

The Emergency Meeting of the City Council of the City of Panama City Beach, Florida, conducted on March 31, 2015.

ROLL

MAYOR GAYLE F. OBERST

COUNCILORS:
JOHN REICHARD
RICK RUSSELL
JOSIE STRANGE
KEITH CURRY

CITY MANAGER:
MARIO GISBERT
DEPUTY CITY CLERK:
JO SMITH
ASSISTANT CITY ATTORNEY:
AMY E. MYERS

Mayor Oberst called the Emergency meeting to order at 4:00 P.M., with all the Council, City Manager, Deputy City Clerk and Assistant City Attorney present. She said this Emergency meeting was called to discuss five items and reminded those in the audience about the Three Minutes Speaking Rule and forms were available on the table for those who wished to address the Council.

Pastor Young of the Woodstock Church gave the invocation and Mayor Oberst led the pledge of allegiance.

The Mayor said the City Council held an Emergency Meeting Saturday morning, March 28th, and the Board of County Commissioners held an Emergency Meeting this morning at 9 A.M. Some of the Council members and City Staff were at the County Commission meeting and most everyone else watched the meeting livestreamed. She said during the meeting, this meeting was planned so that the Council could act upon the actions taken by the County. She explained that the City and County had worked very hard over the last few years to make our Ordinances compatible with each other so that everyone would know what could and could not be done whether in City limits or the unincorporated areas. She said the proposed Ordinance 1345-E would cover all five items and the Council would discuss and vote on each item. The audience would be given the opportunity to speak; however, the Council Room was already reserved for another meeting at 6 P.M. and this meeting would adjourn around 5 P.M.

1 ITEM NO. 1 EXTENDING SPRING BREAK THROUGH APRIL 18, 2015.

Mayor Oberst said the City had designated Spring Break from March 1st to March 31st. This new Ordinance would extend Spring Break through April 18, 2015. She asked for comments. Councilman Reichard said a combined City Council/ Board of County Commissioners Workshop was planned for Thursday and a number of these items would be discussed in detail at this upcoming Workshop. He said he wished decisions had waited until after the Workshop. **Councilwoman Strange made the motion to accept Item No. 1. Second was by Councilman Curry.** The Mayor called for questions or comments; there were none. **The motion passed by unanimous roll call vote recorded as follows:**

Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Mayor Oberst	Aye

Mayor Oberst said the City would extend Spring Break through April 18, 2015.

2 ITEM NO. 2 EXTENSION OF 2 A.M. CLOSING ORDINANCE 1320.

Mayor Oberst said this item would extend the 2 A.M. closing through April 18, 2015. Councilman Russell suggested extending this 2 A.M. closing throughout the entire year and asked if this could be done at this meeting. Ms. Myers responded that because this was a Special Meeting, the Council was limited to the items on the Agenda. However, the Agenda did not state a date certain, so while it was anticipated to be April 18th, the Council would not be limited to that date. **Councilman Russell made the motion to extend the 2 A.M. closing for the sale of alcohol all year. Second was by Councilwoman Strange.** The Mayor called for comments. Councilman Reichard asked why this was being considered to extend all year when this meeting involved Spring Break. He said he supported the 2 A.M. extension through Spring Break, but

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again mentioned the joint Workshop Thursday and that this was an item to discuss at that meeting. He urged the Council to deal with the Spring Break timeframe only. With no further comments, **the motion passed by majority roll call vote recorded as follows:**

Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Nay
Councilman Russell	Aye
Mayor Oberst	Aye

3 ITEM NO. 3 PROHIBIT ALCOHOL ON THE SANDY BEACH AND PARKING LOTS UNTIL APRIL 18, 2015. Mayor Oberst said this item was adopted by the Board of County Commissioners at their meeting. **Councilman Curry made the motion to prohibit alcohol on the sandy beach and parking lots until April 18, 2015. Second was by Councilman Russell.** The Mayor called for comments. She said she was concerned how law enforcement would enforce prohibiting drinking in a parking lot, but the County approved this motion and asked the City to adopt a similar law. Councilman Reichard asked if Chief Whitman could advise how he would enforce this new law. Chief Whitman said currently, they were making the person pour out the drink because the City did not have an Ordinance which would permit his officers to arrest someone in a private parking lot. He said if the manpower allowed it, the Ordinance would be enforced and the offender jailed. Chief Whitman said this would be another tool to use to jail offenders rather than closing parking lots. With nothing further, **the motion passed by unanimous roll call vote recorded as follows:**

Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Mayor Oberst	Aye

4 ITEM NO. 4 PROHIBIT ANYONE UNDER 21 FROM ENTERING CLUBS (QUOTA LICENSED BAR) EXCEPTING THOSE WITH MILITARY ID, AGES BETWEEN 18 AND 21. Councilman Reichard said this was an issue that should definitely wait for a decision until the Joint Workshop. This would allow time for input from law enforcement, especially from Sheriff McKeithen since his policies seemed to dominate the County Commission meeting. He wanted the Sheriff's input and Chief Whitman's input as to where these 18-21 year olds would go if not allowed into the clubs. Councilman Reichard said he felt the Council needed more than six hours to make that decision and urged waiting until the Joint Workshop to decide. Councilman Russell asked Chief Whitman's input.

Chief Whitman said he thought the County was a little fast in this new law as there were several different types of liquor licenses, and questioned how he would enforce this new law. He said if adopted as written, he would be forced to remove kids from Applebee's at any time of the day. There were eight or nine different types of liquor licenses, and if adopted the same as the County, that would include all of the restaurants. Councilman Reichard said again he needed more than six hours to make a decision. Councilwoman Strange asked Ms. Myers if this was only meant until April 18, 2015. Ms. Myers said this was at the Council's discretion. She said she had been speaking with the County attorney this afternoon concerning the different types of liquor licenses and she tried to be specific in this proposed Ordinance to reference the quota licenses which were a category of themselves. She elaborated on the different types and categories of licenses, and said they did not focus on the categories for restaurants. She said this proposed Ordinance was titled as entering a quota licensed bar as opposed to any other type of alcoholic beverage license. Councilman Reichard questioned the establishments having a few short hours to retrain their staff and customers about this change. He urged the Council to wait until the Joint Workshop to decide. Councilman Russell said he agreed that more discussion was needed because there was a lot of grey area. Councilman Reichard said the County received no input from the operators of those type establishments and he mentioned some of the restaurants staying open late for the hospitality workers. Mayor Oberst said she did not think 18-21 year olds should be in the big clubs especially late at night. However, she said the Council did not know where the kids would be limited to entering at this time. She said this morning, the County Commissioners said the only affected business was Schooners but maybe it did include others such as Captain Andersons. She agreed with Councilman Reichard that this item should be discussed at the Joint

Workshop Thursday. Councilman Curry said this only was for eighteen days and the City was in a serious situation and he did not believe the Chief would be out there arresting parents with kids in restaurants. He said this seemed to be very specific about entering clubs, and neither Salty Sue nor Applebee's were clubs. He said the City needed to support the County and take a strong measure. **Councilman Curry made the motion to approve Item No. 4. Second was by Councilwoman Strange.** The Mayor called for comments. There were none. **The motion failed by majority roll call vote recorded as follows:**

Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Nay
Councilman Russell	Nay
Mayor Oberst	Nay

5 ITEM NO. 5 PENALTIES. Mayor Oberst said she understood from the County Commission meeting that there were no penalties specified. She asked Ms. Myers what she had prepared for the penalty phase in this Ordinance. Ms. Myers said there was a general penalty that the person convicted of violating this Ordinance shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment not to exceed thirty (30) days. This mimicked the general penalties in Section 1-12 of our Code. It also specifically created allowances for citations by the Police Department in the same manner and fee schedule for IDs on the sandy beach. She said the penalties were also cumulative at the officer's discretion and consistent with current Codes. **Councilman Russell made the motion to approve the penalty section of Ordinance 1345-E. Second was by Councilwoman Strange.** The Mayor called for comments. Councilman Reichard asked Chief Whitman if these penalties seemed reasonable. Chief Whitman said yes, that they were the same as used for other violations on the sandy beach. **The motion passed by unanimous roll call vote recorded as follows:**

Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Mayor Oberst	Aye

Ms. Myers said she understood from the County attorney that the measures taken by the Board of County Commissioners were temporary until they were made permanent at the first meeting in May. She said the effect of that was that the County's regulations would continue beyond April 18th and make some behaviors illegal in the County but legal in the City during that time. She reminded that there was the Joint Workshop and another City Council meeting to make them permanent. She then read Ordinance 1345-E by title. In response to the Mayor's question if another vote was necessary, Ms. Myers asked that the Council vote to ratify Ordinance 1345-E in its entirety as an emergency measure and confirmed this Ordinance did not include Item #4. **Councilman Russell made the motion to approve Ordinance 1345-E as read and amended. Second was by Councilwoman Strange. The motion passed by unanimous roll call vote recorded as follows:**

