

The Special Meeting of the City Council of the City of Panama City Beach, Florida, related to Height Incentive Applications, held on September 27, 2018.

ROLL
MAYOR MIKE THOMAS

COUNCILORS:
PAUL CASTO
PHIL CHESTER
GEOFF MCCONNELL
HECTOR SOLIS

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

Mayor Thomas called the Special Meeting to order at 10 A.M. with Councilman Casto, Councilman McConnell, and Councilman Solis, the City Manager, City Clerk and City Attorney present.

Councilman McConnell led the Pledge of Allegiance. Councilman Chester joined the meeting.

ITEM NO. 1 BY THE SEA RESORTS, INC., HEIGHT INCENTIVE APPLICATION, SOUTH SIDE OF SHALIMAR RETREAT, 17561, 17607 AND 17609 FRONT BEACH ROAD. Mr. Leonard said this Height Incentive Request was considered by the Planning Board which recommended approval for a height of 190'. Ms. Myers asked for Jennings Disclosures.

Councilman Solis said he knew where the property was located, had spoken with Staff and received dozens of calls and letters and spoke with one of the property managers. Councilman McConnell said he knew the location, talked with Staff and received multiple emails and phone calls from residents. Councilman Casto said he knew the property's location, had spoken with Counsel and City Manager, and received approximately six emails and phone calls, all opposed to the request. Councilman Chester said he had spoken with Staff, Mr. Davis, Ms. Myers, Mr. Gisbert, and he knew the property's location. He also received emails, phone calls, and text messages. Mayor Thomas said he met with Staff, the owners and operators of the property, and several nearby residents and received emails and text messages.

Mayor Thomas invited Mr. Robert Carroll to the podium to explain the application requesting up to 220'. Mr. Carroll displayed drawings and outlined the proposed incentives. Mayor Thomas asked if there were questions from the Council members.

Councilman Casto said he did not like incentives but the Code currently allowed their request. Councilman Chester reminded that incentives were not guarantees. Councilman McConnell said he would not like the City changing the rules after someone bought property but the Height Incentive policy changes were separate from the decisions being made today. Councilman Solis said ten years ago, the City realized that it had been over-built with 22 story buildings. Three years ago, this property had been in the FBO-2 District which only allowed 65' maximum height, and the prior Council allowed that change. Mayor Thomas said he did not want anything to erode the quality of life here. He said incentives were wrong and the City could not afford to enforce the incentives. He said the City allowed developers to buy properties with those expectations which was not fair. He opened the Public Hearing at 10:24 A.M. and invited comments from the audience.

Mr. Ted Liberty, 178 Cobb Road. Mr. Liberty spoke of the traffic on Cobb Road and safety, devaluing his property, and jeopardizing his small neighborhood. Mayor Thomas explained that it was against the law for the Council to consider traffic congestion in their decision because the developer would pay an impact on the roads. He elaborated.

Ms. Lori Philput, 17614 Front Beach Road. Ms. Philput said she represented homeowners in Endless Summer and voiced their concerns of where they would go on the sandy beach. The east end of the island was crowded and why she purchased on the west because it was quieter with space on the sand. She spoke of pedestrian and vehicular traffic, and the project's driveway being directly across from their entrance.

Ms. Debbie Luckie, 16823 Innocente. Ms. Luckie spoke of traffic and that she could not see how the incentives would benefit their neighborhood. She said this would be a detriment to the neighborhoods.

Mr. Richard Shindler, 17108 Guava Avenue. Mr. Shindler said spoke of traffic congestion and urged lowering the density to six, eight, and ten story buildings. He said it would hurt his quality of life.

Ms. Barbara Vecrumba, 11800 Front Beach Road. Ms. Vecrumba said other hotels were 150' and higher hotels brought more traffic and more people.

Mr. Earl Polmeroy, 17545 Front Beach Road. Mr. Polmeroy spoke of his concerns for the beach accesses and safety for the additional people crossing Front Beach Road.

