

The Code Enforcement Workshop 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, conducted on August 10, 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 Code Enforcement Workshop to order at 2:00 P.M., with all the Council, the City Manager, City Clerk and City Attorney present. Councilman Chester gave the invocation and led the Pledge of Allegiance.

The Mayor asked Councilman Reichard to start. Councilman Reichard said he thought this meeting would add better direction for Code Enforcement with support by the Council. One suggestion concerned paperwork and having support personnel in the office allowing the Code Enforcement Officers to be more out in the field. He mentioned boiler-plate letters which could be typed by the support personnel such as Ms. Cox, the receptionist. Councilman Reichard said his second concern was some businesses constantly ignoring the rules since it seemed some businesses were not worried about fines. He questioned what could be the next step for those establishments that totally disregarded the City and our efforts to make the City better.

Councilwoman Strange said she thought Ms. Cox was already assisting Code Enforcement with the letters. Mr. Leonard replied that she helped on occasion but it was not formalized. He said streamlining the process would help the process quite a bit. Tomorrow during the Budget Workshop, he would discuss making the part-time position in the Building Department full-time so that it would be part-time Building/part-time Code Enforcement.

Councilwoman Strange suggested empowering Beach & Surf Patrol to be able to write citations which would free up the street officers. Mr. Gisbert said now Beach & Surf was focused on the life safety issues and they would need education on the Codes if the Council wanted those extra powers.

Councilman Solis said if she meant dogs on the beach, litter, glass on the beach, holes on the beach, etc., that was everywhere. He said that might be addressed with extra Patrol Officers. He said he hoped the extra officers would be able to address some of the issues beachside and a combined effort between law enforcement and Code Enforcement as well as tapping into the TDC to pay for officers on 4-wheelers. Councilwoman Strange asked if they could write citations and Chief Whitman said sworn officers could write citations but not Beach & Surf officers. Mr. Gisbert said the Leave No Trace enforcement was by Auxiliary officers and their focus was to inform the public and issue citations if necessary. Councilman Solis said the TDC had funds that the City was not utilizing. He elaborated and said it was difficult for the Code Enforcement Officers to do enforcement on the beach as well as the land. He also agreed with Councilman Reichard that one problem was the chronic violators that continuously paid fines and kept their area looking bad.

Councilwoman Strange asked about the unfinished construction sites and said she thought they should be fenced and screened, especially those inactive. She said some of the fences along Front Beach Road collected trash looking worse than if the site was open.

Councilman Solis questioned what the City would consider abandoned properties, thinking about the U-Turn Sunburn Saloon and what could be done to clean that property. Regarding the Code Enforcement system, he added that a good tickler system should be in place to track the notices and followups. The map already in place was excellent and another task for the support staff to ensure it was kept up to date.

Councilman Chester said he thought the Code Enforcement officers should be on land, not the sandy beach all the time. He said there were many issues in the subdivisions which needed to be addressed. He said the program for Code Enforcement was already in place where their actions could be seen, what fines were issued, violations, etc. He said help with sending out letters should be done. Related to using Beach and Surf Officers for Code Enforcement, the Council would need to decide their priority whether saving lives or issuing code violations.

Councilman Reichard said the Council needed to prioritize what should be done first, whether holes on the beach or scooters in the right-of-way. Councilman Chester said there could be a set schedule so the Council members would know when Code Enforcement would be in a certain area.

Councilman Reichard said he understood that the TDC could not sponsor law enforcement events. Mayor Thomas explained that the TDC could use the funds for security on events that they sponsored. Councilman Solis had referred to a recent change by the Legislature that funds could be used for certain things but only 10%, law enforcement as well as health and safety would be included. He said there may be an opportunity to receive some of those funds.

Mayor Thomas said when he was first elected, he thought the employees had not been doing their jobs for the last few years. However, he found that Staff had been told to leave certain matters alone. His first thought was that now the Council members would not say leave an issue alone. If the Council was serious about cleaning up the beach, the employees should be able to do their jobs and the materials to do so.

The Mayor continued that there were some locations which did not care and received citations again and again. He said by having the properties cleaned, it would make all property values more. He said he understood why those old concrete structures were still standing but that he thought some CRA funds would help tear them down. He said now that the liens could be placed on the tax rolls, the money could be recovered eventually. The Mayor said that he could not see any reason why a Code Enforcement Officer would be on the sandy beach. The City was sending them to the beach on dangerous situations such as drinking which should be handled by law enforcement. He said that was a police matter. He said once word spread that the City was enforcing the rules that there would be less problems. The Mayor said there must be penalties and the City made it too easy for repeat offenders.

