

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 December 8, 2016.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER
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 Council members, City Manager, City Clerk and City Attorney present.

Councilman Chester gave the invocation and led the Pledge of Allegiance.

Minutes of the Regular Meetings of October 13 and November 10, 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 Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

Mayor Thomas asked if there were any additions or deletions to the Agenda. Mr. Gisbert asked if the TDC could do a short presentation. There were no objections.

PRESENTATIONS

1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD PRESENTATION. Councilman Chester introduced Mr. Sky Hatton and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. He then congratulated Sky. Ms. Stacey Schubert presented Sky with a gift card donated by a local business. The audience responded with applause.

2 TDC PRESENTATION. Mr. Chris O'Brien of the TDC reported upcoming events for March 2017, such as new softball tournaments and baseball tournaments. New soccer and golf tournaments were scheduled, as well as an expanded Scottish Fest. He mentioned the planned car show and the boat show.

Mayor Thomas said the Council had heard the residents about wanting Spring Break to change and he complimented the TDC for the good job in getting these events to come to the beach.

PUBLIC COMMENTS (Consent and Regular Items only)

None

CONSENT AGENDA

1 REVISION OF THE MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. *These items are to be removed from the Master Audit List. STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List.*

2 RESOLUTION 17-24, PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH PRMG FOR CITY IMPACT FEE ANALYSIS. *"A Resolution of the City of Panama City Beach, Florida, approving Agreement with PRMG in the amount of \$46,000 for the performance of a City Impact Fee Analysis; and providing an effective date."*

3 RESOLUTION 17-27, BID AWARD- AQUATIC CENTER HVAC REPLACEMENT. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Ridge Heating and Air Conditioning, Inc., in the amount of \$18,618 for the installation and purchase of the HVAC Replacement for the Aquatic Center".

4 RESOLUTION 17-33, REPAIR OF WWTF ODOR CONTROL UNIT. "A Resolution of the City of Panama City Beach, Florida, approving a Purchase Order from Vapex Environmental Technologies relating to the repair of an Odor Control Unit for the City's Wastewater Treatment Facility Influent Screens in the amount of \$30,000."

5 RESOLUTION 17-35, ROBERTS AND ROBERTS, INC., COLONY CLUB-NAUTILUS CONNECTION PROJECT CHANGE ORDER 1. "A Resolution of the City of Panama City Beach, Florida, approving a Change Order with Roberts and Roberts, Inc., for the installation of conduit for street lights for the Colony Club-Nautilus Connection Project in the amount of \$13,923; authorizing execution and providing an effective date."

6 RESOLUTION 17-36, 2017 CITY RECREATIONAL FACILITIES USER FEES. "A Resolution amending, updating, and in some cases establishing User Fees for City recreational facilities; repealing all Resolutions in conflict; and providing an effective date."

Ms. Fowler read each item on the Consent Agenda by title. Councilwoman Strange asked how long the Odor Control Unit would last and Mr. Shortt said five to seven years. **Councilwoman Strange made the motion to approve the Consent Agenda. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

ITEM 1 RESOLUTION 17-29, NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTION NON-AD VALOREM NUISANCE ABATEMENTS SPECIAL ASSESSMENTS THROUGHOUT THE CITY, PUBLIC HEARING. Ms. Myers said the Council had asked to expand the Nuisance Abatement Assessment program to apply to properties throughout the City, not merely within the CRA. This Resolution if adopted would put the Property Appraiser and Tax Collector on notice and there would be future Resolutions to amend the program to similarly allow for the assessment of properties to make all documents match. She then read Resolution 17-29 by title. Mayor Thomas opened the Public Hearing at 6:12 P.M. and asked for comments or questions. Hearing none, the Public Hearing was closed at 6:13 P.M. **Councilwoman Strange made the motion to approve Resolution 17-29. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 2 ORDINANCE 1392, AMENDING LDC REGARDING PLANNING BOARD, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1392 by title. She added that the Planning Board considered the Ordinance but did not recommend approval. Mayor Thomas opened the Public Hearing at 6:15 P.M.

Mr. Burnie Thompson, 8317 Front Beach Road, said he understood the Planning Board was an advisory board with some authority and he repeated Councilman Reichard's concern about politicizing the Board by having the five members appointed by the Council. He questioned why have the Board if the members were assigned by the Council members. With no further audience comments, the Public Hearing was closed at 6:17 P.M.

