

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 28, 2016.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

JOHN REICHARD

PHIL CHESTER

JOSIE STRANGE (BY PHONE)

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

DIANE FOWLER

CITY ATTORNEY:

AMY E. MYERS

Mayor Thomas called the Regular Meeting to order at 2:00 P.M. with Councilman Reichard, Councilman Chester and Councilman Solis, the City Manager, City Clerk and City Attorney present. Councilwoman Strange participated by phone.

Campus Pastor Derrick Bennett on the Northstar Church gave the invocation and Councilman Chester led the pledge of allegiance.

The Minutes of the Regular Meeting of July 14, 2016 were read and approved as written per motion by Councilman Chester. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:

Councilman Solis	Aye
Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Mayor Thomas	Aye

Mayor Thomas asked if there were any additions or deletions to the Agenda. Mr. Gisbert asked to move Consent Item #1, **Resolution 16-102, Fire/Rescue Aerial Truck 1 Repair** to the Regular Agenda for discussion. With nothing further, Councilman Solis made the motion to approve the Amended Agenda. Second was by Councilwoman Strange. The motion passed by unanimous roll call vote recorded as follows:

Councilman Solis	Aye
Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Mayor Thomas	Aye

PUBLIC COMMENTS (ON AGENDA ITEMS ONLY)

Mary Kay Kassiris, 120 Seaclusion Drive. Ms. Kassiris stated that she had supplied the petition with 108 signatures that opposed the change. She said short-term rentals should not be in residential areas with family homes.

Pat Blackshear, 103 Gulf Point Road, Santa Rosa Beach, and Certified Planner. Ms. Blackshear said she represented Janie and Stan Weeks. She met with Staff, reviewed the information, and said the Ordinance did not address a grandfathering provision. She said the Weeks had a rental prior to the adoption of the Ordinance and had paid taxes since then. She asked for a grandfathering option for the Weeks.

Doug Schmidt, 233 Middleburg Drive. Mr. Schmidt said he had planned on renting his home on a weekly basis and expressed concern about riff-raff and crime in the area.

Janie Weeks, 14306 Bay Avenue. Ms. Weeks said Staff sent letters to the residents of north side of Bay Avenue (which was done) as well as letters to other areas of the community, particularly the Bid-A-Wee Beach Park Association which had no jurisdiction on the residential area. The letter coincided with a Beach Park meeting and a petition was created and signatures gathered primarily at that meeting. She stated the petition was incorrect because the people had been encouraged to think it was meant for rezoning the entire neighborhood. Ms. Weeks stated she had not been notified about the Planning Board meeting. She said they had rented since 2004 and said this was an

injustice. She asked for grandfathering.

Kathryn Schmidt, 223 Middleburg Drive. Ms. Schmidt said they had owned the house for twenty years with long-term renters. She said most of the rental properties in Bid-A-Wee were nice because they were interested in keeping the community looking well. She said this was income. She urged grandfathering.

Councilman Solis asked the address of the property she would like to rent and Ms. Schmidt said 415 Petrel Street, two houses off Bay. She said they had always rented long-term.

Stanley Weeks, 14306 Bay Avenue. Mr. Weeks said the injustice was the out of state owners not being notified of the Ordinance. He said the letter sent out by Staff was misinterpreted and misrepresented to the people so the responses were for rezoning, not the change for Bay Avenue. Mr. Weeks said they were probably the only owners who might qualify for the grandfathering by their renting prior to the Ordinance.

Tom Klomps, 614 Poinsettia Court. Mr. Klomps said the Planning Board had worked for over twenty years, was impartial, and the system worked well. He said the Council planned to appoint people who would vote according to their wishes and that was wrong.

Burnie Thompson, 8317 Front Beach Road. Mr. Thompson said this was an arbitrary changing of the rules as the Weeks had bought that home as a business. He questioned the roll of the Planning Board and said it seemed the diversity of the Planning Board was being decimated. He said it seemed the Council would be appointing five political appointees.

Mayor Thomas explained the roll of the Planning Board was to bring rules and laws for zoning and planning of the City to the Council. They were also to improve the City by coming to the Council as an advisory board and suggest changes or tweaks to the Codes. He mentioned Codes not being enforced. Regarding the reason for changing from seven to five members appointed by Council, the City Council also appointed the original seven members.

Councilman Solis said he had no problem appointing a board member to represent the Council member. He said this would allow mutual feeling on certain areas and represented what the voters had been told would be done if elected. He said he expected his appointee to be above board and independent.

