

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 October 26, 2017.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:
JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
JO SMITH
CITY ATTORNEY:
AMY MYERS

Mayor Thomas called the Regular Meeting to order at 9:00 A.M. with Councilman Reichard, Councilman Chester, and Councilwoman Strange, City Manager, City Clerk and City Attorney present.

Pastor Gregory George of the Gulf Beach Baptist Church gave the invocation and Councilman Reichard led the Pledge of Allegiance.

The Mayor announced the upcoming Community Events. Councilman Reichard announced the J. R. Arnold High School Homecoming Parade. The Mayor announced that Councilman Solis was out of town.

The Minutes of the Special Meeting of July 27 and the Regular Meeting of October 12, 2017 were read and approved as written per motion by Councilwoman Strange. Second was by Councilman Chester. The motion passed by unanimous roll call vote of those present recorded as follows:

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

Mayor Thomas asked if there were any additions or deletions to the Agenda. There were none. Councilwoman Strange made the motion to approve the Agenda as written. Second was by Councilman Chester and the motion passed by unanimous roll call vote of those present recorded as follows:

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

PUBLIC COMMENTS (Consent and Regular Items only)

The Mayor opened the Public Comments portion of the meeting and reminded that the speakers were limited to three minutes on Agenda and non-Public Hearing items. There were no comments. He closed the Public Comments portion of the meeting.

CONSENT AGENDA

Ms. Smith read the Consent Agenda items by title.

1 ORDER 04-PL-17, BREAKFAST POINT PHASE 3B PLAT. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on October 12, 2017, the City Council orders that the subject request to subdivide the land is hereby GRANTED and the captioned plat of Breakfast Point Phase 3B is APPROVED.

2 RESOLUTION 18-08, EMERALD COAST CRUIZIN' PARADE ROAD CLOSURES. "A Resolution of the City of Panama City Beach related to the Emerald Coast Cruizin' Event; authorizing closure of portions of Stingray Drive, L.C. Hilton Drive and Pier Park Drive on Wednesday, November 8, 2017 for the parade".

3 RESOLUTION 18-09, CHRISTMAS PARADE ROAD CLOSURES. "A Resolution of the City of Panama City Beach related to the annual Christmas Parade; authorizing closure of portions of Pier Park Drive, Starfish Street, Bluefish Drive, Stingray Drive, L.C. Hilton Drive and Powell Adams Road between 3:00 P.M. and 7:00 P.M. on December 9, 2017 for the parade; and authorizing temporary usage of a portion of Front Beach Road (U.S.98) between 3:00 P.M. and 7:00 P.M. on December 9, 2017 to permit the parade; and providing an immediately effective date."

Councilman Reichard made the motion to approve the Consent Agenda. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote of those present recorded as follows:

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

REGULAR AGENDA- DISCUSSION/ACTION

ITEM 1 RESOLUTION 18-10, IRONMAN FLORIDA TRIATHLON TEMPORARY LANE CLOSURE. Ms. Myers read Resolution 18-10 by title and said that the Council had already authorized the redirecting of traffic, and this specific request was to close a portion of Front Beach Road within the City's jurisdiction. Mr. Gisbert explained the bicycle and vehicle traffic pattern which would be more efficient and safer due to the construction in that area. The Mayor asked if there were any questions by Council and there were none. **Councilwoman Strange made the motion to approve Resolution 18-10. Second was by Councilman Reichard and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 2 ORDINANCE 1420, BAY PARKWAY COMP PLAN AMENDMENT, 3RD READING, PUBLIC HEARING, AND ADOPTION. Ms. Myers read Ordinance 1420 by title. Mayor Thomas asked the Council members if there were any questions or comments; there were none. He opened the Public Hearing at 9:08 A.M. and asked for audience comments. Hearing none, he closed the Public Hearing at 9:09 A.M. **Councilwoman Strange made the motion to approve Ordinance 1420. Second was by Councilman Chester and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 3 ORDINANCE 1421, BAY PARKWAY REZONING, 3RD READING, PUBLIC HEARING, AND ADOPTION. Ms. Myers read Ordinance 1421 by title. The Mayor asked if there were any questions or comments by the Council members; there were none. He opened the Public Hearing at 9:09 A.M. With no comments, the Mayor closed the Public Hearing at 9:09 A.M. **Councilman Reichard made the motion to approve Ordinance 1421. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 4 ORDINANCE 1422, HOMBRE GOLF CLUB COMP PLAN AMENDMENT, 3RD READING, PUBLIC HEARING, AND ADOPTION. Ms. Myers read Ordinance 1422 by title. The Mayor asked if there were any questions by the Council members and there were none. He opened the Public Hearing at 9:10 A.M.

