

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 26, 2016.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:
JOHN REICHARD
PHIL CHESTER
JOSIE STRANGE
HECTOR SOLIS

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
DIANE FOWLER
CITY ATTORNEY:
AMY MYERS

Mayor Thomas called the Regular Meeting to order at 2:00 P.M. with all of the Council, the City Manager, City Clerk and City Attorney present.

Senior Pastor Joe Lay of the Woodlawn United Methodist Church gave the invocation and Mayor Thomas led the pledge of allegiance.

The Minutes of the Regular Meeting May 12, 2016 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

Mayor Thomas stated that the Consent Item Resolution 16-77 would be moved to the Regular Agenda as the promoter for the event was incorrect. He asked if there were any additions or deletions to the Agenda. Councilwoman Strange asked to add a discussion about Short-Term Rentals in Residential Areas. There were no objections. With nothing further, Councilman Reichard made the motion to approve the amended Agenda. Second was by Councilman Solis. 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

CONSENT AGENDA

ITEM 1 RESOLUTION 16-77, UNITED STATES FASTPITCH ASSOCIATION SOFTBALL TOURMENTS OPENING CEREMONY PARADES ROAD CLOSURES. Moved to the regular Agenda.

REGULAR AGENDA

1 ITEM NO. 1 RESOLUTION 16-77, GRAND SLAM BASEBALL WORLD SERIES TOURNAMENT OPENING CEREMONY PARADES ROAD CLOSURES. Ms. Myers explained that this Resolution was removed from the Consent Agenda in order to correct the name of the promoter of the event. She read revised Resolution 16-77 by title. Councilwoman Strange made the motion to approve Resolution 16-77. 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

Mayor Thomas reminded the audience about the Three Minute Speaking Rule and opened the floor for public comments.

PUBLIC COMMENTS

TENTS. Mr. Mike Burke spoke of his concerns about “pop up tents” and urged the Council to consider banning tents due to their being a hazard for the lifeguards. He spoke of his concerns about the description of “beach” in the proposed Ordinance 1387, Leave No Trace, and that it was too encompassing. He used the Osprey as an example and asked for the opportunity to change that definition. Regarding tents, they were used to save a place in the sandy beach even when not being used, and reported injuries caused by tumbling tents. He said tents were banned in Myrtle Beach and Gulf Shores/Orange Beach, and in about thirty communities across the U.S.

Councilwoman Strange asked about a timeframe on the ban. Mr. Burke replied that Myrtle Beach used Memorial Day to Labor Day, the high season. He said he had discussed with various Council members about his personal experience at their properties. Councilman Reichard said he recollected that their problem as explained at previous meetings was with their next door neighbor sending their guests onto his property, not tents. The Councilor said the beach was being branded now as a “family beach” and the people under those tents were families. Mr. Burke said they were asking merely for the visitors to be respectful of the community and neighbors. He added that the proposed Ordinance did permit shading devices 31” high for babies and 7’ in diameter umbrellas. Discussion ensued concerning revenue generated by umbrella rentals.

Councilman Solis said there should be a happy median in this matter. He said it was a consideration of a potential condo homeowner that they would have beach access in front of their resort. He asked if possibly the tents could be set near the dunes behind the chairs to still accommodate the families. However, he agreed that the tents should not be at the front of the beach as then it becomes a tent city. He also stated that there should be no overnight tents on the beach because many were still being abandoned.

SHORT-TERM RENTALS IN RESIDENTIAL NEIGHBORHOODS. Ms. Janie Weeks said she owned a vacation dream home on Bay Avenue. She explained they had purchased the house in 2004 to rent short-term using a management company. She agreed it was in a single-family residential zoning on her side of the street but across the street from her home was zoned multi-family which allowed short-term rentals. She said short-term rentals were allowed until 2006 when the use restriction was changed to prohibit short-term rentals in single-family residential zoning. Ms. Weeks said they continued to rent to families, paid taxes and had no issues with the neighbors or law enforcement. She said last fall, some residential areas were granted exceptions and allowed to continue the short-term rentals. She said they had not been informed that the use had changed until they received a letter of being out of compliance. She gave copies of support letters to the Clerk for the record.