Councilwoman Strange said those were valid concerns and that she thought the seven member Board was better rather than five members. Councilman Reichard said five members would have term limits and he favored that part of the change. He said the Board had three vacancies now. He said he did not oppose only five members but with the three vacancies, the Council had the opportunity for fresh looks by new members if desired while still maintaining continuity in understanding of the LDC. He said if the Council stayed with the seven members, Staff could advertise for the vacancies.

Councilwoman Strange asked Mr. Leonard how Planning Boards were handled in other cities. Mr. Leonard responded that they were all handled differently, community preference. Councilwoman Strange said the Council ultimately voted on who was appointed to the Planning Board anyway, whether seven or five. Responding to Mr. Thompson's comments, Councilman Reichard said the Planning Board answered to the Council members who were elected by the residents. Councilman Solis said the Council members could appoint five and then those five members could appoint two members themselves. Councilwoman Strange said she preferred seven members as opposed to five in the event of absences.

Councilwoman Strange made the motion to go with five Board members and then the Planning Board appoint the other two members. Ms. Myers said she would have to revise the title on the Ordinance, with composition remaining at seven, five members appointed by the Council and two members appointed by the Planning Board without any Council blessing. She asked for time to revise the Ordinance but alternatively if the Council was not in a rush, the Public Hearing could be continued until January 12th if the motion was seconded. Councilman Reichard said he liked the idea that two of the three vacancies would be appointed by the Council and term limits could be something set by the Council, such as the two four year terms the same as the City Council and providing opportunities for more residents to serve. Ms. Myers confirmed this would be one at-large member with an initial term of two years and the other at-large member with an initial four year term.

Mayor Thomas said if the Council agreed to stay with seven members, just leave as it currently existed with appointing three new members in January. Regarding term limits, that could be imposed on all the Boards. Councilman Reichard said his concern was keeping some of the prior members on the Board who understood the LDC. Further discussion ensued.

Councilman Solis said it seemed the Council members could not make up their minds and he wanted to be done with the discussion. **Councilwoman Strange withdrew her motion.**

Councilman Reichard made the motion to leave the Planning Board selection process as in the past. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:

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

The Public Hearing was closed at 6:32 P.M.

ITEM 3 ORDINANCE 1396, PENDING ORDINANCE DOCTRINE, 2ND READING, PUBLIC HEARING AND ADOPTION. The Mayor opened the Public Hearing at 6:33 P.M. Ms. Myers read Ordinance 1396 by title and said the Planning Board considered the Ordinance and recommended approval. The Ordinance was also properly noticed. With no comments from the audience, the Public Hearing was closed at 6:34 P.M. **Councilman Solis made the motion to approve Ordinance 1396. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 4 ORDINANCE 1397, ANNUAL UPDATE OF CAPITAL IMPROVEMENTS SCHEDULE, 2ND READING, PUBLIC HEARING AND ADOPTION. Mayor Thomas opened the Public Hearing at 6:34 P.M. Ms. Myers read Ordinance 1397 by title and explained this was the annual update. The Ordinance was properly advertised and the

Planning Board recommended approval. The Mayor called for comments. Hearing none, the Public Hearing was closed at 6:35 P.M. **Councilwoman Strange made the motion to approve Ordinance 1397. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 5 ORDINANCE 1398, LOW SPEED VEHICLE REGULATION, 1ST READING, PUBLIC HEARING. The Mayor opened the Public Hearing at 6:35 P.M. Ms. Myers read Ordinance 1398 by title and explained this proposed Ordinance capped the number of vehicles to Two Hundred (200) with a lottery system. She also distributed a memo outlining other general recommendations for amendments to the LDC. She stated that it had been advertised with a cap of Three Hundred units and this version stated only Two Hundred units, and she asked the Council to confirm which number they preferred.

Mayor Thomas asked Ms. Myers to explain her concerns. Ms. Myers responded that she had concerns about a cap and she had suggested to each Council member to sunset the cap so that it be required to revisit the matter in a year or two. Another recommendation was reporting requirements from the Police Chief, one each January reporting the numbers of each type of rented amusement vehicles and the number of traffic accidents and traffic tickets involving the amusement vehicles. This would allow for empirical data in real time for the impacts of these type vehicles on the roadways in terms of safety and operation. Regarding amendments to the LDC, there would be an appeal procedure for time involving the signs to recoup investments. She elaborated.