Mr. Jay Sourbeer, 111 Hombre Circle. Mr. Sourbeer thanked the City for the sign on North Glades Trail which seemed to help the traffic situation. He said during the Planning Board meeting, it was proposed that there might be a rezoning where some of the land taken from Recreation would be balanced by other land taken from the golf course and added to Recreation. He said the Rezoning was adopted without any discussion. Mr. Sourbeer also asked for a bike lane on South Glades Trail.

The Mayor asked for further comments from the floor. There were none. He closed the Public Hearing at 9:12 A.M. Councilwoman Strange asked Mr. Gisbert if a bike lane could be added. Mr. Gisbert replied that he would have to research it. Mayor Thomas said other neighborhoods would then ask for bike lanes, and it was not feasible without other funding mechanisms and the lanes would be on someone's property. Councilwoman Strange asked about the Oversight Committee and Mayor Thomas said they were for roads. **Councilman Reichard made the motion to approve Ordinance 1422. Second was by Councilman Chester and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 5 ORDINANCE 1423, HOMBRE GOLF CLUB REZONING, 3RD READING, PUBLIC HEARING, AND ADOPTION. Ms. Myers read Ordinance 1423 by title. The Mayor asked the Council members if any questions or comments; there were none. He opened the Public Hearing at 9:15 A.M. Hearing none, the Public Hearing was closed at 9:15 A.M. **Councilman Chester made the motion to approve Ordinance 1423. Second was by Councilman Reichard and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 6 ORDINANCE 1429, FRONT YARD SETBACKS FOR LAWN DEVELOPMENTS IN FBO DISTRICTS, 2ND READING, PUBLIC HEARING, AND ADOPTION. Ms. Myers read Ordinance 1429 by title. Mayor Thomas opened the Public Hearing at 9:17 A.M. There were no comments. **Councilwoman Strange made the motion to approve Ordinance 1429. Second was by Councilman Chester.** Mayor Thomas asked Mr. Leonard if this Ordinance affected any Variances or Hearings in the immediate future. Mr. Leonard responded no. **The motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 7 ORDINANCE 1427, USED CAR LOTS, 1ST READING, PUBLIC HEARING. Ms. Myers read Ordinance 1427 by title and explained this was a Public Hearing because of the change to a Supplemental Use. The Mayor asked the Council members if they had any questions.

Councilwoman Strange asked if the existing businesses would be grandfathered. Ms. Myers replied that those businesses would become non-conforming uses. Mr. Gisbert said those businesses would remain grandfathered as long as they continued to function as existing today. Ms. Myers explained that Non-Conforming Uses were explained in the Land Development Code and how a non-conforming development could

lose its grandfathered status. Mayor Thomas asked about the non-conforming status if the owners upgraded their business over 50%. Ms. Myers said the 50% threshold became important in the floodplain regulations but she was not certain how it would apply to non-conforming uses. The Mayor asked Mr. Leonard why this Ordinance had been prepared. Councilwoman Strange said she asked for the Ordinance. Mr. Leonard explained about new and used vehicle businesses along the Parkway and at the entrances of subdivisions because they could become a nuisance. Councilwoman Strange asked about a natural disaster and what if the business took more than 120 days to rebuild. Ms. Myers explained if the owners were occupying the site and actively repairing the businesses, the non-conforming status would not be lost. Councilman Chester asked if this meant strictly automobiles and Ms. Myers said it applied to all motor vehicles, including LSVs, scooters, and cars. Mr. Leonard said this was new sites for sales as the existing sites were grandfathered. He also explained the two distance triggers, 500' and 1000', and the few locations which would be available. Councilman Reichard said he was concerned about the 1000' trigger which ruled out a lot of property and the Ordinance affecting the value of the land. With no further comments, the Mayor opened the Public Hearing at 9:25 A.M.