Councilman Reichard mentioned efforts ensuring that everyone paid the 1% Business Registration Fee. He mentioned VRBO with owners not paying the taxes and penalizing other taxpayers who were doing the right thing. He questioned who would look into those issues and if it was a worthwhile effort. Councilman Solis said he and Mr. Leonard had spoken of this issue right before the meeting. He said now there was Air B&B which had replaced VRBO in some areas, and explained that AirBnB collected taxes but only State tax. He suggested that the first step would be someone researching the Panama City Beach properties listed on their site and cross reference them with our properties that were paying the taxes.

Councilman Reichard asked Mr. Leonard if this was the current process, and Mr. Leonard replied not to a significant extent due to time constraints. Mayor Thomas said he thought the County was doing so at the Clerk's office but the City would not receive the benefit of their results. Councilman Reichard reminded that the City now had new software which communicated with the County. Councilman Solis said he estimated there were 10%-20% of people who were not paying taxes and a letter should be sent advising the law and what the penalties would be for non-compliance. He said the violators should be issued a fine after the second letter with no response.

Councilman Solis said there was also the consistency on what would be regulated. The LDC would not even allow an ice machine to be in front of a business. He questioned what would be enforced and said the Department needed answers from the Council. He said he felt there were some regulations within the LDC that were unreasonable and that an ice machine and ATM outside of a business was not unreasonable. He said before Code Enforcement issued citations on this issue, the Council should first decide what would be acceptable and fix the Code.

Regarding the TDC funds, Councilman Solis said he felt holes on the beach, glass on the beach, feces on the beach, etc., were all health and safety issues and how he had tied this into the TDC.

Mr. Leonard said that he, Mr. Gisbert and Ms. Myers could see if there were more timelines in which the City could legally be more aggressive. He said possibly additional personnel to help on the administrative side. Mr. Leonard said hearing from the Council as to what they considered priorities would give everyone a clear picture and direction. Mayor Thomas said there should be consequences for repeat offenders.

Councilman Reichard asked about the fines on the Beach Club Motel, when they were not repaying the lien. Mr. Tindle said the fines were assessed weekly at \$500. Ms. Myers said the fines were still on the public record and liens on the property but could not be collected on the tax rolls. Councilman Reichard asked if the City was actively pursuing collection of the fines and Ms. Myers said no because there was the bank lien prior to the City's lien. Mayor Thomas said now the liens and fines could be placed on the tax rolls where previously, they could not. Ms. Myers said the City's Assessment program was only limited to the CRA, only for nuisance abatement costs. Mayor Thomas said the County's system did allow those assessments and he would like the City to mirror those regulations. He said this was a better way to protect the City's money.

Councilman Reichard said he understood that the U-Turn Sunburn Saloon was different in that it remained a viable building with utilities. He said maybe it was legal but not right. He said he understood that the building remained in order to hold the footprint for the future. Mayor Thomas said he had been told that the last administration had approached the owners but were turned down. Mr. Leonard said the problem was not trusting FDEP and that was beyond the City's control. Mayor Thomas said if the structure had to remain then it should be painted, grass cut, and kept clean.

Councilman Solis asked to hear directly from the Code Enforcement officers on how the Council could assist their efforts. Mr. Tindle said all the comments were on point and what should be done as well. He had no additions and what the Council proposed was an excellent plan. He continued that they had utilized Ms. Cox's services to help with letters and more citations. He also said maybe being more aggressive would be a good idea and gave the example of a property having to pay outstanding fines in order to refinance. Councilman Reichard said there were no consequences if the property owner did not pay. Mayor Thomas said if the charges can be placed on the tax bill, the unpaid amounts will not be continuous.

Councilman Reichard said he thought it was time to remove the concrete structures and he would like to approach FDEP to discuss the "Rock". Mayor Thomas said those were not the only structures and he mentioned the Alvin's Island Warehouse location, literally falling apart. He said it looked bad on the City and Councilwoman Strange mentioned it looked bad for the residents in Open Sands who had to look at the site. The Mayor said every neighborhood had some structures like that and he urged cleaning up the neighborhoods first to bring pride to the area. He also mentioned the Gulf Power cables hanging down on the poles. He said he was meeting with the other mayors for lunch Friday and they would be discussing their issues. He said hanging utilities were one of the worst eyesores in the City. Councilwoman Strange said undergrounding would certainly help. Mayor Thomas said he wanted the City to get aggressive on this issue. Discussion ensued concerning utilities being upgraded/changed but the old lines remaining on the poles. He also mentioned Gulf Power having a truck on the beach 24 hours per day checking/replacing lights as needed. Now if a light was out, a call must be placed to Gulf Power who contracts with a private contractor to replace the light. He said most residents did not know they had to call to get the light fixed. He suggested as the police went through the neighborhoods and saw a light out, call into public works with the pole number and we can get the lights fixed.

