

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 April 27, 2017.

ROLL

MAYOR MIKE THOMAS

**COUNCILORS:
JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER
HECTOR SOLIS**

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

Mayor Thomas called the Regular Meeting to order at 9:00 A.M. with all Council members, City Manager, City Clerk and City Attorney present.

Campus Pastor Derrick Bennett of the Northstar Church gave the invocation and Councilman Solis led the Pledge of Allegiance.

COMMUNITY ANNOUNCEMENTS

The Mayor and Council members announced the following events: Spring Jam tomorrow and Saturday at Aaron Bessant Park, Gulf Coast Charity Horseshow this weekend at Frank Brown Park, Kid's Fishing Rodeo Saturday at Frank Brown Park, Thunder Beach May 4-6, Jeep Beach Jam May 18-20, USSSA Fastpitch Baseball May 20-21, and City Hall closed for Memorial Day May 29, 2017.

Minutes of the Regular Meeting of April 13, 2017 were read and **approved as written per motion by Councilman Chester. 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

Mayor Thomas asked if there were any additions or deletions to the Agenda. **Councilwoman Strange made the motion to approve the Agenda as written. 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

PRESENTATIONS

1 "CHILD HUNGER AWARENESS MONTH" PROCLAMATION AND PRESENTATION. Councilman Solis welcomed Ms. Bobbie Brigman to the podium as he read the Proclamation designating May as "Child Hunger Awareness Month". Ms. Brigman spoke of her efforts in feeding families for the past six years and distributed information about her cause.

2 SIX MONTH FINANCIAL UPDATE. Ms. White presented the financial update, stating that it was actually for seven months and she explained the new graphs in the package which presented more information, noting the trends compared to the budget. These eight Funds represented 85% of the General Fund with the totals approximately 4% above last year's numbers.

PUBLIC COMMENTS (Consent and Regular Items only)

The Mayor opened the Public Comments portion of the meeting at 9:14 A.M.

1 **MR. KENNARD WATSON**, 6509 Palm Court. Mr. Watson commented about Ordinance 1411 with the fires being allowed during the turtle off-season but that the distances noted in the Ordinance would not be effective. He mentioned the dangers for nesting turtles.

2 **MS. MEGGHAN MCDUGALL**, 2100 West Beach Dr. Ms. McDougall commented about the outdoor displays and the cumbersome regulations for the Scenic Corridor. She also commented that the Police Department needed more resources and more manpower.

3 **MR. BURNIE THOMPSON**, 8317 Front Beach Road. Mr. Thompson commented about the additional Police Officers which could be hired if the Council and Department Heads gave up their \$450 per month car allowance. He commented about outdoor displays and that the merchandise must be seen to be sold.

4 **MS. CAROL ROBERTS**, Bay County Chamber of Commerce. Ms. Roberts thanked the Council for the City's support regarding the Federal Courthouse matter.

5 **MR. NEEL BENNETT**. Mr. Bennett said bonfires were a new business hosted at their two properties with several held during the summer. He had spoken with Mr. Watson and suggested a separation from the turtle nests with bonfires being a real fun amenity for his visitors.

With nothing further, the Public Comments section was closed at 9:26 A.M.

CONSENT AGENDA

1 **RESOLUTION 17-87, BID AWARD- WWTF INFLUENT SCREENS REPLACEMENT.** "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Marshall Brothers Construction and Engineering, Inc., in the amount of \$464,374 for the installation of 3 influent screens and isolation valve for the Wastewater Treatment Facility."

2 **RESOLUTION 17-88, APPROVING ARCHITECTURAL FIRM FOR NEGOTIATIONS OF PROFESSIONAL SERVICES AGREEMENT FOR CONTINUING A&E SERVICES, CITY HALL ADMINISTRATIVE CAMPUS.** "A Resolution of the City of Panama City Beach, Florida, authorizing the City to negotiate a Professional Services Agreement for the Architectural and Engineering Services related to the City Hall Administrative Campus according to the ranking set forth in the body of the Resolution; and providing an immediately effective date."

3 **RESOLUTION 17-89, SUPPORT FOR PURSUIT AND ESTABLISHMENT OF NEW FEDERAL COURTHOUSE.** "A Resolution of the City of Panama City Beach, Florida, supporting the pursuit and establishment of a new Federal Courthouse in Panama City."

Ms. Fowler read each item on the Consent Agenda by title. **Councilman Reichard 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 Reichard	Aye
Councilman Chester	Aye
Councilwoman Strange	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

REGULAR AGENDA- DISCUSSION/ACTION

1 **ORDINANCE 1411, BEACH FIRE ORDINANCE, 2ND READING, PUBLIC HEARING AND ADOPTION.** Ms. Myers read Ordinance 1411 by title and said the May 1-September 30 dates had been added at the Council's direction from the last meeting could still be amended. The Mayor opened the Public Hearing at 9:29 A.M. and asked for audience comments. There were none. He closed the Public Hearing at 9:30 A.M.

