

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 July 14, 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 E. MYERS

Mayor Thomas called the Regular Meeting to order at 6:00 P.M. with all of the Council, the City Manager, City Clerk and City Attorney present.

Councilman Reichard gave the invocation and led the pledge of allegiance.

The Minutes of the Special Meeting of June 23 and Regular Meeting of June 23, 2016 were read and approved as written per motion by Councilwoman Strange. Second was by Councilman Solis. 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

Mayor Thomas asked if there were any additions or deletions to the Agenda. Mr. Gisbert said the FDOT Agreement had been updated and copies had been emailed to each Council member. With nothing further, Councilman Chester made the motion to approve the Agenda. Second was by Councilwoman Strange. 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 AND GIRLS CLUB CIVIC ACHIEVEMENT AWARD.** Mayor Thomas introduced Mr. Danny Melvin and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. The Mayor then congratulated him and recognized his parents in the audience. Ms. Stacey Shubert, Unit Director, presented Danny with a gift card donated by a local business. The audience responded with applause.

2 **PROCLAMATION AND PRESENTATION TO MR. TILL BRUETT, FORMER AIRPORT AUTHORITY BOARD MEMBER.** The Mayor announced Mr. Bruett had not yet arrived so the presentation would be delayed.

PUBLIC COMMENTS

1 **Mr. Jim Bradley, Shipwreck Limited, 10570 Front Beach Road.** Mr. Bradley commented about the future maintenance of the improved portion of Front Beach Road and the potential liability. He urged caution in accepting a road system that the City could not maintain at its best and asked the Council to consider where the funds would come to maintain the roadway.

CONSENT AGENDA

1 ORDER 01-ZN-16, FINDING OF FACTS AND FINAL ORDER FOR THE REQUEST TO ZONE .833 ACRES OF LAND TO CL AND ADOPTION OF ORDINANCE 1386. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearings on June 23, 2016, the City Council orders that the subject zoning request is GRANTED and Ordinance 1386 is ADOPTED.

2 "AMERICANS WITH DISABILITIES ACT" PROCLAMATION. "A Proclamation declaring July 26, 2016 as the 26th anniversary of the "Americans With Disabilities Act".

3 RESOLUTION 16-93, "BACK TO SCHOOL BEACH BASH" ROAD CLOSURES. "A Resolution of the City of Panama City Beach, Florida, authorizing temporary closures of Bluefish Drive south from Starfish Street to the southern terminus of Bluefish Drive on Saturday, August 6, 2016, for the "Back to School Beach Bash".

4 RESOLUTION 16-95, BIDS- PURCHASE OF TWO SERVICE BODY TRUCKS FOR UTILITIES DEPARTMENT. "A Resolution of the City of Panama City Beach, Florida, authorizing the purchase of two 1-1/2 ton trucks from Bartow Ford in the amount of \$78,518, and providing an immediately effective date."

5 RESOLUTION 16-96, BIDS- PURCHASE OF TWO 4-WHEEL DRIVE LIGHT UTILITY VEHICLES. "A Resolution of the City of Panama City Beach, Florida, authorizing the purchase of two 4-wheel drive light utility vehicles from Beard Equipment in the amount of \$26,321.72, and providing an immediately effective date."

6 RESOLUTION 16-97, BIDS- COLONY CLUB LIFT STATIONS 8 & 18 REPLACEMENT PROJECT. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Royal American Construction Co., Inc., for the Colony Club Lift Station 8 & 18 Replacement Project in the amount of \$527,069, and providing an immediately effective date."

7 ORDER 01-VA-16, FINDING OF FACTS AND FINAL ORDER FOR THE LAMAR OFF-PREMISES SIGN VARIANCE REQUEST FOR PROPERTY LOCATED AT 13405 PANAMA CITY BEACH PARKWAY. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearings on June 23, 2016, the City Council orders that the subject Variance Request is DENIED.