Ms. Lynetta Hill, 17614 Front Beach Road. Ms. Hill urged not to saturate the area, spoke of traffic and crowds and the higher project would not benefit the community.

Ms. Genese Hatcher, 203 S. Wells St. Ms. Hatcher made comments about the prior 4' resident height incentive which had been denied and urged fairness.

Ms. Smith stated that a petition with forty-two (42) names had been presented opposing the application and would be entered into the record.

With nothing further, the Public Hearing was closed at 10:50 A.M. The Mayor invited Mr. Carroll to address any of the comments.

Mr. Carroll said there would be adequate public beach in front of the development, and during the Planning Board meeting, they agreed to relocate the parking deck main access to Front Beach Road, not the side road. Mr. Carroll added that the developers purchased this property knowing the history of height incentives being granted. He agreed that they knew it was not a right.

Councilman Casto asked about a time limit on the approval. Ms. Myers said nothing in the Code put a time limitation on the approval. She said the Council did have the authority to approve or approve with conditions and would need to assert the time limit as part of the motion.

Mayor Thomas asked if the developer considered a road to Back Beach Road. Mr. Carroll said there was a wide wetland in the rear and they would have to evaluate a dredge and fill permit. The Mayor stated that eight hundred new beds would be added to the north side of Front Beach Road and those people would also use that beach. He said he was concerned with the availability of enough beach to give a good experience.

Mr. Carroll said the developer planned pools for the Retreat expansion, meeting rooms, and two gymnasiums for the kids. The area had many things to do and the kids would not spend all their time on the beach. Mayor Thomas said he understood.

Councilman Solis questioned the public interests and the amount of rooms taxing the Police and Fire Departments and the infrastructure. He said a month ago, the Council members opposed Height Incentives and why it was fair to deny a resident a Height Incentive but yet consider a business. He said he found no public interests in these heights. **Councilman Solis made the motion to deny the Height Incentive Application.**

Councilman McConnell asked Mr. Allen, the resident who was denied a Height Incentive Application, if the building was meant for his personal home. Mr. Allen replied no. Councilman McConnell asked Ms. Hatcher if she had meant to live in any of her buildings. She replied no. Councilman McConnell said he saw no difference in these properties and those discussed earlier. Regarding the public good, he said there were items which he did not consider public good such as the landscaping requirements, potable water, and green development. He suggested a compromise, removing the landscaping and reducing the height to 185'. **The Mayor asked if there was a Second. Hearing none, the motion failed for lack of a Second.**

Councilman Solis made a new motion to reduce the height to 170' with all Incentives if the developer would guarantee a road from Panama City Beach Parkway to the property. Ms. Myers said her concern was if FDOT or the City controlled the access point. The City could not condition an approval on a permit from another Agency. Mr. Gisbert clarified that the developer owned the land to Panama City Parkway and the storage yard which already had an access to the Parkway. The question would be whether they could obtain a dredge and fill permit to cross the wetland. Mr. Carroll stated that he felt they could obtain the permit but would want the height to be 220' because the added traffic would be relieved by using the new access. **The Mayor asked for a Second. Hearing none, the motion failed for lack of a Second.**

Councilman McConnell made the motion to approve the height at 185' with the landscaping removed and only the public benefits approved. Second was by Councilman Casto. With no further discussion, the motion passed by majority roll call vote recorded as follows:

Councilman McConnell	Aye
Councilman Solis	Nay
Councilman Casto	Aye
Councilman Chester	Nay

Mayor Thomas asked the developer if he would have the exit to Panama City Beach Parkway. He was told yes.