LOW SPEED VEHICLES. Mr. Tony Horton, owner of Bike the Beach, said a moratorium on the industry would prevent growth and competition. He said rental companies giving poor service and poor products would continue because there was no competition to drive them out of business. He asked what laws had been broken or findings which caused the Council to consider LSVs a problem and questioned if the Council could ban something which had not caused any issues. He questioned why they were called an amusement rather than transportation. Mr. Horton invited everyone to see his business and their process. He stressed unintended consequences. He added six companies out of the County offered free delivery service to the beach.

Mr. Rick Roof, California Cycles, stated he did not agree with Mr. Horton. He urged the Council to schedule a workshop for the shop owners, similar to what had occurred for the scooters. He suggested letting the owners work out a solution to present to Council.

CODE ENFORCEMENT. Mr. Burnie Thompson asked the City Manager who had received Code Enforcement tickets and asked the Mayor if he followed the same rules. Mayor Thomas said absolutely. Mr. Thompson made comments about possible intimidation.

The Mayor asked for additional public comments. There were none.

Mayor Thomas then responded to some questions raised during public comment. He said the rationale about the moratorium on the LSVs was due to Chief Whitman’s report at the last meeting about the increased volume of vehicles, more than doubling in one year. He said he considered them an amusement and Front Beach Road was a State Highway with a 35 mph speed limit. None of the LSVs could go over 25 mph. He continued that if the number of LSVs escalated like the scooters had done, there would be a problem.

2 ITEM NO. 1 WOMEN'S CIVIC CLUB CHECK PRESENTATION TO THE AQUATICS CENTER FOR SWIM LESSONS FOR THE BOYS & GIRLS CLUB MEMBERS. Mayor Thomas invited Mr. Jim Ponek, Parks Director, and the ladies from the Women's Civil Club to the podium for their check presentation to the Boys & Girls Club. Ms. Cheri Leistner, President, introduced Ms. Nan Vandenberg, Ms. Joyce Getz, Ms. Lana Lowrey, and Ms. Cherry Creekmore. Ms. Leistner presented a Five Hundred Dollar (\$500) check to Mr. Ponek for swim lessons for members of the Boys & Girls Club. The audience responded with applause.

3 ITEM NO. 2 "NATIONAL SAFE BOATING WEEK" PROCLAMATION AND PRESENTATION. Mayor Thomas invited Councilman Reichard to present the "National Safe Boating Week" Proclamation to Master Warrant Officer Harry Sweezey of Coast Guard Auxiliary Flotilla 19. Councilman Reichard welcomed MWO Sweezey to the podium who introduced Staff Officer Dean Rusk. Councilman Reichard read the Proclamation designating May 20-May 27, 2016 as "National Safe Boating Week". MWO Sweezey thanked the Council and gave a brief presentation about "National Safe Boating Week". Staff Officer Rusk explained about the free vessel examinations given by Flotilla 19. The audience responded with applause.

4 ADD-ON SHORT-TERM RENTALS IN RESIDENTIAL AREAS. Councilwoman Strange asked for Council discussion about the Weeks case. She said she found the middle of the road was a strange place for the dividing line between zonings. She said Ms. Weeks had never had a complaint about the short-term rentals from her neighbors and the taxes had been paid consistently since the purchase.

Councilman Reichard asked Mr. Leonard the background and reason for the Ordinance passed in 2006. Mr. Leonard said it was in response to the nuisances created by short-term rentals because many times, the guests were here to party and treated the house like an amusement or campground. Nearby were long-term or permanent residents who had to get up in the morning to go to work, live their lives, but who dealt with the trash and noise and police calls. At that time, there were sufficient problems that the Council felt something should be done City-wide, not merely an isolated spot. The Ordinance was passed where in Single-Family Residential Districts, the rental period must be six months or greater. Anything shorter than that would have to be in a Multi-Family District or Commercial District.

Councilwoman Strange asked about the division in the middle of the road. Mr. Leonard said the Zoning Districts had not changed since 1977, with Bay Avenue North Single-Family Residential and Bay Avenue South R-2. No Zoning Districts were redrawn with the Ordinance but rather whatever was Single-Family Residential had the prohibition.

Councilman Solis said the Weeks specifically purchased the home for rental and did the due diligence at that time. He said the regulations changed on them, not that they came into the City knowing they would be doing something illegal. He said the Weeks had stated the only way they could have afforded the property was to do short-term rentals. He said he had an issue with one side of the street allowed for short-term rentals and the other prohibited. Councilman Solis said taxes had been collected for eleven years. He said he had a problem with the rules changing on them after the purchase. He asked if it would be possible to grandfather those that did the due diligence and allow them to continue to do the short-term rentals.