At the request of Councilwoman Strange, Ms. Myers explained more details about sunsetting the cap with an automatic sunset in two years unless an action was taken to amend or remove the cap within that period. This would allow time for the Police Chief to report data which would give the Council information. Responding to Councilman Reichard, Ms. Myers explained the lottery system, a concept mentioned during the workshop to leave an opening for the existing businesses to grow. Councilman Solis said he felt it important to have the ability to grow. Councilwoman Strange asked about revisiting the matter in one year and Ms. Myers said she thought two years would allow a better idea of the impact. Councilman Reichard said the fifty units per business had been discussed mainly in the industry workshop. Councilman Solis said he had no problem continuing the Public Hearing until January 12th. Ms. Myers asked for direction. Mayor Thomas said he agreed with Councilman Solis, to meet with the Council members individually to see about changes. Councilwoman Strange asked about the businesses already ordering new units. Ms. Myers reminded that the moratorium was still in effect on both registration and permitting, providing that new vehicles could be registered if the businesses provided evidence that they were ordered before May 12, 2016. Any orders since that time, the businesses were at risk. **Councilwoman Strange made the motion to continue the Public Hearing. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 6 ORDINANCE 1399, AMENDING ORDINANCE 1388, EXTENDING LOW SPEED VEHICLE MORATORIUM. Ms. Myers read Ordinance 1399 by title and explained this would extend the moratorium already in effect until March 1, 2017. **Councilman Solis made the motion to approve Ordinance 1399. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 7 ORDINANCE 1400, MARIJUANA DISPENSING FACILITIES MORATORIUM, 1ST READING, PUBLIC HEARING. Mayor Thomas opened the Public Hearing at 6:51 P.M. Ms. Myers read Ordinance 1400 by title and explained this was not a ban but rather a one-year moratorium. She said it followed substantially the form approved by the County last week. The one year moratorium was four months longer than the time proposed by the County and Springfield but that was the time directed at the Workshop.

Mayor Thomas and Councilman Solis said they did not agree with the delay. Mayor Thomas said Staff should meet with the County to set the number of dispensaries and move forward. He was concerned of having all dispensaries located in the City and thought six months should be sufficient for the moratorium. Councilman Solis concurred and said these dispensaries would be regulated by the State and he recommended leaving the direction to the County. Ms. Myers said it was a zoning ordinance and would require a Planning Board meeting for their recommendation so six months would be doable. She continued that she had already spoken with the County and could present a proposed Ordinance limiting the number of dispensaries in City limits to one. Staff was in agreement for that direction as well.

Councilman Reichard emphasized that this moratorium did not prohibit anyone from having their prescription filled and Ms. Myers concurred it was not a ban. Mayor Thomas asked for floor comments.

Ms. Ann Morris, 129 N. Lakewood Dr, Parker, said the City would not have problems managing this industry because the State and County would handle the regulations. She said it gave the appearance of banning. The Mayor asked if there were further comments, and there were none. The Public Hearing was closed at 6:57 P.M. **Councilman Reichard made the motion to approve Ordinance 1400 with a six month moratorium. Mayor Thomas passed the gavel and seconded the motion. Vice-Mayor Strange gave the gavel back and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 8 ORDINANCE 1401, ESTABLISHING FORECLOSURE REGISTRATION PROGRAM, 1ST READING. Ms. Myers read Ordinance 1401 by title and explained that this proposed Ordinance arose from the Code Enforcement Workshop and subsequent comments. Staff recommended approval. **Councilman Reichard made the motion to approve Ordinance 1401. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 9 ORDINANCE 1402, AMENDING CHAPTER 15 FOR CARPORT REGULATIONS, 1ST READING. Ms. Myers read Ordinance 1402 by title and explained the minor nuisances addressed which would allow Code Enforcement to address those occurring under carports in a way not currently permitted under the City's Code. Ms. Myers said there would be a Public Hearing scheduled for the next meeting. **Councilman Solis made the motion to approve Ordinance 1402. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 10* RESOLUTION 17-30, CAPITAL IMPROVEMENT PLAN PROFESSIONAL SERVICES AGREEMENT WITH ZHA AND BUDGET AMENDMENT #8. Ms. Myers read Resolution 17-30 by title and said this was the second piece involving Impact Fees. Once this agreement was approved by Council, their first task would be to coordinate

with PFM, the successful bidder for the third RFQ for the Front Beach Road financial modeling. She hoped to bring a contract back to Council at the next meeting with an amount certain from PFM. **Councilman Reichard made the motion to approve Resolution 17-30. Second was by Councilman Chester.**