1. Mr. Tod Ingram, Sport Vehicle Assn, 12202 Hutchison Blvd. Mr. Ingram said several members were concerned due to the law of unintended consequences, and the backdoor approach to eliminate nine businesses in this community. Concerning the grandfathering, his members had been grandfathered before and the status was removed. He said his members provided a service and \$50,000 per day revenue.

2. Ms. Colleen Swab, California Cycles, 13416 Front Beach Road. Ms. Swab said this was a problem as they would not be able to open a location to sell LSVs or scooters. She stated that the grandfathering clause did not remain permanent. She said other businesses would be targeted and she urged the Council not to adopt this Ordinance.

3. Mr. Robin Kelley, 120 Kensington Circle. Mr. Kelley read a memo from the Planning and Building Department concerning new regulations. He said his company was improving a property with no complaints by the residents, and questioned their company being referenced in the memo.

4. Mr. Burnie Thompson, 301 Lullwater Drive. Mr. Thompson mentioned property rights, liberty and the rule of law. He mentioned five acres being required for a used car dealership as well as an 8' wall. He suggested this Ordinance might hurt working class people who could not afford a new car.

5 Mr. Gary Beck, 2601 Beech Street. Mr. Beck spoke of government encroachment on people's rights.

6 Mr. Mike Frimet, 18100 Panama City Beach Parkway. Mr. Frimet said he was a licensed auto repair business as well as a licensed used car dealer. He said if his business would now be non-conforming, his concern was his property value plummeting and in the event of a disaster, his building would not be covered by insurance.

With no further comments from the audience, the Public Hearing was closed at 9:42 A.M.

Councilwoman Strange said she had requested this Ordinance due to complaints from residents about the car dealerships opening on the Parkway. She did not intend to affect scooters or repair shops, and apologized to the audience.

Councilman Reichard said he had not considered the insurance issue and asked Ms. Myers for her input. Ms. Myers said she did not know. Councilman Reichard said the intent of the proposed Ordinance was not to have a used car lot at the entrance of a subdivision. He suggested removing this from the Agenda to allow more exploration of the insurance question. **Councilman Reichard made the motion to remove Ordinance 1427 from the Agenda pending more research. Second was by Councilman Chester and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 8 SCHEDULE REHEARING OF REQUEST FOR VARIANCE DENIED BY PLANNING BOARD. Mr. Leonard said the original request was for a development to have access onto a residential street and the request was denied by the Planning Board. The owner asked for Council reconsideration and a date selected for the Rehearing. Various dates were discussed for the meeting with the normal Council meeting dates either outside of the 45 day window or insufficient time for notice. Councilwoman Strange suggested November 15th. Mayor Thomas asked if the applicant would have to agree with the November 15th date, and Ms. Myers said that date was within the 45 day window. Councilwoman Strange suggested 10:00 A.M. There were no objections to the date and time. Mayor Thomas asked if the City paid for the Rehearing expenses. Ms. Myers said there was not an application fee for a Rehearing and the cost for advertising was borne by the City. Mr. Leonard said when the fees were set for the original applications, Rehearing fees were included in the fee.