Mayor Thomas	Aye
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ITEM NO. 2 BY THE SEA RESORTS, INC., HEIGHT INCENTIVE APPLICATION, SOUTH SIDE OF FRONT BEACH ROAD, EAST OF SR 79 INTERSECTION AT 17101 AND 17001 FRONT BEACH ROAD. Ms. Myers asked for the Jennings Disclosures. Councilman Solis said he knew the property location, had talked with Staff, received dozens of calls and emails, and spoke with one of the representatives of the property. Councilman McConnell said he knew the property, talked with Staff, and had received two emails. Councilman Chester spoke with Staff, Ms. Myers and Mr. Gisbert, received emails, couple of phone calls, one text message, and knew the property location. Mayor Thomas said he spoke with the developer and Mr. Carroll, received numerous emails and phone calls, and spoke with Staff. Councilman Casto said he knew the property location and talked with Mr. Gisbert, Ms. Myers and Mr. Davis, Mr. Leonard and Ms. Chester.

Mr. Leonard said the Planning Board heard this matter on August 13th and recommended a total building height of 195' with five of the eleven incentives requested.

Mr. Robert Carroll said the developer was requesting Height Incentives for a total height of 220'. Its location was east of SR 79 and adjacent to the existing Beachcomber. He listed the amenities, such as a dedicated twenty-space public parking for beach access and seventeen golf cart spaces. He said they would add another public restroom which they would maintain and an outdoor covered pavilion. Mayor Thomas asked if there was a timeline on their projects. Mr. Carroll said they were trying to get these remodels in line, but a 2-4 or 2-5 year window at most. The owner spoke of the three ongoing projects, each taking about two years.

Mr. Gisbert said the parking would be a great asset but could also be some level of complications. He said this was a transfer of land, so the parking would become City-owned, and within the Agreement being negotiated, the Council could stipulate that the developer maintain the parking spaces, or the City meter the public parking, or the developer meter the spaces. He said there needed to be some level of control on the parking or it could become a detriment.

Mayor Thomas said the only access to the parking would be from the side street, not Front Beach Road. Mr. Carroll agreed and said the intent would be more for the neighborhood residents to use those parking spaces. Councilman Chester asked if the City-owned spaces would be metered. Mr. Gisbert said that would be at the City's discretion. Mr. Gisbert recommended that they be metered, otherwise the spaces would be abused and used as storage. The Mayor asked if there were any further questions and there were none. He opened the Public Hearing at 11:20 A.M.

Mr. Robert Shindler, 17108 Guava Ave. Mr. Shindler spoke of the increased density near the "Y", negatively impacting his quality of life and a too intensive use of the property and the beach behind the resort.

Ms. Barbara Vecrumba, 11800 Front Beach Road. Ms. Vecrumba commented that the request was not a guarantee. She urged the Council to represent the residents.

Ms. Julie Skillington, 16816 Junipero Ave. Ms. Skillington said she presented the petition with comments about too much density, impossible traffic, and no room for the locals on the sandy beach. She urged the Council to remember the taxpayers' rights.

Ms. Debbie Luckie, 16823 Innocente. Ms. Luckie repeated her previous comments and said the parking garage would empty out into her neighborhood. She urged denial.

With nothing further, the Public Hearing was closed at 11:30 A.M.

Councilman Casto asked Mr. Carroll about changing the plans to ensure the parking egress would not go into the neighborhood. Mr. Carroll stated that they would change the access to Front Beach Road.

Mayor Thomas said he opposed this project because of its effect on the neighborhood. He said prior Councils set up expectations that a developer would be approved for Height Incentives if requested, and he understood people bought property with those expectations. However, this property had been in his possession for many years, not bought with the expectation of approved Height Incentives. He asked for the developer's comments.

The developer said that he did not disagree with Mayor Thomas and that the owners cared about the community, buying the property about forty years ago. Mr. Carroll added that heights were up to 220' when the property was purchased.

Councilman Solis spoke of public interests with its close proximity to the neighborhoods. He said it was not in the public interest and taxed the infrastructure. **Councilman Solis made the motion to deny the Height Incentive request. Second was by Councilman Casto.** Councilman Casto said he agreed with the Mayor in that it was so close to the neighborhood. There were no comments from the other Council members. **The motion passed by unanimous roll call vote recorded as follows:**

Councilman McConnell	Aye
Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Mayor Thomas	Aye

ITEM NO. 3 BY THE SEA RESORTS, INC., HEIGHT INCENTIVE APPLICATION, 11815 AND 11827 FRONT BEACH ROAD. Mr. Leonard said the Planning Board considered their application at the August 13th meeting and recommended 190' with six of the eleven Height Incentives approved. The Mayor asked if there were any questions for Mr. Leonard and there were none.