Councilman Reichard said he liked Mr. Bennett's comments concerning the required distance between any fire and any known turtle nest but if more than 200' it might be off the property. He said there would be enough people around those fires that if a turtle crawled that way, it could be stopped from harm. He suggested dropping the provision that a fire was prohibited May 1 through September 30.

Councilman Solis said the dates should stay and a clause could be added to the Special Events permit to allow businesses to request a bonfire. He suggested combining the two and allowing a certain number of events per year within that period.

Ms. Myers said this Ordinance would create the permitting process. Mayor Thomas said that would be for either individuals or businesses. Councilman Reichard suggested removing the dates and add Mr. Bennett's suggestion of the distance between any known nest, at least 100' away.

Councilman Solis said he felt this was a dual issue and related to the busiest season on the beach, our Fire Department was already taxed with other matters. He felt those dates should be in the Ordinance and the compromise would add the Special Event clause for businesses to be able to request the bonfire.

Councilman Solis made the motion to amend this Ordinance to clarify that for Special Events, a business could go through Chapter 4 and request a fire. Councilwoman Strange asked the cost for a Special Event permit and Ms. Myers responded it depended upon the size of the event. Councilwoman Strange asked if the City could set the fire permit at a certain amount. Ms. Myers said this Ordinance specified the fire permits at \$50. **Second was by Councilwoman Strange.**

Councilman Reichard said he was concerned about a beach wedding and the organizers wanting a fire. Ms. Myers explained that the City encouraged obtaining a Special Event permit so that all activities could be considered and authorized, or conditions placed upon them if they were not appropriate given the timing. Councilman Reichard asked if a wedding required a Special Event permit. Ms. Myers said they were not required if they did not exceed the capacity of their venue space. She stated that anyone could apply for a Special Event permit. Councilman Solis's suggestion was specific to businesses and she was unsure if that was a distinction the City could make. Councilman Reichard questioned what was the procedure for a beach wedding now and Ms. Myers replied that it depended upon how many people were attending, and if they were to exceed the capacity of the space, a Special Events permit was required. Mayor Thomas said a fire would trigger the pop-up event and Ms. Myers replied affirmatively if it was not permitted. She said a Special Event permit was not necessarily needed and one of the beach fire permits could be obtained depending upon the time of the year.

Councilman Reichard asked where the Special Event permit was obtained. Ms. Myers said it started in the Building Department, going through all the other Departments. She said the Fire Department reviewed every Special Event permit related to the life safety standpoint. If there was a fire element requested as part of the Special Event permit, the additional Fire Department review of that element would not slow down the permit process or make it more complicated.

Councilman Reichard stated that he was not in favor of the motion because he felt changing the dates would make the regulation less complicated and more friendly to everyone, including the turtles.

Mayor Thomas said he did not disagree but he felt this Ordinance would allow people to obtain their permit if they had an event. He said if this was only for businesses, he would have opposed the Ordinance but supported it because it included individuals. With nothing further, **the motion passed by majority roll call vote recorded as follows:**

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

3 AIRPORT AUTHORITY BOARD MEMBER APPOINTMENT. Mr. Gisbert said Mr. Del Lee had stated he would serve again or the Council could direct Staff to advertise and bring back candidates. Councilwoman Strange said she thought the seat should be advertised. **Councilwoman Strange made the motion to advertise for the seat as the Council did for the other Boards.**

Councilman Solis asked what was the City's standard practice. Mayor Thomas said since the Airport Authority had been formed, the members had been reappointed and Councilwoman Strange said the City had advertised. Mayor Thomas said Mr. Lee

had another term before he was termed out. **The motion died due to the lack of a Second.**

Councilman Reichard made the motion to appoint Mr. Del Lee for another four year term. Second was by Councilman Chester and the motion passed by majority roll call vote recorded as follows:

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

4 UNDERGROUNDING OF UTILITIES IN EXISTING NEIGHBORHOODS-DISCUSSION. Mr. Leonard said this item was discussed at the Planning Board/City Council Workshop and the recent Planning Board meeting. At the March 13, 2017 meeting, the Planning Board recommended 5-2 that underground utilities in existing neighborhoods would occur for any new construction or dwelling, or when remodeling or renovations exceeded 50% of the structure's assessed value.