Councilwoman Strange asked what would be the next step and Ms. Myers said the Council would have to pass an Ordinance which would allow the Use in Single-Family Residential neighborhoods. Councilwoman Strange said only for that particular area, that street, not all over the City. Ms. Myers said she recollected that the Council at that time was trying to protect the traditional neighborhoods in the City and treating them by zoning was a safe way to do so. Going street by street could be considered spot zoning and dangerous. She said the Zoning category of the south side of the street was lawful and to grant a strip of houses a privilege that was not granted to someone else in the same Zoning District was a problem. Councilwoman Strange said she had a problem with using the middle of the road.

Councilman Reichard asked Mr. Leonard about the center of the road and it often being the place from which measurements were taken, so this was not unusual. Mr. Leonard agreed, for graphically depicting on a map and the property outside of the right-of-way was where the Zoning District began. He said this was not unusual and in his own neighborhood across the street from his home was R-2 District. He understood the confusion.

Councilman Solis said the past Council did grant an exception for the homes south of Front Beach Road to do short-term rentals. He asked if granting this type of exception to the North Bay Avenue would be the same as what had been done for those on Front Beach Road. Ms. Myers said it would not be the same because that Ordinance applied to every piece of land in a specific zoning district. Councilwoman Strange said taxes had been collected for eleven years afterward and the Mayor stated that the Weeks had collected the money, not the City taking the money.

Councilman Chester said this was an issue which should be discussed more with Ms. Myers and Mr. Leonard. Councilman Reichard said Bay Avenue was about six blocks long and asked if there had been other complaints or inquiries from owners on North Bay Avenue. Mayor Thomas asked if a letter would be sent to every property owner on that street if the Council made a change. Mr. Leonard said even if not required, it would be the right thing to do. Councilwoman Strange said that would be the determining factor. Mayor Thomas directed Staff to write a letter to each property owner on the north side of Bay Avenue to get an opinion. He thanked the Weeks for the petition of support, but explained about an instance in the County where two opposing petitions had the same names on both. He said he wanted the property owners to give their opinion in a standard thirty days. There were no objections.

5 ITEM NO. 3 RESOLUTION 16-78, SETTLEMENT FOR MCMAHON LAWSUIT AND BUDGET AMENDMENT #25, PUBLIC HEARING. Ms. Myers read Resolution 16-78 by title and the Public Hearing was opened at 2:47 P.M. She explained this was a settlement of the lawsuit regarding Mr. McMahon's exercise of his First Amendment Rights at Frank Brown Park during Thunder Beach. The defense of that action was covered by insurance but the City lost that injunction so the City was liable for the attorney's fees. Our counsel out of Tallahassee negotiated with the plaintiff's attorney and recommended this amount as a fair settlement, and Ms. Myers concurred.

Councilman Reichard asked why Thunder Beach was not also liable for some of the costs. Ms. Myers replied that the judge found that the City was the responsible party in this case, in spite of the City's rental of the space to Thunder Beach. **Councilwoman Strange made the motion to approve Resolution 16-78. Second was by Councilman Solis. 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

The Public Hearing was closed at 2:50 P.M.

6 ITEM NO. 4 RESOLUTION 16-80, BIDS- EXCISE BUSINESS TAX SOFTWARE. Mr. Leonard explained that the City's current program for the 1% tax did not communicate with the County or the RISE program for the State. He said the County had used the Excise program for over ten years and were happy with it. Staff solicited bids and one response was received for the Excise software at One Hundred Four Thousand Dollars (\$104,000). This would enable the City to communicate with the County and State, as well as take online payments. It would help the public as well since they wanted that type of service. He said there were many benefits to this software. Staff recommended approval.