For the Jennings Disclosures, Councilman Solis said he knew the property location, had spoken with several dozen residents through emails and calls, spoke with Staff and met with one of the agents of the property. Councilman McConnell said he knew the property location and received no comments about this property. Councilman Casto said he knew the property location, had spoken with Ms. Myers and Mr. Davis, Mr. Gisbert, Mr. Leonard, Ms. Chester, and received emails on this issue. Councilman Chester said he knew the property's location, spoke with Staff, both attorneys, and the City Manager. Mayor Thomas said he spoke with Staff and the developer, received emails, and talked with people at the restaurant.

Mr. Carroll said this request was to increase the height to 220' and this project was different. Previously, the site had two hotels and the one on the western side received a Height Incentive Approval for 220'. He said this application was for the project as a whole to be 220'. He listed the Incentives used for the additional height and said there were no nearby neighborhoods.

Councilman Solis asked if the 220' had been approved two to three years ago. He remembered seeing the renderings at that time and recollected that this drawing looked different now due to a different developer but the same Incentives. Mayor Thomas said it was a condo development at the time. Councilman Solis recommended time frames. Mayor Thomas said it set a bad precedent if no time lines and one should have been set for Item #1. Discussion ensued.

Councilman McConnell asked for a timeline for breaking ground. The developer stated he could not give a date. With nothing further, Mayor Thomas opened the Public Hearing at 11:45 A.M.

Ms. Barbara Vecrumba, 11800 Front Beach Road. Ms. Vecrumba questioned the developer not having a timeline for the project and stated they were making a mockery of the City Council.

Mr. Richard Shindler, 17108 Guava Ave. Mr. Shindler said his previous comments still applied and said the developer wanted to rush an approval before the rules changed. He said no one could know the shape of the City's infrastructure in the future when the project began development. He said the residents would suffer with a decline in their quality of life.

Mr. Pete Moralli, 11807 Front Beach Road. Mr. Moralli spoke of Destin being over-developed and questioned if Panama City Beach wanted to be considered the same.

With no further comments, the Public Hearing was closed at 11:54 A.M.

Mayor Thomas asked Mr. Leonard if the Planning Board was reviewing the parking requirements. Mr. Leonard said Staff was working on a draft but it was not complete, and they should have something for the next Planning Board meeting.

Councilman Solis said he viewed this area differently and was concerned that the drawing was a 500' wall with no architectural intrinsic values. He said it would create a tunnel-like look. **Councilman Solis made the motion to deny the Height Incentive Application.** Mayor Thomas called for a Second. **The motion failed for lack of a Second.**

Councilman McConnell made a motion to approve the height of 185', removing the landscaping and green Incentives, with an expiration of three (3) years. Councilman McConnell said he looked at this project differently because it was in the Tourist Corridor and no nearby residential area. **Second was by Councilman Chester.** The Mayor asked for further discussion.

Councilman Solis commented about the 500' wall and the First Responders being taxed for the additional people. Councilman McConnell said 35' was a good compromise. With no further comments, **the motion passed by majority roll call vote recorded as follows:**

Councilman McConnell	Aye
Councilman Solis	Nay
Councilman Casto	Aye
Councilman Chester	Aye
Mayor Thomas	Aye

ITEM NO. 4 RESORT HOSPITALITY ENTERPRISES, LTD., HEIGHT INCENTIVE APPLICATION, 9500 AND 9600 SOUTH THOMAS DRIVE. Mr. Leonard said the Planning Board considered this request at the August 13th meeting and recommended approval to 220' with all Incentives offered. He disclosed that his wife worked for Royal American Beach Getaways which was affiliated with the applicants on these next two Items.