ITEM 9 ORDINANCE 1434, REVISION OF ROADS ON WHICH GOLF CARTS CAN TRAVEL, 2ND READING, PUBLIC HEARING, AND ADOPTION. Ms. Myers read Ordinance 1434 by title. The Mayor asked the Council members if there were any questions for Staff; there were none. He opened the Public Hearing at 9:48 A.M. There were no comments from the audience. He closed the Public Hearing at 9:48 A.M. **Councilman Reichard made the motion to approve Ordinance 1434. Second was by Councilman Chester and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 10 RESOLUTION 18-11, NORTH GLADES CHANNEL APPROPRIATIONS REQUEST. Ms. Myers read Resolution 18-11 by title. The Mayor asked the Council members if there were any questions; there were none. **Councilwoman Strange made the motion to approve Resolution 18-11. Second was by Councilman Chester and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 11 RESOLUTION 18-12, MAJESTIC BEACH RESORT FRONT BEACH ROAD CLOSURE. Ms. Myers read Resolution 18-12 by title, closing the roadway from November 13th through November 22, 2017. Mayor Thomas said this closure was to paint the pedestrian bridges. Councilman Reichard said he knew Mr. Danny Wilson who could explain more of the request.

Mr. Danny Wilson, Director for Engineering for Resort Collections, said this proposal was to paint both pedestrian bridges, last done two years ago. He explained the traffic detour which would circle through the parking deck. Mr. Wilson said it may not take the full ten days for the work, normally done in six to seven days barring any bad weather. In the past, FDOT issued the approval and monitored the detour. He said using the detour would keep the traffic flowing. Councilman Chester asked if they would use the same product as painted two years ago, and Mr. Wilson said yes. Councilman Chester mentioned other products were available.

Councilman Reichard asked Mr. Casto how this closure would affect the CRA progress. Mr. Casto said Mr. Wilson had met with the CRA contractor on this proposal and the contractor approved. Mr. Casto reminded that the roadway had been closed in the past for repainting and that this detour worked better for traffic flow rather than a flagman and lane closure. He said the City had not received any complaints in the past when the traffic was detoured.

Mayor Thomas said the nearby roads were being damaged by tractor trailers which could not make those sharp turns and it seemed an expense to the City for approving this detour. Councilwoman Strange asked about the other condominiums and their pedestrian bridges. She said the other condos seemed to maintain their bridges

better. Mr. Wilson said he disagreed as all bridges rusted. Councilman Reichard reminded that the State had approved this type of closure in the past but he was concerned about the tight turns. Mayor Thomas suggested the next time that the Resort did any paving work that the corners be repaired. Councilman Chester also suggested more products were available which would last longer than two years. **Councilwoman Strange made the motion to approve Resolution 18-12. Second was by Councilman Reichard and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 12 PLAT APPROVAL, LYNDELL PLACE, PUBLIC HEARING. Ms. Myers said some items on the Plat were still outstanding and Staff requested that the Public Hearing be continued until November 9th. There were no objections. The Mayor opened the Public Hearing at 10:00 A.M. for anyone who wished to make comments now. There were no comments.

ITEM 13 RESOLUTION 18-07, BUDGET AMENDMENT #1 AND RATIFICATION OF POLICE VEHICLES PURCHASE. Ms. Myers read Resolution 18-07 by title. Councilman Reichard said he had spoken with Chief Whitman and the new Ford Explorers were 4WD. He questioned if all the new Police Fleet vehicles should be beach-worthy. Chief Whitman explained that these vehicles were also used in wooded areas and the Conservation Park when people were lost and for extra patrols, not merely on the beach. **Councilwoman Strange made the motion to approve Resolution 18-07. Second was by Councilman Reichard and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

ITEM 14 BAY COUNTY TAXABLE VALUES BY MUNICIPALITY. Mr. Gisbert explained the three graphs in the Agenda packet. One graph was the land mass for the County with the different municipalities noted. Another graph was the taxable value per square mile for the municipalities and the two sections of Bay County east and west of Hathaway Bridge. For the City, the total taxable value per square mile was \$209,345,713. The final chart was the 2017 total taxable value by municipality with the City at \$4,080,199,663 at 29% and the unincorporated part of Bay County on the beach was \$3,960,848,439 at 28%. Mr. Gisbert said out of these funds the City only received the CRA fee, a very small component of what was contributed to the County.