Councilman Reichard said this would allow online payments and Mr. Leonard said this would allow for automated calculations for the taxes and monthly filing. Councilman Reichard asked if the County and State were monthly and Councilman Solis responded yes. Mr. Leonard said the customers could still pay personally but most filers lived out of town and preferred to do online. Councilman Reichard asked if this program would identify someone not paying taxes at all. Mr. Leonard said this software would not necessarily identify that owner but by using the normal Code Enforcement and procedures, the City would be able to identify those non-filers. Councilman Reichard said he was thrilled this program was finally online and at a future date, to consider having a public awareness campaign to let everyone know about the taxes due. Mayor Thomas said the TDC increased their collections when information was shared so he anticipated a huge increase once this software was online. Councilman Reichard mentioned the test program which identified non-filers and which brought additional money to the City. Ms. Myers read Resolution 16-80 by title.

Councilman Reichard made the motion to approve Resolution 16-80. 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

7 ITEM NO. 5 RESOLUTION 16-82, LOW SPEED VEHICLE REGISTRATION REGULATION. Ms. Myers read Resolution 16-82 by title and explained this was the ban for the rental LSVs. Mayor Thomas asked about the rental of LSVs from other counties, delivered to the beach, and if the City had any influence on those rentals. Mr. Gisbert said probably not from another county, only those companies within Bay County. Councilwoman Strange said Bay County would probably mirror our Resolution and Mr. Gisbert replied most likely. Councilman Solis said it was unfair for companies from other counties to come to the beach and suggested a decal for those vehicles registered with the City, and then law enforcement be able to identify those from another jurisdiction. Mayor Thomas said it would not be illegal for vehicles to be brought from another county, similar to a car rented from Alabama. Councilwoman Strange said that fact brought a different light to the issue. Mr. Gisbert reminded that LSVs rented in Walton County would not be able to be driven into the City, but they could be trailered in for delivery. **Councilman Solis made the motion to approve Resolution 16-82. Second was by Councilman Reichard. 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

8 ITEM NO. 6 SET DATE FOR WORKSHOP WITH LSV INDUSTRY. Mayor Thomas asked everyone in the industry to contact Mr. Gisbert to set up the Workshop and asked if anyone on the Council wanted to be at the meeting. Councilman Solis said he would attend and Mr. Gisbert said he would coordinate the meeting.

9 ITEM NO. 7 RESOLUTION 16-83, SUPPORT AND APPLICATION FOR GAYLE'S TRAILS EASTERN PORTION PROJECT SUN GRANT, PUBLIC HEARING. Mayor Thomas opened the Public Hearing at 3:02 P.M. Mr. Paul Casto said this Resolution was merely Council's stated support for Staff moving forward with the grant application for more trails. He said the first phase was 2 miles east of Trieste, getting shovel ready. He said the trails "skipped" over Trieste and explained after meeting with the residents in the gated community, they did not want a trail going through their subdivision. The last Council decided to skip over that community and continue going east towards Wildwood. Councilman Reichard said this action never came to a vote but was merely discussed. Mayor Thomas questioned why build two miles of trails to end at a deadend. Councilwoman Strange asked if the powerline easement went through Trieste and Mr. Casto replied affirmatively. Mr. Casto said with the number of homeowners now in Trieste, an easement would have to be approved by those homeowners. Mayor Thomas said it made no sense to skip over Trieste. Mr. Casto said a boardwalk would be built across the wetlands at Arnold High School, coming east, and he hoped in future to continue through Trieste. Councilman Reichard asked the approximate distance of the trail inside of Trieste and he responded about one-half mile. Regarding alternative routes, Mr. Casto said Staff had looked at different routes but the best was going through Trieste. In order to keep the project from dying, Staff moved forward to the east. Mr. Gisbert added that there was value going from Alf Coleman to Breakfast Point, that was part of the trail. It was a deadend towards the west until Clara improvements met the trail. However, the section going through Arnold High School to the Breakfast Point Academy had value. He said the scope could be reduced at Council's direction or go east towards the Sports Park. He discussed securing easements in undeveloped areas. Councilman Reichard said this Council also had a cooperative School Board for the trails going east.

Mr. Casto said Staff had the potential trail through Trieste already engineered and ready to move forward. Councilman Reichard asked for his recommendation. Mr. Casto said years ago, about six to eight very vocal homeowners met with Mayor Oberst who stated their opposition to the trail through Trieste. Councilman Reichard asked if the majority of the homeowners would

have the ability to approve or stop the trail from going through the subdivision. Mr. Casto said Staff could meet with the homeowners now and address their concerns about people using the trails and coming onto their internal roads. Mayor Thomas said he would rather the trail start at the school and go towards Wildwood, going by the new Sports Complex and the new proposed school. He said he did not want the trail to start at a deadend and suggested working with the Trieste homeowners. Councilwoman Strange said she would meet with the homeowners. Ms. Myers read Resolution 16-83 by title. **Councilwoman Strange made the motion to approve Resolution 16-83. Second was by Councilman Solis. 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

The Public Hearing was closed at 3:13 P.M.