CONSENT AGENDA

1 RESOLUTION 16-102, FIRE/RESCUE AERIAL TRUCK 1 REPAIR. *Moved to the regular Agenda.*

2 RESOLUTION 16-105, PREBLE-RISH, INC. ASSIGNMENT TO DEWBERRY ENGINEERS, INC. *"A Resolution of the City of Panama City Beach, Florida, approving assignment of various Master Services Agreements and related project Task Orders from Preble-Rish, Inc., to Dewberry Engineers, Inc."*

Ms. Fowler read each item on the Amended Consent Agenda by title. **Councilman Chester made the motion to approve the Amended Consent Agenda. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Solis	Aye
Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Mayor Thomas	Aye

REGULAR AGENDA

1 DISCUSSION OF SHORT TERM RENTALS NORTH OF BAY AVENUE. Mr. Leonard explained this was a request from the Weeks for Council consideration and involved Ordinance 983 which prohibited all short-term rentals in single-family residential areas. Last December, the Council amended that Ordinance via Ordinance 1369 which allowed a continuation of short-term rentals on two residential areas on the gulffront, one at the west end of the City limits and the one near Dusty's. At that time, the Weeks contacted the City about their issue as Code Enforcement had received a complaint

about a nuisance and possible short-term rentals. The Council directed Staff to send out a letter for further consideration once the responses were received. At the Mayor's request, Mr. Leonard reported for the record that of those owners who lived on north Bay Avenue, five responses were in support, nine against, and four who signed a petition against the change. He continued that there were many other contacts who were for and against the change but that lived outside of the Bay Avenue area.

Councilman Solis said it was difficult to make a decision because the Weeks did their due diligence before buying the property. At the time of purchase, it was legal to rent short-term. In this instance, the rules changed on them. He said he had discussed with counsel the possibility of grandfathering and his concern that one side of Bay Avenue could rent short-term and the other side could not rent short-term. Councilman Solis said the entire street should have been short-term rentals.

Councilman Reichard asked Ms. Weeks when she bought the house and she replied 2004. He asked if she was aware in 2006 that the rules were changing and she said they had not been aware until December 2015.

Councilwoman Strange said she did not understand why Bay Avenue could not have short-term rentals on both sides of the road. She said the Weeks were meticulous with their property with no police complaints and they rented to good people. She said it bothered her that the Weeks had not been notified to come to the Council to state their side. She said she thought the entire street should be short-term rentals.

Mayor Thomas said streets always separated zoning and Front Beach Road had different rules on the north side as compared to the south side of the road.

Councilman Chester asked Mr. Leonard the reasoning for the street to be the zoning line. Mr. Leonard agreed with the Mayor that the line down the middle of the street also occurred in Colony Club, Open Sands, Lullwater, etc. He said streets were used as boundaries as well as bodies of water. When the first Zoning Ordinance was created in 1977, Bay Avenue South was R-2 and Bay Avenue North was R-1b, single-family residential.

Mayor Thomas asked if the meetings in 2006 were noticed and Mr. Leonard replied affirmatively. The Mayor said he understood that the Weeks had not been personally notified but the only duty of the City was to publicly notice the meeting and publicly notice any changes to people's property.

Councilman Solis asked Ms. Myers if he could make a motion to specifically grandfather the Weeks for their short-term rentals. Ms. Myers replied that she did not think it would be a legally defensible motion. Councilwoman Strange asked if a motion could be made to include the entire street and Ms. Myers replied yes. Mayor Thomas explained it could not be changed effective now in a meeting without notice. **Councilwoman Strange made the motion to ask Staff to prepare the documents to change the zoning for the entire Bay Avenue. Second was by Councilman Solis.**

Councilman Reichard said since the Council represented everyone, he reminded that nine people opposed the change and four signed the petition against the change

With nothing further, the motion failed by majority roll call vote recorded as follows:

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

Mayor Thomas asked if there was a motion to change the zoning on North Bay Avenue to allow short-term rentals. There was no motion.

2 ORDINANCE 1391, CITY TREASURER, 1ST READING. Ms. Myers read Ordinance 1391 by title and explained the effect of the Ordinance was to restore to the Council its ability to appoint a City Treasurer by resolution as opposed to an Ordinance. Councilman Reichard said in the past, the City Clerk had also been the Chief Financial Officer and served at the pleasure of the Council versus Civil Service. He asked if the CFO position would report to the Council or Civil Service and Ms. Myers responded that the CFO was an Assistant to the City Manager so technically that position reported to the City Manager. **Councilman Reichard made the motion to approve Ordinance 1391. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Solis	Aye
Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Mayor Thomas	Aye

3 ORDINANCE 1392, AMENDING LDC REGARDING PLANNING BOARD, 1ST READING. Ms. Myers read Ordinance 1392 by title and said she proposed two changes to the draft Ordinance. In this Ordinance, she used the term “appointing Council member” but reminded that ultimately it was the Council who appointed the Board. The Council member had the power to nominate one person that the Council would then ratify. So she asked to change the wording from “appointing” to “nominating”. The second change was clarifying who would excuse a Planning Board member’s absence, and both the Council member and the Planning Board were mentioned at the Council’s last meeting. Only one could stand. The Mayor said it should be the Council member. There were no objections to those changes.