Mayor Thomas said the unincorporated areas on the beach paid over 70% of the entire Fire Tax for the County. He said the beach did its fair share of contributing to the County. Councilman Chester said for the ½ Cent Sales Tax, the distribution was done by population and Callaway and Lynn Haven would receive more tax than the City, even though the City generated over 60% of the funds. Councilman Reichard said the distribution was regulated by the State and could not be changed.

DELEGATIONS

Mayor Thomas opened the Delegations period.

1 Mr. Paul Dalton, 107 Manistee Drive. Mr. Dalton thanked the Council for providing the Police Department with more equipment. He urged the Council to consider hiring more Police Officers for the undermanned Department.

2 Mr. Burnie Thompson, 301 Lullwater Drive. Mr. Thompson commented that the meeting had been nice due to less attacks on people's private property and violations of the rule of law.

3 Mr. Darrell Sellers, 10713 Front Beach Road. Mr. Sellers said there had been two great years with business up tremendously and thanked the Council for their efforts. He mentioned government accountability and in Tennessee, when someone ran for office, they submitted their credit score. He suggested looking into that idea.

4 Ms. Paula Henry, 514 Evergreen. Ms. Henry thanked Code Enforcement for cleaning up properties within her neighborhood. She mentioned her property value doubled within the last four years due to the improvements on the beach. She said there were only ten current lawsuits and a majority were filed before the current Council took office.

5 Mr. Ben Rausa, 9400 South Thomas Drive. Mr. Rausa said on behalf of Ironman Florida, they considered Panama City Beach as home with this year being the 19th event. He also appreciated the temporary road closure for the safety of the athletes as well as spectators and vehicles. He distributed a traffic impact guide for the Council members and audience.

6 Mr. Gary Beck, 2601 Beech Drive. Mr. Beck spoke of violation of his constitutional rights.

7 Ms. Genese Hatcher. She said the City was looking better every day and appreciated everyone's efforts in making the City more beautiful. Regarding credit scores, that had nothing to do with a person's merit. She suggested using a board to mediate when people had problems which might result in fewer lawsuits.

8 Mr. Tim Sowell, 611 Poinsettia Drive. Mr. Sowell said just because someone had a bad life event which affected their credit score did not mean they were not a decent human being worthy of sitting on the City Council. He spoke of untruths on applications. There were no further comments from the audience.

Ms. Myers said that of the pending lawsuits against the City, only two arose from the actions of this Council. Regarding plats, Ms. Myers said this was the second meeting where a Plat Public Hearing was continued and explained the reasons why. She explained advertising deadlines and that Staff was usually optimistic that all issues would be resolved by the date of the Public Hearing. She asked if the Council would prefer Staff waiting until all issues were resolved before advertising and placing the Plat approval on the Agenda. Ms. Myers said that would create a delay.

Councilwoman Strange said she thought the Plats should be complete. Ms. Myers said once advertised, Staff was not comfortable removing the item from the Agenda even if the developer agreed. For advertising purposes, it was more efficient to keep on the Agenda and continue the Public Hearing until the next meeting. If the developer asked for the Plat to be withdrawn or moved to a future date, they would bear the cost of advertising.

Mayor Thomas said he did not have a problem with the status quo as he felt sure the developer was as anxious for the Plat approval. However, if the developer did not meet all items required by the Plat, the developer should bear the advertising costs. He understood developers pushing the schedule due to the money involved.

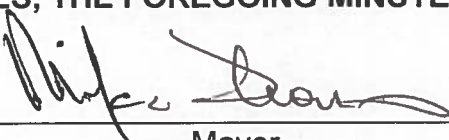
Mr. Gisbert announced the job vacancies and the outstanding bids posted on the website.

Councilman Chester thanked Lt. Jamey Wright for the awesome job on the recent Cops N Kids event at Frank Brown Park. Mayor Thomas said the event had the festival site packed with locals. He said the locals were able to use a site paid by tourists.

The meeting was adjourned at 10:25 A.M.

READ AND APPROVED this 9th of November, 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