower. He said they had the tool of child endangerment if parents let their children swim in double-red flags, and the adults had been arrested. However, he was concerned with dealing with seventeen million visitors topside and then adding more on the sandy beach. He said he planned to increase Beach and Surf this year but his fear was being called down to the sand constantly to get people out of the water and the swimmers argue with the officer about others still in the water. He said he would like more bodies on the sand to educate people but he only had three full-time and two seasonal Beach and Surf officers. When the double-red flags were flying, he put officers on the beach if he had the manpower available. He also mentioned USLA lifeguard certification and some of his officers volunteering to take the course and work on their off-days, and some of Chief Couch's Fire personnel had volunteered also. This would be something for the future. He said the flag system worked. Councilman Solis asked the percentage of people who argued with the officer after being told to get out of the water and Chief Whitman replied over 50%. Councilman Solis said he felt the City had the responsibility for the visitors and thought the City could do a better job in informing the public about the flag system.

Mayor Thomas asked that staff reach out to other coastal communities and their law enforcement agencies to get their comments and see if it has helped their enforcement. Councilman Chester mentioned the BCSO helicopter flying up and down the beach, and hovering over people telling them to get out of the water. Councilman Solis mentioned social media with discussion about no enforcement. He mentioned issuing warnings for most people and the arrest power for the obnoxious person who would not listen to the officer. Councilman McConnell stated he could support fines but not arrests. Chief Whitman mentioned the tier system with warnings and then arrests.

Councilman Casto said he had met with Chief Couch and Chief Whitman to discuss this issue and all seemed to agree a solution would be expanding Beach & Surf. He said with all the flyers and signs, it was almost impossible for someone not to be informed about the undertow. He said he felt the City needed to hire more mobile Beach & Surf personnel, traveling on 4-wheelers, who could respond quicker than emergency personnel. He said he hoped in the budget process that the City would be able to give the Department more personnel. Councilman Casto continued that he hoped the new Firefighters for the new Fire Station could be trained for open water rescue and would not oppose incentive pay for that extra certification. He said that was the next step before going to a costly full-blown lifeguard program. He said the County had estimated that their ten miles of sandy beach would cost approximately \$9,000,000 annually and he did not know how the City would pay that expense or if the public would support that cost. Councilman Casto said he thought the next step would be training the extra officers and adding more Beach & Surf officers.

Mayor Thomas said it was impossible to be on the beach without seeing the flag warning system information. He said between the BCSO, the radio stations, the TDC, and the City, there was excellent education done. He added that the beach vendors had lifeguards on duty while the business was open. In other places, their roles were strengthened which took the burden off the community and government. He said he would not support hiring many people part-time to put on the beach. He supported hiring the Police or Fire off-duty as a second job as most of those officers worked two jobs. The Mayor also spoke of the dangers of the water. Councilman Solis said the beach vendors were told not to go into the water due to liability issues, and possibly that could be part of the discussion. He continued that most of the visitors did not understand rip currents, not merely the red flags. Mayor Thomas directed the City Manager to also research what other communities required for their beach vendors and to work with the County so that all the sandy beach would be uniform.

DELEGATIONS

Mayor Thomas explained the Delegations period and opened this portion of the meeting at 9:57 A.M.

1 Mr. Burnie Thompson, 1792 Front Beach Road. Mr. Thompson questioned the parking situation at Mike's Diner and why Mayor Thomas and Mr. Gisbert were not scanned for weapons like the other citizens. He urged the Mayor to follow the same rules

as others.

2 Ms. Genese Hatcher, 203 S Wells. Ms. Hatcher related a story about a fire truck, police car and City personnel responding to one man, and in future, someone in charge release the not needed employees to move along.

3 Mr. Stan McCain, 14104 Pelican St. Mr. McCain asked for solid research on the lifeguard issue in order to discuss intelligently.

4 Mr. Matthew Bush, 170 Crane St. Mr. Bush presented a handout with the deposits charged by Harley that were not permitted by City Ordinance. He said they should follow the same rules as his business.

5 Mr. Todd Ingram, 12202 Hutchison Blvd. Mr. Ingram said several of his members were asking for clarification concerning the Harley deposits and that it was not fair that they were able to charge more than the Ordinance allowed. He mentioned the new expensive vehicles available for rent, costing in the thousands as opposed to the \$700-\$800 scooter.

With no further comments, the Delegations period was closed at 10:05 A.M. Mayor Thomas addressed Mr. Thompson and said he had been scanned for weapons at the previous meeting. For this meeting, he exited his office straight into the Council Chambers and did not go into the hallway. For parking, he did not park his customers when they came into his restaurant. He was at his job inside serving them.

Ms. Myers had no attorney report.

Mr. Gisbert announced the jobs and bids posted on the website.

Councilman Casto asked if any dates had been discussed for the upcoming Budget Workshops. Mr. Gisbert replied that the first Workshop would be towards the end of July. He said the audit for this year was complete and once sent out to the various agencies, Ms. White would be able concentrate on the budget process. As in the past, plans were for the first meeting to include the smaller budgets, with discussions about the number of additional employees for the various Departments as well as pay increases. He thought the General Fund would be presented at the 2nd meeting in August with the Utility Fund last. He asked the Council members if they wished the Workshops to be after the 9 A.M. Council meetings or the weeks in between meetings. Councilman Chester said the same day as the meetings, and Councilman Casto concurred. Councilman Solis agreed.

Councilman Solis said the Harley deposits should be investigated. He said he would like an answer next week in order to be able to give intelligent explanations. He also questioned the street number given by Mr. Thompson as it was not within City limits. Mr. Thompson corrected the number to 17292, a new business within City limits. Councilman McConnell asked for the other pages on the handout. Mr. Bush said he only printed that one page. Councilman McConnell said this morning had been the groundbreaking for the new City Hall and suggested that the building be named after Mayor Philip Griffiths. He thought it was more appropriate than the building at Frank Brown Park. Mayor Thomas said it would be discussed at the next meeting.

The meeting was adjourned at 10:13 A.M.

READ AND APPROVED this 12th of July, 2018.

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