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

1 ITEM NO. 1 RESOLUTION 16-94, BIDS- PURCHASE OF THREE GEOTHERMAL HEATERS/COOLERS AND BUDGET AMENDMENT #41, PUBLIC HEARING. Ms. Myers read Resolution 16-94 by title. The Mayor opened the Public Hearing and asked for comments. There were none. The Mayor closed the Public Hearing at 6:15 P.M. Mr. Gisbert said the new units would be delivered soon. **Councilwoman Strange made the motion to approve Resolution 16-94. 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 ITEM NO. 2 **RESOLUTION 16-98, BIDS- 2016 JANITORIAL SERVICES AND BUDGET AMENDMENT #40, PUBLIC HEARING.** Ms. Myers read Resolution 16-98 by title. Mayor Thomas opened the Public Hearing and asked for comments from the audience. Hearing none, the Public Hearing was closed at 6:16 P.M. Mr. Gisbert explained this service would assist our one custodian in cleaning the new buildings and existing facilities. **Councilman Chester made the motion to approve Resolution 16-98. 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

3 ITEM NO. 3 **RESOLUTION 16-99, FRONT BEACH ROAD CRA SEGMENT 2 ROADWAY TRANSFER.** Ms. Myers read Resolution 16-99 by title and explained that the slightly modified contract before each Council member included a section on pedestrian overpasses, an important element but not a significant change. She also confirmed to Councilman Reichard that this modified version was essentially in final form. Councilman Solis asked if this Agreement was comparable to Segment 1. Ms. Myers said the Transfer Agreement was substantially similar but this Agreement was a pre-construction Agreement rather than a post-construction Agreement so there were some approvals FDOT still had the right to give until the road actually transferred to the City. Mr. Gisbert said this would start the clock on the 120 day transfer. Councilwoman Strange asked if the City had the staff for maintenance. Mr. Gisbert replied that staff would be hired to maintain the road. Councilman Reichard asked if the City had to wait the 120 days before moving forward. Mr. Gisbert said the transfer would be in 120 days, and the City's goal was to have this document executed and the project out to bid next week. Mr. Gisbert said proposals should be let in September and hopefully start construction in September or October during the shoulder season. He emphasized that this was a two year process for the construction. **Councilman Solis made the motion to approve Resolution 16-99. 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

4 ITEM NO. 4 **CITY BOARDS- DISCUSSION.** Mayor Thomas said at the County, each Commissioner appointed one person to fill the seats on various Boards and he thought that was a better idea and gave the Commission a better idea of what was occurring with more input. He said the Boards would be five members and each Council member would appoint one person to serve the same length of time as their term. He asked for discussion on this topic.

Councilman Chester said the Planning Board had seven members. The Mayor said he did not know if there had to be seven Planning Board members. Councilman Reichard said in the past one problem was attendance of the Board members, and as changes were being made, he recommended if two meetings were missed without an acceptable excuse, that Board member would be removed. He said he did not want a situation where everyone was here for an issue but because a Board member did not show, a vote was tied and everyone's time was wasted. He also offered that if a member was removed, they could come to Council to explain their absences and ask for reinstatement. Councilwoman Strange asked if the attendance rule was already in effect and Councilman Reichard said yes but not enforced.

Mr. Leonard said there was the rule and usually the missing member had a good excuse. A member had been notified that their attendance was getting near that threshold and they had good attendance since then. Councilman Reichard's recommendation would be more aggressive. Councilman Reichard said he thought the removal should be automatic to avoid placing the Chair or Mr. Leonard in the position of firing a Board member.

Councilman Solis asked about past attendance for the Planning Board meetings. Mr. Leonard said most of the time there was good attendance and most absences were for medical reasons or being out of town. Councilman Reichard asked about appointing an alternate to attend the meeting but who would not vote unless a member was absent. He said he wanted to avoid a tie vote and the issue having to come to the Council for a decision. Mr. Leonard said that action would depend upon the issue as there were some items that rested solely on the Planning Board and would only come to Council on appeal.

Mayor Thomas said at the County, their attendance had been better as the members showed more interest and were more prone to attend. Councilman Reichard asked if for him and Councilwoman Strange, their appointees would leave at the end of their term and the Mayor responded affirmatively.