10 ITEM NO. 8 ORDINANCE 1387, AMENDING LEAVE NO TRACE ORDINANCE, 1ST READING. Mr. Gisbert explained the original thought of a safe place for tents was a good idea but over the years, once the tents were used for a week, they were abandoned. He asked to strike that language about the safe place which prevented the City from removing the tents until they were obviously abandoned. He also said there were some minor modifications about the walkways. Ms. Myers read Ordinance 1387 by title. Councilman Reichard said the hours of this Ordinance were 7 P.M. to 7 A.M. and questioned Ms. Myers about it not being dark until sometimes 8:30 P.M. Mr. Gisbert said the premise had been for the beach service to be able to pick up the tents during daylight hours and avoid driving at night because of the turtle watch. Councilwoman Strange asked if this would be the appropriate place to prohibit tents and Ms. Myers said that would be a separate Ordinance. Councilwoman Strange asked how this new regulation would affect Mr. Burke’s properties. Mayor Thomas replied that he would be glad there were no tents to blow around and hope later in the meeting the Council would discuss prohibiting tents altogether. **Councilman Solis made the motion to approve Ordinance 1387. Second was by Councilman Reichard. 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

11 ITEM NO. 9 CITY MANAGER UPDATE. Mr. Gisbert had no updates.

12 ITEM NO. 10 COUNCIL UPDATES. Councilwoman Strange asked Chief Whitman to identify some of the Department personnel who were recently honored. Chief Whitman said “Officer of the Year” was Jason Jones, “Civilian Employee of the Year” was Michael Elias, and “Auxiliary/Reserve Officer of the Year” was James “Bones” Jones. Officer James “Bones” Jones was in attendance at the meeting. The Chief briefly explained the acts of each gentleman which deserved these honors. The audience responded with applause.

Mayor Thomas asked to delay Council comments until after any additional public comments. He opened the floor for audience comments.

FLOOR COMMENTS

LSV REGISTRATION BAN. Mr. Tony Horton asked if the Council would consider a sunset clause in the registration ban if it was determined the prohibition was not working. Mayor Thomas said that was something that could be discussed during the Workshop. He also asked about a bicycle lane on Front Beach Road and safety issues. Councilwoman Strange said that would be a CRA issue and ongoing. Mr. Gisbert invited Mr. Horton to talk with him.

SHORT-TERM RENTALS ON BAY AVENUE. Ms. Weeks submitted a timeline of events that had occurred since they bought their vacation home as well as a letter from Mr. Leonard with proposed language which could amend existing ordinances to accommodate their request. She repeated that they had bought their house in good faith and said they were in a unique location in that the first two blocks of their subdivision were zoned for short-term rentals but their appearance was the same as the rest of the homes in the neighborhood. She added the letters going out soon to the homeowners was a good idea but that she had not been given that same consideration when the original Ordinance was adopted. Ms. Weeks said if they did not get some sort of relief via grandfathering, they would have to sell that property.

ELECTRIC CARS. Mr. Rick Roof said the flows of rental cars were going to Walton County, not vice versa. Councilman Reichard added that when the scooter issues came up years ago, it was the scooter industry which came up with a workable solution.

AGENDA. Mr. Jacob Lassiter asked why the Agenda was being changed. Mayor Thomas explained the reasons for the changes.

COLONY CLUB EXIT ROAD. Councilman Chester asked Mr. Gisbert about the status of the project. Mr. Gisbert explained there were some revisions required for the drawings because of the permitting through the wetlands, which caused a delay, but nothing was holding the project back.

COUNCILMAN SOLIS. Councilman Solis said the TPO Steering Committee last week reviewed the second portion of the Parkway from Nautilus to Thomas Drive, and he gave kudos to Mr. Leonard for his presentation to the team. He said the Committee came up with good solutions to present to the TPO next month. He said hopefully, he and Councilman Reichard would be able to make a persuasive enough presentation to make that project a priority in the 2040 schedule. Councilman Solis asked about the tents as he wanted time to visit with the City Manager, review some plans, and then discuss at a future meeting. He mentioned being able to reach that happy median for everyone.