The Mayor addressed Chief Whitman to ask for this assistance. He said Code Enforcement was not out at night, and as his officers saw a pop-up special event without a permit, they should not be operating.

Mayor Thomas mentioned his asking Mr. Tindle to write him a ticket concerning his sign in order to make a point. His issue was Code Enforcement passing fifteen businesses with issues to come to his business to write a ticket. He said this was not personal. He said the City would be cleaned. The mayor added that it was dangerous for the Code Enforcement Officers to be on the sand when dealing with drinking, that was the law enforcement job. He said there was plenty of work in the neighborhoods to be done.

Councilman Reichard said he would hesitate having the police officers on the sandy beach dealing with the public because they were not public relations people. He elaborated and said he had horrible personal experiences with our officers. He said he did not think they should be the people on the beach talking with our visitors.

Councilman Solis said that was the reason he thought the Auxiliary Officers would be perfect for the beach. He said management needed to deal with those officers with a bad attitude. He also spoke of other beach locations during his travels where law

enforcement was on the sand as well as the visitors using trash bags. He also mentioned the hands-off approach used in the past with the visitors. Councilman Reichard said sending the police officers down to the sandy beach with their current attitude he felt was a mistake. Councilman Strange said she had not had that experience with our police officers. Mayor Thomas said he had and spoke to Chief Whitman about his experience. He said that Chief Whitman was addressing those issues.

**Mr. John Robbins**, 20332 Foxworth Drive. Mr. Robbins said Chief Whitman had been very diligent in finding ways to train his officers and efforts were being made to make his officers better ambassadors. He said he was happy for the Council to have this Workshop because of the problem in his neighborhood. He explained that in January 2012, he had brought a letter to Mr. Jackson, City Manager, about 609 Gardenia. He said the property across the street had been a nice homestead, well cared for, but ultimately sold during the boom. Plans had been for an upscale high-rise condo on that site. Mr. Robbins said at the time he thought it would appreciate the surrounding properties and increase their values. Unfortunately, that did not happen. The concrete was poured in two locations and then the real estate bubble burst. He said they had a difficult time renting their townhouses long-term and had to reduce their rent in order to have renters. He said to this date, they were receiving \$600 per month less than what they had been receiving prior to the concrete structure being built. He said he looked forward to it being torn down.

**Ms. Genese Hatcher**, 203 South Wells St. Ms. Hatcher identified a FDEP contact person. She said she purchased a dilapidated home in unincorporated Bay County and thirty days after notification, it was torn down and a lien on the property. Regarding taxes, if a property was suspected of not paying State taxes, a call to the Department of Revenue will suffice as they would gladly take care of it. Ms. Hatcher also thanked Mr. Leonard for his attention to emails when she sends pictures of eyesores needing attention. She suggested an email for the residents or visitors to use to report violations. Ms. Hatcher added that liens against the property clouded the title and the lien must be paid off in order to buy the property. She mentioned discarded sofas on the side of the road and if the homeowner had to pay for the sofa to be removed. Mayor Thomas said the City did not have mandatory garbage so the answer was the Street Department.

**Mr. Bobby Seay**, 611 Poinsettia. Mr. Seay thanked the Council for these comments which helped him understand why Mr. Tindle could not merely go over to a property and make something happen. He also thanked Councilman Reichard for concentrating on businesses and for them to trash the neighborhoods was difficult. He mentioned unsecured construction sites and the safety problems, and if setting properties recommended that direction. Mr. Seay mentioned the sand fences initially installed ten years ago to build the dunes and now in poor shape; and who would be responsible for them. Mayor Thomas said remove them.

**Mr. Tom Klomps**, 614 Poinsettia Court. Mr. Klomps suggested a marketing campaign to the citizens to encourage them to clean up their own neighborhoods and also neighborhood cleanups once a quarter and a City truck going by to pick up the bags picked up by the residents. He said the City trucks could be the eyes and ears of problems. He also liked the suggestion of an email address to report eyesores. He also suggested using the meter readers to identify unsightly properties or construction site eyesores when they were out taking readings. There might be a notation on their reading equipment to make those reports.