For the Jennings Disclosures, Councilman Solis said he knew the properties location, spoken with many citizens, received many emails and had spoken with Staff. Councilman McConnell said he spoke with Staff, knew the properties locations, and received no input from the residents. Councilman Casto said he knew the properties location, spoke with Ms. Myers, Mr. Davis, Mr. Gisbert, Mr. Leonard and Ms. Chester, and had not spoken with the owner of the property. Councilman Chester said he knew the properties location, spoke with Staff, both attorneys, and Mr. Gisbert and received no emails or phone calls. Mayor Thomas said he knew the properties location, may have spoken with the engineers, and had not spoken with the owners.

Mr. Carroll said these last two projects were unique compared to the previous projects. He said this project was located at Boardwalk on Thomas Drive and where the CRA had already improved the roadways. Everything to relieve traffic congestion had already been done in this area. He said there were twenty-five acres within the property, and the owners had always had plans to take the old hotels and redevelop them into condos. One tower was already built, and the first project was on the west side of the existing Boardwalk Beach Resort. He said they proposed cross-access easements, all projects working as a full resort. He explained the amenities and their proposal for public parking (36 spaces) and an expanded beach access all the way to Thomas Drive. Mr. Carroll said the area was already improved and had been Master Planned years ago when the Development Order was submitted for the first tower. He said they wanted the 220' because these were condos, not as dense as hotels. Mayor Thomas asked if the existing hotels would be removed and Mr. Carroll replied affirmatively and the new resort would be the same theme as the other tower.

Councilman McConnell asked for an approximate numbers of rooms in comparison to the existing hotel. Mr. David Chapman, Royal American, explained the 2003 Master Plan with nearly 1000 units, but he was not sure they would build that many today due to times changing. He said he could not give a specific number of rooms on this project. He added that condo docs were filed with the State in 2005 that contemplated all of the property and rights were preserved in those docs. He said they were actively moving forward with the project. Councilman McConnell asked the timeline for this project, and Mr. Chapman said as soon as possible.

Councilman Casto asked about the existing foundation on site and Mr. Chapman said that was from 2006 and was for the other application. Mr. Chapman said it was a different application but one piece of property with one owner. The Development Order was in place until 2014 with infrastructure in the ground. Mr. Carroll said they were offering 106' of Incentives to reach the maximum height of 220'.

Mayor Thomas said Mr. Chapman felt they had certain rights that were different to other people's rights. He asked Ms. Myers in her opinion if the City was obligated by the past decisions on that property. Ms. Myers said if the Development Order expired in 2014, she would say no. Mayor Thomas asked about the existing slab. Ms. Myers said if the foundation was structurally sound and could support a 220' building, she imagined it could support a 150' building. She added that Mr. Chapman alluded to condo documents in place since 2005, which may have created the expectation in the owners who bought condos at that time. She said she did not feel she could give an opinion on what vested rights he may or may not have. She added that it was not part of the application and had nothing to verify it.

Councilman Solis asked if the City was on legal ground to make the decision for the 150' related to the Bert Harris Act. Ms. Myers said if the owners could establish a vested right, then the City would have some exposure. She said there was not an automatic Bert Harris claim in the 220' merely because the Code contemplated the ability to go up to 220'. Now if the City denied him the ability to build less than 150', there would absolutely be some Bert Harris exposure. Without knowing more, Ms. Myers said she did not believe they had the vested right above 150'. Councilman McConnell asked Ms. Myers if this exposed the City to the risk. Ms. Myers said if it was critical, she would ask to continue the Hearing so that she could meet with their attorneys, get that opinion, and review the documents.

Mr. Chapman said his comments were not suggesting a future fight but that he wanted to address the timing of the submittal and to acknowledge that they were not suddenly erecting a building next to people that did not already have an expectation of this building. He continued that the condo docs contemplated an overall community property area, and within that area the rights of ingress and egress and interconnectivity of the resort. Councilman Solis said he did not see where that would be a legal right because docs were set with the expectation of a planned community. Ms. Myers said the review of condo documents was not part of the City's process. Councilman Solis said the Council was on solid ground because the Incentives were not a guarantee and Ms. Myers said yes. With no further questions, Mayor Thomas opened the Public Hearing at 12:20 P.M.