Councilman Reichard said if he nominated a person and the Council had to ratify the person but did not do so, his choice would be disregarded. Ms. Myers said she did not think that was the policy being adopted but ultimately, the Council was ratifying the choices as a group. Councilman Reichard asked what would occur if one Council member did not want to ratify one of the nominees. Ms. Myers replied the Council member would be able to vote nay. Councilman Chester said that was what occurred right now.

Councilman Reichard said one positive aspect was term limits, allowing other people a chance to serve. However, he said this Planning Board did what the previous Council asked it to do. **He made the motion to make the change effective January 2, 2017 with five Board members.** This would allow the Council members time to prepare their choices. Councilwoman Strange said she liked a seven person Board with the thoughts of allowing the Planning Board to appoint the other two members that would be ratified by the Council. Councilman Reichard said he would prefer to go with five members to allow Council members time for due diligence. **Second was by Councilman Solis.** With nothing further, **the motion passed by unanimous roll call vote recorded as follows:**

Councilman Solis	Aye
Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Mayor Thomas	Aye

4 DISCUSSION- WORKSHOP WITH HOAs REGARDING CLEANLINESS AND IMAGE OF THE BEACH. Councilman Solis suggested a public meeting with community members and HOAs to talk about upland property owners taking responsibility. He said many HOAs met in November and he suggested setting this meeting then so many of the Board of Directors could talk about a partnership to keep the beaches clean. He mentioned new advertising campaign strategies. He said he had spoken with the TDC to join the partnership. Councilwoman Strange said she thought it was a good idea. Councilman Reichard said he agreed. Mayor Thomas said the Council would leave it to Councilman Solis and Mr. Gisbert to schedule the public meeting. Councilman Solis said typically November 5 was when 50% to 60% of the Boards were in town for their annual meetings.

Councilman Reichard asked who could attend and if it was something that would come before Council at a later date for a vote. Councilman Solis said he was asking for all of the Council to attend and it would be a public meeting, publicly noticed. Ms. Myers said it would be a sunshine law meeting, properly noticed. The Mayor said the Council members would gather information.

5 PUBLIC COMMENTS.

Travis Schofer. 500 Augusta Road. Mr. Schofer, owner of a small beef jerky company, said he was prohibited from participating with the Gulf Coast Jam because of corporate sponsorship. He asked the City to have a clause in the contracts for events on City property that would not preclude a local business.

Councilman Chester asked if this event was sponsored by the TDC and Mr. Gisbert replied that the Park was rented by a private company and the TDC supplied some funds for the event.

Colleen Swab, owner of California Cycles. Ms. Swab explained her company had bought about thirty LSVs in March and they had issues with six of the vehicles. The manufacturer could not repair the vehicles and offered to give ten replacements. She said they did not have the replacement vehicles yet but could obtain a letter from the manufacturer if necessary.

Councilwoman Strange asked if this meant she would have another four vehicles on the road. Mayor Thomas said the company was given the permit for a definite number of vehicles and that was how many should be on the road. Mr. Gisbert said he would look into the matter.

Genese Hatcher, 203 South Wells Street. Ms. Hatcher asked when the City would enforce no dogs on the beach. She stated no tickets or warnings were issued. She said the Ordinances on the books were not being enforced.

Joanne Wetherford, 6220 Thomas Drive. Ms. Wetherford said the cleanup of the beach should be from end to end, a joint effort with the County. She suggested "no littering- \$500 fine" signs.

Councilman Solis said his proposed plan would encompass the entire beach. He mentioned a fund that would assist with more Code Enforcement to address trash, glass and dogs on the beach. He said there were a lot of verbal warnings given about the dogs as well as glass on the beach. He said the visitors should respect our beaches when visiting. Councilman Chester said a lot of locals were taking their dogs to the beach and they knew better.

6 ATTORNEY REPORT. Ms. Myers said she met with Staff earlier this week to review the performance standards for LSVs and would bring to the Council and industry soon for input.