Councilman Solis said it made sense for new neighborhoods and questioned if the 50% was both residential and commercial. Mr. Leonard said it was already required in the Scenic Corridors. The primary lines would stay up but from the pole to the house would go underground. Councilwoman Strange said this did not require homeowners to bury their lines if they were not doing anything.

Mayor Thomas said he spoke with a Gulf Power representative whose concern was a power problem triggering the requirement, and Mayor Thomas confirmed that such an instance would not trigger the undergrounding unless more than 50% of the property value was spent.

Councilman Reichard made the motion to pursue the new Ordinance. 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

5 ALLOWING OUTDOOR DISPLAY AREAS FOR COMMERCIAL PROPERTIES-DISCUSSION. Mr. Leonard said this item was discussed at the Planning Board/City Council Workshop and the Planning Board meeting of March 13, 2017. The Planning Board recommended 7-0 to pursue conditions. He explained that the LDC only allowed certain things in front of a commercial business and outdoor displays of merchandise was not permitted. Several months ago, Code Enforcement addressed Front Beach Road locations and several business owners were concerned so the Council wanted time for Staff to look into the situations and ask the Planning Board for recommendations. At this time, the LDC only allowed walls, landscaping, outdoor seating, ornamental features, etc. Racks of merchandise, propane, ATMs, floats, coke machines, etc., were not allowed. The Planning Board recommended three conditions for the Council to consider: (1) that the outdoor display areas be allowed to go up to 20% of building frontage, (2) building frontages of 200 linear feet or greater were permitted to have 2 display areas whose sum would not exceed the 20%, and (3) if the building frontage contained more than one establishment, each establishment would be calculated independently. Mr. Leonard said if the Council did nothing, the outdoor displays would not be allowed.

Mayor Thomas clarified that it had been in place since the LDC was adopted but never enforced until now. Councilman Solis said it did not seem right to stop the displays without a reasonable percentage and that 20% was a good start.

Councilwoman Strange asked if there had been complaints. Mr. Leonard said throughout the years, there had been complaints about too much in front of stores. The question would then be how much was too much.

Councilman Chester said items spilled over into the parking spaces and looked cluttered. He agreed that 20% was a good start and keep the items out of the parking area.

Councilman Reichard questioned if the 20% could go upward, and Mr. Leonard said at some point, it could become a structure. He said it would not hurt to add a height element to the Ordinance.

Councilwoman Strange asked about Lowe's with their plants, lawn chairs, tractors, etc., in front of the store. Mr. Leonard said the prohibition was in the Front Beach Overlay District and those businesses in the other areas would be in violation if they had insufficient parking for the display areas. Councilwoman Strange said she thought 20% was too little. **Councilwoman Strange made the motion to allow 40% for the outdoor displays. Second was by Councilman Solis. The motion passed by majority roll call vote recorded as follows:**

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

6 POLICE FORCE MANPOWER-DISCUSSION. Councilman Solis said he wanted to discuss additional manpower for the Police Department. He had asked Ms. White about using the Utility Fund, a rarely used resource, which led to the discussion about a Six Million Dollar loan which could be paid off, saving Four Hundred Seventy Thousand Dollars (\$470,000) in interest which could be used for extra officers. He suggested paying off this loan even if the funds were not used for the additional manpower.

Councilman Solis also suggested being more creative with officers on bicycles as most metropolitan cities had bike officers that were more visible. He suggested this for new officers when first hired and 4-wheelers being utilized.

Councilwoman Strange suggested four officers instead of two because not every officer would make it through training and would reduce the overtime.

Councilman Reichard asked Chief Whitman the cost to hire a temporary officer from another municipality or County. Chief Whitman replied Thirty Dollars per hour. Councilman Reichard said a new officer, equipment and vehicle would be approximately Seventy-Five Thousand Dollars and Chief Whitman replied affirmatively. Councilman Reichard said the Thirty Dollars per hour would include that officers' car and equipment, his training and experience. Chief Whitman said they would not respond to calls but would do crowd control and traffic. The Chief added that the Department was down to only thirteen Reserve officers because other departments hired them away because of their training.

Councilman Solis said he understood bringing in the other officers but at peak times, the Department constantly pulled away Investigative Staff to work patrol, leaving investigative work undone. He understood the Chief was working on a grant for additional officers, which might have another four to five officers by next Spring Break. Chief Whitman confirmed that the grant was not yet open and that the chances of being awarded the grant were good but not guaranteed.

Mayor Thomas said he did not disagree with Councilman Solis and his suggestions for additional manpower, and he would not oppose the City paying off that debt to start this initiative. He said he was concerned about tapping into the Utility stream, and he opposed using those funds for other sources. Other municipalities did so over the years and their utilities were higher because they could not fix them. He said he would support paying off that debt plus look toward the Chief being awarded that grant. If summer went well, the City could look at hiring extra officers in July or August depending on the revenue.