Ms. Sharon Boyk, 8727 Thomas Drive. Ms. Boyk made comments about the infrastructure, the lift station on Joan Avenue and the smell. She said the major problem in the area was the horrendous smell from the lift station and asked where the additional sewage would go. The Mayor invited her to meet with the City Manager after the meeting.

Mr. John Lewis, 2802 Whisper Wood Lane, Royal American. He explained that the developer would widen the 10' easement to 20', make it usable, and add public parking. He said there were no nearby public parking lots. He said they would also add parking for the nearby walking park at the curve to help the citizens.

With nothing further, the Public Hearing was closed at 12:28 P.M.

Councilman Solis made the motion to deny all Incentives. He said he wanted to stay consistent and was concerned about the infrastructure. The Mayor asked for a Second. Hearing none, **the motion failed for lack of a Second.**

Councilman Chester said this was a unique piece of property and the parking for the citizens was a benefit. He said this project already had existing rooms and a trolley lane was already in place. **Councilman Chester made the motion to approve the Incentives. Second was by Councilman Casto.** The Mayor asked for comments. Councilman McConnell asked if a time line would be part of the motion. Councilman Chester said five years. Mayor Thomas said he understood the comments about parking but as a Council, the members must be very careful with parking. He said many places had issues with public parking and explained that anybody from anywhere could park there. He said the beach accesses were originally in place for the residents on the north side to be able to come to the beach. He mentioned the problems in Walton County and sometimes public parking could be a public problem. Mr. Chapman said they would monitor the public parking since it was on their property. The Mayor said the problem

would be on the beach. Councilman Chester said he receives complaints from residents not being able to park to go to the beach. The Mayor asked if there were further comments, and there were none. **The motion failed by majority roll call vote recorded as follows:**

Councilman McConnell	Nay
Councilman Solis	Nay
Councilman Casto	Aye
Councilman Chester	Aye

Mayor Thomas said he thought this property was unique because they were taking down existing buildings but agreed that the Incentives were wrong. He would agree to a compromise.

Mayor Thomas	Nay
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Councilman Chester made the motion to increase the height to 185'. Second was by Councilman McConnell. The motion passed by majority roll call vote recorded as follows:

Councilman McConnell	Aye
Councilman Solis	Nay
Councilman Casto	Aye
Councilman Chester	Aye
Mayor Thomas	Aye

ITEM NO. 5 RESORT HOSPITALITY ENTERPRISES, LTD., HEIGHT INCENTIVE APPLICATION, 9400 SOUTH THOMAS DRIVE. Mr. Leonard said the Planning Board heard the Application on August 13th and recommended approval to 220'. Mayor Thomas asked if there were any questions of Staff.

Councilman Solis questioned no time line during the last motion. Mayor Thomas said the motion included the same as the 220' but only at 185'. This would include the five years.

For the Jennings Disclosures, Councilman Solis said he knew the property location and spoke with many residents and Staff. Councilman McConnell said he knew the property location, had spoken with Staff and received no resident input. Councilman Casto said he knew the property location, talked with Ms. Myers, Mr. Davis, Mr. Gisbert, Mr. Leonard and Ms. Chester, and received approximately six emails. Councilman Chester said he knew the property location, spoke with Staff, both attorneys, and received a couple of emails. Mayor Thomas said he had spoken with Mr. Carroll and Staff, and knew the property location.

Mr. Carroll said this was on the east side and reminded that the foundation was already on site. He said there was already several million dollars of infrastructure already in place for a height of 220'. He said previously, construction had commenced but with the recession, it stopped. He added that they could not use the original plans as the building must meet today's standards. He said the 220' height had been approved prior with extensions, but with the recession, the owners were not prepared to move forward. The Mayor asked if there were any questions for Mr. Carroll; there were none. He opened the Public Hearing at 12:40 P.M.