**Ms. Burnie Thompson**, 8317 Front Beach Road. Mr. Thompson said he had concerns about binoculars being used to watch people on the beach. He mentioned probably cause and 4<sup>th</sup> amendment implications. He also mentioned Mike's Diner and if the Mayor would commit to leadership by example concerning his parking situation.

Chief Whitman apologized to the Council for the actions of his officers as he felt it was a reflection on him and he takes all their actions to heart. He said he was trying to change the culture in the Department but that was no excuse for his men and women to behave inappropriately. He mentioned it was difficult terminating police officers so a case must be built before action could be taken. He said he was unaware that Councilman Reichard or anyone had a problem and he offered for anyone to contact him personally so that he may address the situation. His goal was to get rid of the bad apples and make all his officers ambassadors. Regarding Beach & Surf, the unit was created in 1997 by three agencies (TDC, the City and the County) for them to be ambassadors on the sandy beach. The TDC and County ultimately ceased funding the operation but the City continued because it was a good organization. When created, this unit was meant for no enforcement powers and if the Council wanted them to enforce civil infractions, the

power would be given by Ordinance. He said Beach & Surf did a great job and he was proud of those men and women. They keep track of the Beach services and advise them of problems. As far as law enforcement on the sandy beach, he had been trying to do so for the last two years. Last year, the old Council allowed budget improvements for SUVs on line so that officers could be on the sand. He said any officer with an attitude was unacceptable and he would not want that officer on the sand either. He said during the last Council, many of the arrestable offenses were changed to civil infractions. He said if this Council wanted Beach & Surf to do any kind of enforcement, a new Ordinance would be needed. Regarding TDC funding, they originally funded the unit as ambassadors, but once it was changed to law enforcement mode, it went to City funds. He added that there were funds for public safety and the BCSO was also trying to get some of those funds.

Mayor Thomas said he never meant for Beach & Surf to write tickets. That was the job for police. Chief Whitman said if his Beach & Surf ran into issues, they would radio for patrol officers. He added that his officers take photos of violations and forward to Code Enforcement, now that the season was slowing down. Councilman Reichard asked about having the officers park and walk amongst the people and talk to them. Chief Whitman said he encouraged those actions, but sometimes when they were in their cars, they were writing reports. Chief Whitman said he did have a few bad apples but he had many good men and women who did an outstanding job for the City.

Mayor Thomas said he followed the rules regarding his parking situation. He explained he was grandfathered in following the rules in place in 1986 when his restaurant was built. He said he could not help how people parked.

Councilman Solis asked Chief Whitman if it was uncommon for people to use binoculars to see if people were committing an infraction on the sandy beach. Chief Whitman said binoculars could be used in public places and were even on public piers to watch people on the beach and sightseeing. He said there was no expectation of privacy on the sandy beach.

**Mr. Lee J. Kinner**, 230 South Glades Trail. Mr. Kinner said he knew that quite a few newscasters used binoculars and several people in the garbage and construction business all day long.

Councilman Chester asked Mr. Gisbert about businesses on Front Beach Road who displayed their floats and such in front of the stores. He asked what could be done. He said that was part of the store's advertisement, but maybe the size could be limited. Councilman Solis said that was his point as the Staff needed clear direction. The LDC said all that was a violation.

Mayor Thomas said he would like Code Enforcement to get into the neighborhoods and clean them up, and bring the Council recommendations for answers which would fix the problems on Front Beach Road. He said one could not ride in the neighborhoods without seeing problems which should be addressed. He said the Council was doing a horrible job on rule-making if problems could not be fixed quicker than a few months. He suggested leaving the floats issue alone now since it was the end of the summer and until there were rules the Council felt comfortable about enforcing. He said address the problems for the residents and fix them.


**Mr. Jay Quave**, 1411 Moylan Road. Mr. Quave said he was a wholesaler/distributor of floats, boogie boards, beach chairs, etc. He said Walton County did away with the displays last year and the sales of those type items plummeted. He said he had photos of other locations which had nicer displays and would offer suggestions rather than getting rid of them altogether. He said it was a good idea of size limit or even the type of display.

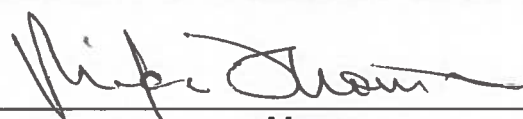
Mayor Thomas said the problem was that the law was already in place but it was not being enforced. He said there were many rules in the LDC which may need to be removed because the City did not need rules which were not enforced.

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

READ AND APPROVED this 13<sup>th</sup> of April, 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