Councilwoman Strange	Aye
Councilman Curry	Aye
Councilman Reichard	Aye
Councilman Russell	Aye
Mayor Oberst	Aye

Mayor Oberst reminded the audience there would be a Joint Workshop with the Board of County Commissioners on Thursday, April 2nd, at 9 A.M. at the Bay County Government Building. Prior to receiving public comments, she offered the Council members the opportunity to make any comments. Ms. Myers read the recitals of Ordinance 1345-E into the record.

Councilman Curry said these changes were the best for the residents and he was thankful. Councilwoman Strange said she had already made her comments. Councilman Russell said it was not up to the Council to legislate morality and that the kids needed to be taught at home to respect authority. He said not everyone would agree with the decisions made by the City but they were trying. Councilman Reichard said at the County Commission meeting this morning, the County said they respected the home rule and that the City could take care of itself. Then the County passed and suggested these Ordinances which put the home rule back in their purview. He said he was glad there would be the Joint Workshop Thursday because he thought it unfair to make changes in four hours.

Mayor Oberst added that she was glad that the Joint Workshop would be held and more than these items would be discussed. She said the actions today would not affect a house party where the shooting took place Saturday. She said personally she had been vilified on a talk show with altered comments which hurt her feelings. She said the City received a lot of national publicity but reminded that it was not merely Panama City Beach; Spring Break was happening in other places also. These kinds of activities were happening elsewhere. The Mayor said last year was the best year as far as the City's revenue and the most bedtax ever received. She said kids came for Spring Break and had experiences they would remember for the rest of their lives. Some of the experiences would ruin the rest of their lives. She invited everyone to come and have a good time but if they dealt with drugs and guns, they would go to jail. She opened the floor for public comments about these five items only.

Lengthy comments were given by audience members supporting the measures passed such as these actions would help, residents had been scared for their safety, and the college kids being easy marks. Members of the business community spoke of their concerns about banning alcohol on the sandy beach and its impact to revenue, the impact to the good kids who were a majority, and ironic how a house party affected the businesses on the beach. More comments were made about the kids being secure in clubs, these actions being a knee-jerk reaction, and not addressing the thug problems.

Many compliments were given to both the Police and Fire Departments for their stellar work in protecting the citizens and visitors during Spring Break. Mayor Oberst said it was fortunate that our Fire Department was also EMS/EMT certified and able to respond to every call.

Comments were made that the public may not be able to speak at the Joint Workshop. Mr. Gisbert said he met yesterday with the new County Manager, Mr. Bob Majka, and talked about the list presented this morning at the Board of County Commissioners' meeting. He said there were additional items on that list which he felt should be brought to the City Council for their consideration.

Councilman Curry mentioned the VRBO and its effect in the neighborhoods. Mr. Gisbert said the City already had some restrictions in those areas but the City did not have enough personnel to address that problem.

Chief Whitman offered some additional issues which needed to be addressed. He said the City needed to prohibit grandfathering in these businesses and explained his problems with Club Fahrenheit and parking. He also suggested if the business was closed, the parking lot was also closed as some companies were renting their parking lots at night which was a problem. He also suggested no parking on the right-of-way along Front Beach Road. He said the thugs were not staying in motels but parking and walking the streets. He said some of those were tools he needed.

Comments were made about the partying continuing in the condos after the 2 A.M. bar closings, disturbing the residents. Mayor Oberst said the Homeowners Associations and CAMS should be contacted. Another resident spoke of difficulty with evicting people when the owners of the condo would not allow eviction. Councilman Reichard said the meeting at the Barn should include a challenge to the condo residents to let security and Beach Police evict troublemakers which was a big problem. This was something their organizations could do now. Mr. Sellers said he would spread the word and Mr. Solis said he already had that addressed in the resort.

With nothing further, the meeting was adjourned at 5:15 P.M.

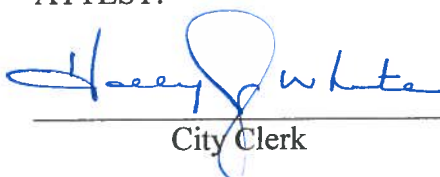
READ AND APPROVED this 25th of June, 2015.

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

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