Ms. Sharon Boyk, 8727 Thomas Drive. Ms. Boyk said the area did not have the infrastructure for such a large building. She urged keeping sunshine, not the massive walls. She said the infrastructure had not kept up with the growth.

Mr. David Chapman. Mr. Chapman said this parcel was deep, 6.5 acres, and would not create a wall. He reminded that there had been a hotel on site and this had been planned for years. he said they had received calls from potential owners asking when the new towers would be built so that they could be bought.

Mr. Carroll said this area had been upgraded due to the CRA with upgraded water, sewer, drainage, and expanded roadways. He said a large lift station had been built at the Shores of Panama, which he designed, and would handle the new buildings. He said the infrastructure was more than adequate. Mr. Gisbert added that the Joan Avenue lift station was a completely different issue, and the CRA took into account the full expansion of the roadway so there was extra capacity for water and sewer.

Councilman Casto asked Mr. Mark Shaeffer to address the Joan Avenue lift station odor situation and if the area on South Thomas Drive affected the Joan Avenue lift station. Mr. Shaeffer said Joan Avenue services Thomas Drive east of Joan Avenue. He said it was fitted with odor control and capacity-wise, it had capacity for future growth.

He spoke of odor generation rate, which increase by temperature and the primary odor control unit had been recently replaced. Councilman Casto asked if some of the odor was due to the old manholes which were to be replaced on Thomas Drive. Mr. Shaeffer said that was correct and Staff was in process of planning a new force main down Beach to take the sewage to Thomas as well.

Ms. Genese Hatcher, 203 S. Wells St. Ms. Hatcher said the Council had made exceptions today and that she hoped the Council in future would be as kind to homeowners who were building homes and needed extra parking. She recommended allowing a home height to be raised 4' to 5' to allow for parking underneath, good common sense.

Mr. Lee Holcomb, 17620 Front Beach Road. Mr. Holcomb spoke of parking problems, mostly local people who wanted to go to the beach. He said in future, the City needed to address public parking near the beach accesses and how to control them.

Mr. Carl Allen, 1316 East Lakewalk Circle. He asked the procedure for revisiting the ruling on his prior Height Incentive Application which had been denied. Mayor Thomas said there was not a procedure and Ms. Myers said the appeal period had passed.

Mayor Thomas closed the Public Hearing at 12:52 P.M. and asked for Council comments.

Councilman Solis said this project was unique because of the slab but other properties also had slabs and their time lapsed, such as the Wyndham and Celadon. Councilman Chester said each piece of property reviewed today was different and affected the citizens differently. Councilman McConnell said he would be glad when the Council made the decision on the Height Incentives. He said every decision he made today was within the spirit on the current LDC. **Councilman McConnell made the motion to approve the same 185' with five year expiration date. Second was by Councilman Chester and the motion passed by majority roll call vote recorded as follows:**

Councilman McConnell	Aye
Councilman Solis	Nay
Councilman Casto	Aye
Councilman Chester	Aye
Mayor Thomas	Aye

Mayor Thomas said several people had mentioned the Council's denial of a residential Height Incentive Application, and he asked Mr. Leonard to explain the difference of that Application as opposed to these just considered. Mr. Leonard said the issue with single-family homes or the smaller developments was that they had less incentives which were applicable as opposed to a bigger development. Mayor Thomas said the Council was not making exceptions for these five properties; they merely were able to apply for the Incentives before the Council decided to prohibit them.

Ms. Myers said the Orders for these decisions would be ready for the next Council meeting. She continued that she had drafted an Ordinance to appeal the Height Incentives and needed time to advertise the Public Hearing. The Council directed that it be on the October 11th Council meeting. Mr. Gisbert said he would have one on one's with the individual Council members prior to the meeting. Ms. Myers said it would also need to go before the Planning Board for their recommendation. Mayor Thomas directed that the parking issue in all districts also be brought forward.

With nothing further, the meeting was adjourned at 1:00 P.M.

READ AND APPROVED this 8th of November, 2018.

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