TENTS. Councilwoman Strange said she wanted to ban the tents between Memorial Day to Labor Day. Mayor Thomas said if the Councilors wanted to look at it and tweak an Ordinance, it would be September by that time. Councilman Solis said he was prepared now to say banning tents would be tough on families. He said different portions of the beach could accommodate tents but other areas would be congested. He said space available at the dune would be satisfactory to him if the other Council members agreed. He said most of the properties he had visited had the space available at the dune and would not be an obstruction. Mayor Thomas said his problem would be who would enforce the tents being at the dunes and the time spent in enforcement. He spoke of beach services and the problems, and stated he had no desire to make rules about where the visitors sat, but that the Council was being forced into making decisions. Councilman Solis asked if the HOA could be allowed to make corrections, and the Mayor responded that it had been tried previously and it was a horrible failure. He reported the daily calls he received about beach service problems, and said he was at the point of agreeing with Councilwoman Strange to ban the tents due to too many people on the beach. He said that was the sensible thing to do.

Councilman Reichard said the upland property owners taking responsibility for the property was non-existent. Mayor Thomas agreed and said this was putting our law enforcement into enforcing tents and he thought frankly, they did not have the time. Councilman Reichard reminded that there were families under the tents. The Mayor said the families would get an umbrella if the tents were prohibited. Councilman Chester mentioned some properties that had very little sand behind the building. The Mayor said he thought that was a sensible solution and if the Council did not do something now, it would be too late. He suggested giving two or three weeks before the ban would be effective, as it would not be fair to immediately stop them.

Councilwoman Strange made the motion to direct Counsel to draft an Ordinance prohibiting tents from Memorial Day to Labor Day. Umbrellas would be allowed. Ms. Myers asked specifically for 10x10 or greater sized tents, but allowing for the baby tents, shade structures 31” or less. Mayor Thomas said it had been outlawed elsewhere so he directed her to bring a proposed Ordinance to discuss. Councilwoman Strange said yes, to exempt the small baby tents.

Councilman Reichard said he would not vote for a ban until all information had been gathered. He suggested using the FLC to see what other cities used. He said he did not believe there was enough information to prepare an Ordinance. Mayor Thomas said the beach services were causing the problems, causing problems for the owners and the guests. Councilwoman Strange said she was also receiving calls. **Second was by Councilman Chester. The motion passed by majority roll call vote recorded as follows:**

Councilwoman Strange	Aye
Councilman Solis	Aye
Councilman Reichard	Abstain

Councilman Reichard said he abstained because he was the President of a Homeowners Association that would be affected by this Ordinance.

Councilman Chester	Aye
Mayor Thomas	Aye

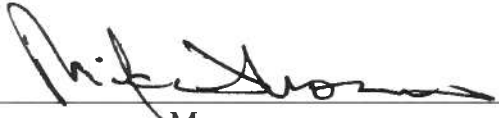
A copy of the Memorandum of Voting Conflict for Councilman Reichard is attached to and becomes an official part of these Minutes.

CODE ENFORCEMENT. Mayor Thomas said if there were any rules that this Council did not want to enforce, to please let him know. He said the City had laws which should be followed, and comments suggesting the Mayor was sending someone to handle a Code Enforcement matter were not accurate or necessary.

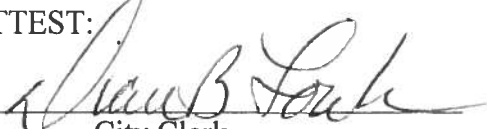
With nothing further, the meeting was adjourned at 3:45 P.M.

READ AND APPROVED this 9th of June, 2016.

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Reichard John Edwin		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council	
MAILING ADDRESS P O Box 9039		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Panama City Beach	COUNTY Bay	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED May 26, 2016		NAME OF POLITICAL SUBDIVISION: City of Panama City Beach	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John Reichard, hereby disclose that on May 26, 20 16 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Regarding the vote prohibiting tents on the sandy beach, I abstained because I am the President of the Homeowners Association on the beach that would be affected by this Ordinance.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

June 1, 2016
Date Filed

John Reichard
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.