Councilman Solis said he was concerned about the cost but understood that an evaluation had not occurred for a long period. He understood the importance and mentioned negotiating with the State for maintenance funds when the City assumed the portions of Front Beach Road. Councilman Reichard said this would give current information that the City did not have available. With nothing further, **the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 11 PLANNING BOARD APPOINTMENTS. Mayor Thomas directed for Staff to advertise for the three seats as soon as possible and ask the applicants for resumes.

ITEM 12 PUBLIC COMMENTS (Limited to Three Minutes)

Ms. Colleen Swab, 13416 Front Beach Road. Ms. Swab explained about her Foundation that supplied Christmas baskets with toys for kids. Last year, she donated 300 baskets and she hoped this year to supply 400 baskets.

Mr. Robert Lago, 8317 Front Beach Road. Mr. Lago made comments about authority and the Free Market for the LSVs. He commented about the business and relationship of government.

Ms. Olysea Siriteanu, Hangout By The Sea, 12106 Front Beach Road. Ms. Siriteanu asked when the next Council meeting would occur. Councilman Reichard said the Council would come back with a definite Ordinance at the next meeting January 12th at 6 P.M. after determining the cap, lottery, input from Staff, etc.

Mr. Justin Wilson, 5218 Beach Drive. Mr. Wilson made comments about the UBER Workshop and his biggest concern was public safety. He reminded that he had distributed packets with information and prior problems with fly-by-night cab companies in the past. He spoke of concerns about UBER self-regulating and the County not having experience issuing permits for vehicles for hire. He spoke of Lynn Haven not having the same kind of visitors as the beach.

Mr. Jim Smith, 506 Tarpon Street. Mr. Smith questioned if these studies included costs for completing the CRA. Mayor Thomas explained these Resolutions related to the maintenance of the CRA, not the construction. Mr. Smith asked about the Tram system and if it was still a part of the CRA project. He also asked if there were any thoughts of polling the citizens to discover if they favored the tram. He said the tram lane would take all their beach parking and the tram added congestion to Front Beach Road. He also questioned the CRA assessment to only some of the residents.

Mr. Burnie Thompson, 8317 Front Beach Road. Mr. Thompson submitted a copy of Resolution 14-61 for the record in which public comment was available as an Agenda item was reached. He questioned violating this Resolution. He made comments about UBER, a level playing field, and the rule of law concerning low speed vehicles.

Mr. John Latham, 8727 Thomas Drive. Mr. Latham said he opposed any new taxes or user fees. He said the Council was attempting to delay implementing the new marijuana dispensing law by adding more ordinances. He spoke of it being unconstitutional to enter a carport and government agents accessing private property without a court order.

Mr. Calvin Chester, 228 Oxford Avenue. Mr. Chester asked if the moratorium extended to the Compassionate Care Act and Ms. Myers responded that it did not override those laws. He commented these dispensaries would be for people with debilitating illnesses.

Mr. Frank Sewell, 435 Hidden Island Drive. Mr. Sewell read the definition of an amusement vehicle and spoke concerning the low speed vehicles.

There were no further comments.

ITEM 13 ATTORNEY REPORT. Ms. Myers said her office was working with Mr. Gisbert in preparing a punitive damage claim against Halliburton that related specifically to oil that touched beaches owned by the City. She said it did not require Council consent or the expenditure of City funds at this time. It will be filed tomorrow. She explained it was not related to the economic loss claim filed previously and resolved.

ITEM 14 CITY MANAGER REPORT. Mr. Gisbert reported the bids posted on the City website and the jobs available and posted on the website.

ITEM 15 COUNCIL COMMENTS. Councilwoman Strange and Councilman Solis wished everyone a Merry Christmas and Happy New Year.

With nothing further, the meeting was adjourned at 7:30 P.M.


READ AND APPROVED this 26th of January, 2017.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.

ATTEST:



City Clerk



Mayor