Councilman Reichard said he would like more information about the debt payoff. Mayor Thomas said it was a great idea.

Councilman Solis said the typical vacationers from the past were not the same people that came now, bringing more problems. Fall was getting busier and he felt the City had moved away from merely three to four busy months to six to seven busy months. He said he would like two more officers for summer. **Councilman Solis made the motion to start the process looking at hiring two officers by mid-summer and asking Ms. White to make a presentation concerning the debt payoff.** Mayor Thomas said the overall study may also make a difference with the monies or a combination. **Second was by Councilman Reichard.** Councilman Solis said he understood that the other Council members had not had the time for the due diligence on this subject and hoped at the next meeting, the matter could move forward in hiring two officers. Councilman Reichard said some of the members had already done their due diligence because of the comments about hiring the temporary officers at \$30.00 per hour. Mayor Thomas said he understood Councilman Solis's comments about the debt payoff as he had also spoken with Ms. White about the possibility. Councilwoman Strange said she wanted to start now. **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

PUBLIC COMMENTS

Mayor Thomas opened the Public Comments section of the meeting at 10:15 A.M. and reminded that each speaker had three minutes.

MS. DIANE DUPONT, 28 Cottonwood Circle, Lynn Haven. Ms. Dupont used her time to play a video concerning the Gulf Coast Charity Horseshow.

MR. CLANT SEAY. Mr. Seay spoke of threats made against him by the horseshow Event Director. He stated that the City not providing a police officer at the show must be addressed. He spoke of the violence and that he would be at the park exercising their constitutional rights of free speech.

MR. CHARLES HICKS, 12106 Front Beach Road. Mr. Hicks said the banning of scooters after 5 P.M. would affect other businesses on the beach as many visitors came here to ride and have fun. By eliminating scooters, this would eliminate people in hotel rooms and restaurants. He mentioned alternatives rather than putting shops out of business.

MR. TOM KLOMPS, 614 Poinsettia Court. Mr. Klomps asked the Council to allow the public to make their comments prior to the Agenda being approved. He agreed that more officers were needed for foot patrol and on bicycles and adding body cams.

MS. SARAH MILLER, 214 Oleander Court. Ms. Miller said bonfires would add business to the beach services, other stores, rentals, and tourism. She supported saving the turtles and suggested education in the magazines about turtle watch and awareness. She spoke of turtle education during community events and donations for the Police Department during events.

MR. BURNIE THOMPSON, 8317 Front Beach Road. Mr. Thompson commented that the City was not doing enough for additional officers and suggested forfeiting the car allowance to pay for additional manpower. He asked the Mayor about the cement wall at his residence and the prior City Manager's permission to build the wall. He asked Councilman Solis the name and address of his property management business.

MR. JAMES DURHAM, 8526 Lydia Lane. Mr. Durham said he had used scooters in the past but the problems were the drivers with no experience, no helmets, and no motorcycle licenses. He spoke of the Mayor's support for Second Chance of NW Florida. He spoke of TBIs (traumatic brain injuries) and scooter dangers.

MR. PATRICK RIDEKIRK, 3648 Oakbrook Lane. Mr. Ridekirk commented that as part of the bonfire permitting, the Coast Guard should be notified because under maritime regulations, any fire on the beach was considered a distress signal.

With no further audience comments, the Public Comments section was closed at 10:35 A.M.

Ms. Myers had no report but mentioned the Citizens Oversight Committee for the Half Cent Sales Tax was established but members had not yet been appointed. Councilman Solis said it had been discussed for each Council member to appoint one person. Mayor Thomas asked for each member to have a person ready to be appointed to the Committee at the May 11th meeting. There were no objections.

Mr. Gisbert announced the available jobs and open bids currently posted on the City website.

Councilman Reichard said the TPO with the cooperation of the Bay Town Trolley would explore working with the private property owners on Front Beach Road for areas for the Trolley to pull off the road to put people on/off.

Councilman Chester said he had spoken with Captain Jordan about the fires and Coast Guard, and he was aware of that notification. Councilwoman Strange had no comments.

Councilman Solis said he had requested that the Loop Road and extension to Nautilus be placed on the map in order to be eligible for TRIP funds or State matching funds. He said he had started that process thru the WFRPC to get the future road on the maps.

Mayor Thomas said he had a meeting planned with FDOT Secretary Gainer Tuesday and that would be one of the topics.

With no further comments, the meeting was adjourned at 10:40 A.M.


READ AND APPROVED this 8th of June, 2017.

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