In response to a question from Councilwoman Strange, the Mayor said the Civil Service Board could not be changed as they were regulated by the Charter and the Examining Board was made up by men in their fields. The Planning Board recommended the biggest changes for the beach. Councilman Solis said he had no problems with the changes. Councilman Reichard asked when this would take effect and what would occur with the current Planning Board members. Mayor Thomas said he thought if something was already in process, the current members could continue and at the next Council meeting, the Council members could bring names for their appointees. He said this would give two weeks for the Council members to select their choice. Councilman Reichard asked if this was putting the current members on notice and that at the next meeting, the five members would be appointed by the City Council. Mayor Thomas said yes and that judging by comments during the election, there were issues which were not all right with the residents. He added because of new rules passed by the Legislature, there was more work coming which would involve the Planning Board. Councilman Reichard said he had not heard any such comments and he felt personally that the Planning Board was doing the work.

Councilman Solis asked about having the five new members chosen by the Council and leaving two existing members on the Planning Board as an option. Mayor Thomas said he did not know why seven members would be needed. Ms. Myers said if the Council changed the number and terms to coincide with the Council terms, it would require an amendment to the LDC and take approximately one month to be effective.

Councilman Reichard said typically, the Planning Board was not busy during the summer so if this was effective September 1st, it would allow time for the changes to be made. Mr. Leonard said the changes were straight forward and it would only be meeting the Public Hearing and notice dates. Right now, he did not see a lot of issues before the Planning Board for the next month or two.

Councilman Reichard said he felt six of the seven current Planning Board members were not political appointees. He said if the change moved forward, it was not because the Council felt the Planning Board had done anything wrong. **Councilman Reichard made the motion to replace the Planning Board with five members, each appointed by a Council member, serving as long as the Council member served. Additionally, the Planning Board member must not have more than two unexcused absences or be automatically dismissed, and the Council member appoint another person. 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

5 ITEM NO. 5 **EXAMINING BOARD APPOINTMENTS.** Mr. Leonard said three members of the Examining Board were having their terms expire July 22nd and they said they would serve again at the pleasure of the Council. They were Darrell Rizzuto, General Contractor; Robert Klemen, General Contractor; and Larry Couch Senior, City resident. Staff advertised and no one else applied.

Councilman Chester made the motion to approve reappointing the Examining Board members for another term. Second was by Councilwoman Strange 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**

6 ITEM NO. 6 PUBLIC COMMENTS. LIMITED TO THREE MINUTES.

Mr. Burnie Thompson, 8317 Front Beach Road, asked Councilman Chester if he thought it a conflict of interest with his motion regarding the Planning Board when his wife worked as a City Planner and he questioned her official title. He spoke again about the missing eighteen minutes from the June 9th Council meeting and questioned why the livestreaming service was performed by a company out of state. Mr. Thompson distributed handouts of a photo of cars parked in the right of way at Mike's Diner and questioned who was responsible for vehicles whose length extended into the roadway.

The Mayor asked if there were any further comments. Hearing none, the Public Comments were closed at 6:45 P.M. Mr. Gisbert explained the vendor providing the livestream service previously lived here and subsequently moved out of state. He said the Utah issue was a glitch for which the vendor apologized in an email which was given to the media. Councilwoman Strange asked if the County did their livestreaming remotely and the Mayor responded that with the new building, they did their own. Mr. Gisbert added that the City was currently looking into a new system, ideally designed for the new building and costing approximately Fifty Thousand Dollars (\$50,000).

Regarding responsibility for people parking in the street, Mayor Thomas said that would be the driver of the vehicle. He said the right-of-way could not be counted as legal parking but it could be used. He elaborated.

Mr. Leonard stated that Ms. Chester was an Assistant Planner.

7 ITEM NO. 7 CITY ATTORNEY UPDATE. Ms. Myers said she had no report.


8 ITEM NO. 8 CITY MANAGER UPDATE. Mr. Gisbert said there were four bids presently posted on the website and he elaborated. Mayor Thomas said with the CRA Financial Model out for bid, this would answer many of Mr. Bradley's questions once received.

9 ITEM NO. 9 COUNCIL UPDATES. Councilman Solis said the Senior Center was having a fundraising carwash July 23rd at Frank Brown Park from 8AM-1PM. He invited everyone.

With nothing further, the meeting was adjourned at 6:53 P.M.

READ AND APPROVED this 28th of July, 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