7 RESOLUTION 16-102, FIRE/RESCUE AERIAL TRUCK 1 REPAIR. Mr. Gisbert reminded that the Fire truck had an accident in April and the insurance company had offered Forty-Seven Thousand Dollars for the repairs, which was in the backup for the Resolution authorizing the repairs. Subsequently, the repair company offered to buy the truck for Two Hundred Fifty Thousand Dollars (\$250,000) and allow the City to keep the Forty-Seven Thousand Dollars. Mr. Gisbert said this was less money than what had been planned when initially selling the truck. However, if the truck was repaired, it would be a year older and the repair itself would not be complete until January.

Councilman Reichard said he understood that ten years old was a threshold and the accident and subsequent repair would put the truck over that threshold. He also understood that potential purchasers were coming to see the truck shortly after the accident. Mr. Gisbert said the two best options were to take the Two Hundred Fifty Thousand Dollars to purchase the new fire truck or repair the fire truck and redo the agreement to put the repaired truck on the market. He added that the company was quoting now that the ten year old fire truck was probably worth now Three Hundred Thousand to Three Hundred Twenty-Five Thousand Dollars (\$300,000-\$325,000). Mr. Gisbert said either way, he said the insurance company would be contacted for the value loss for the extended time period for settlement.

Chief Daly said the new truck was due in September. Councilman Solis mentioned diminished value and he questioned whether the FLC attorney had looked at that clause and if it would be applicable to the accident. He said it should be pursued.

Councilman Reichard asked if this was Staff's recommendation, whether to sell or repair. Mr. Gisbert said if it was to be repaired, the company needed the notice within ten days. Chief Daly said he agreed with the City Manager to sell now and the letter from the repair company advised that the sell option was in the best interest of the City.

Councilman Reichard asked who paid for the shipment to the repair company. Chief Daly said the dealer was paying for the transportation.

Councilman Reichard made the motion to sell the fire truck, not repair it. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Solis	Aye
Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Mayor Thomas	Aye

8 CITY MANAGER REPORT.

Mr. Gisbert updated the Council on the numerous bids posted on the website. He also asked the Council about scheduling the Budget Workshops and proposed August 11 and August 25th, both Council days, and both at 9 A.M. Councilman Solis said he was good and Mayor Thomas concurred.

9 COUNCIL UPDATES.

Councilman Solis suggested a workshop in the future to discuss a five year plan for the City. This would show the priorities for the Department Heads and the direction for the City. He emphasized the roads and possible funding. Councilwoman Strange asked if the TPO had funding for sidewalks. Councilman Solis said the WFRPC had a grant to pay for the design of the City's sidewalk plan, but it closed in June for this year. When WFRPC did a plan, they also identified possible grant structures available for the work. He also commented about Two Hundred Thousand Dollars (\$200,000) grants available per brownsite for the Segment 3 project. He also mentioned grants for playground equipment or ballfield lighting.

Councilman Reichard said the Departments were already doing a five year plan. He said he and Councilman Solis were on the TPO who had five members from the County and five members from Panama City, which hurt our City on many projects. He suggested a public workshop to discuss Code Enforcement with Staff and new direction. Then Staff can come back with recommendations. Councilmen Solis and Chester concurred. Mayor Thomas also agreed and mentioned the growth of the City and more enforcement being necessary. He said the beach was not cleaned up and the rules were not being followed. He also suggested more enforcement in the neighborhoods and thought a public workshop was a good idea.

Councilman Chester recommended changing the meeting times to 9 A.M. at least for one meeting and the other remaining at 2 P.M. He said if there was an issue, the people would attend. This would allow the Department Heads not to stay late after working all day. Mayor Thomas said he agreed. Councilman Solis said he believed there should be one evening meeting. Councilwoman Strange said she agreed with Councilman Solis. Mayor Thomas said the meetings were business meetings and should be at 9 A.M. Councilman Reichard said if someone had business with the City, they could attend a 9 A.M. meeting the same as this 2 P.M. meeting. **Councilman Reichard made the motion to change both regular Council meetings to 9 A.M. Second was by Councilman Chester and the motion passed by majority roll call vote recorded as follows:**

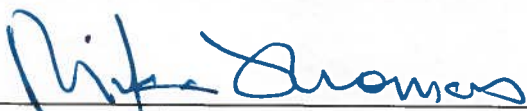
Councilman Solis	Nay
Councilman Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Nay
Mayor Thomas	Aye

Mr. Gisbert suggested since the Council meetings were moved to 9 A.M. on August 11 and August 25, the Budget Workshops should be moved to 1 P.M. on those days. There were no objections.

With nothing further, the meeting was adjourned at 3:40 P.M.

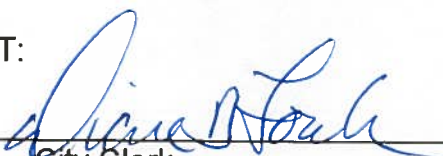
READ AND APPROVED this 11th of August, 2016.

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