

The Special Meeting of the City Council of the City of Panama City Beach, Florida, related to the Workshop with the Planning Board, held on November 26, 2018.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

JO SMITH

CITY ATTORNEYS

AMY E. MYERS/COLE DAVIS

Mayor Thomas called the Special Meeting to order at 1:00 P.M. with Councilman Casto, Councilman Chester and Councilman McConnell, the City Manager, City Clerk and City Attorneys present. The Planning Board members in attendance were Chair Mark Sheldon, Mr. Mark Caron, Mr. Patrick Hodges, Mr. Jason Morehouse, Mr. David Scruggs, Mr. Paul Turner, and Mr. Josh Wakstein. Staff included Mr. Leonard if there were any questions.

Mayor Thomas gave the invocation and Councilman McConnell led the Pledge of Allegiance.

Mayor Thomas said this was the opportunity to meet since the City had made many changes lately. He had thoughts about the City's direction with the Planning Board the first step. He understood that the Planning Board was concerned about the Council taking the Variances and explained that this issue started when a majority of the Council disagreed with the Planning Board decision on recent variances. He said he had been on the Planning Board many years ago and had been told that a Variance had to meet certain criteria and requirements. He said when a Variance was approved that he did not think was right, the blame was placed on the City Council, not the Planning Board. He said he enjoyed the Planning Board making the decisions but when the right decision was not made, the Council bore the brunt of the displeasure. He said he thought a lot of the problems were the City's fault and he did not believe the Planning Board members were trained correctly. Regarding Height Incentives, they were not guaranteed merely because they were requested. Mayor Thomas said he agreed with Councilman Solis in that fifteen stories were high enough and explained why he had voted aye for some of the recent Height Incentives.

Chairman Sheldon said the Council and Planning Board should have a Workshop every year because Council direction was very important to ensure that the Board members were going down the right path. He said the Board members had not liked the Height Incentives as some did not make sense. He continued that an appeal of the City's decision to the Circuit Court was an undue hardship, time consuming and costly, and not fair to the citizens. He encouraged the Council members to attend their meetings and offer input. He also asked the Council's concept of the overall purpose of the Planning Board and what to be accomplished.

Mr. Hodges said he did not think the Variance process was broken nor that it should be changed. An appeal going to the City Council was a logical step but for the Council to review every Variance was unnecessary.

Councilman McConnell said he saw an accountability gap which could be addressed by changing the process or changing the structure. He said he felt the easiest option would be to change the process. He explained how the proposed change had been drafted and its reasons. He continued that after counting the few Variances heard over the past few years, that number would not seriously impact the workload of the Council. He said this was not personal and mentioned repercussions over a decision made at a lower level and the Council being held accountable. He suggested having the Planning Board make the recommendations to the Council which would make a better City.

Mr. Wakstein asked why make the change and what would be the process if the Council disagreed with a Planning Board approval. Ms. Myers said the City Manager could reverse the decision. Councilman McConnell said he was uncomfortable with an informal process.

Mayor Thomas asked Ms. Myers if the Council had the right to appeal any Planning Board decision and she replied affirmatively. He asked if it would be legal for any Council member to go to Mr. Gisbert with their concerns, and then Mr. Gisbert make the appeal. Ms. Myers explained that three or more Council members would have to bring the issue to Mr. Gisbert for an appeal, not merely one Council member. Mr. Gisbert also would not be able to poll the Council members for their opinion if one member approached him disagreeing with a decision. Mr. Hodges suggested that the language of the appeal process needed more clarification. Mayor Thomas asked how many days were allowed for an appeal and Ms. Myers responded ten (10) days. She continued that any Council member could place the item on the next Agenda to discuss the decision. Chairman Sheldon said the Order to start the clock was not necessarily signed the day after the Planning Board meeting and Councilman McConnell questioned if the Planning Board Order could go on the next Council meeting for Council concurrence. Mayor Thomas said he wanted the opportunity to respond to any Order if he was going to be held accountable for the decision. Chair Sheldon said that was fair.

Councilman McConnell said he did not want the ability for one member to approach the City Manager opposing the decision and then have the Order placed on the Council Agenda for discussion. He said he wanted the entire Council to be able to concur or not with the Planning Board Variance decision. Mayor Thomas said he wanted the ability to complain.

Mr. Hodges said it seemed that specific language needed to be added on how to appeal a decision. He asked the Council members if they wanted to extend the ten-day window and possible language on how anyone could appeal the ruling of the City. Mayor Thomas said he did not want to second-guess their decisions but he wanted a process to be able to direct their concerns without breaking the rules.

Discussion ensued concerning extending the ten-day window to maybe fifteen days. Mr. Hodges said the Council members could go to Mr. Leonard first and the Mayor said legally, the Council could not talk with Staff. Mr. Caron said he thought the Council members would want the Planning Board as a buffer to do the research on issues.

Mr. Turner reminded that the Planning Board could not negotiate any changes to the rules when hearing a Variance, only the Council could negotiate. Chairman Sheldon spoke of projects that the Planning Board could not approve for various reasons although they wanted to do so, but the Council could give the approval on appeal. Mr. Turner said the Land Development Code remained a work in progress and reminded that the Board had spent months working on it. Mr. Morehouse said the Planning Board was a tool for the Council. Councilman Casto said he did not feel the process was broken and that he did not want to micromanage the Planning Board.

Chairman Sheldon said the Planning Board members were here to serve the City. Years ago, the Council had given the Planning Board a list of issues to address and they liked that idea. Mr. Wakstein said in the past, they had to wait for Council to give direction before they worked on an issue. The Planning Board members said they appreciated being able to work on issues on their own. The Mayor said the Board members worked on the materials daily and would be able to see issues which should be discussed. He suggested that the Board look at the numerous rules as he felt there were too many and many did not make sense.

Councilman McConnell said he had been looking at many of the documents and the Comprehensive Plan was ten years old. He suggested that the Planning Board take the Comp Plan section by section, review and update the data, and generate a strategic plan for the City for the next ten years. then the Council would be able to tie that into the budget process. Chairman Sheldon agreed and suggested looking at the SR79 Corridor from a beautification standpoint to match the vision of the City. The Mayor spoke of the large trucks allowing their trash to fly over the roadways. Chair Sheldon said the Board would start with the Comp Plan, looking at the SR79 Corridor. Councilman McConnell suggested a review cycle every three years. Mayor Thomas said all of the LDC needed revisiting. Mr. Hodges suggested it being a continuous process.

Mayor Thomas spoke of the Bay Parkway and its current status. He said FDOT had stopped the City's progress in order to fix the hurricane-damaged roads. He said this would have been the opportunity to designate the new roadway as emergency use only instead of the congestion on Bay Parkway. He continued that the City had made tentative arrangements with the State and County for the remainder of the funding and engineering was already in progress.

Mr. Gisbert said Nine Million Dollars had been appropriated for the new segment and the funds from FDOT and the State were irrelevant at this point. He said the designers were working on the drawings but it would take four to five months to complete and then another month or two for the permit. He said the construction should be able to start before summer and take twelve to eighteen months to build.

Councilman McConnell stated he was also on the TPO Board and would push the review of the wear and tear on Bay Parkway because of the increased traffic, and that the roadway would fail sooner than previously predicted. He said he would push to move it up the priority scale.

Mr. Wakstein mentioned adding something to the Code about removing fuel sources in light of the fallen trees. Ms. Myers reminded the Board that they also served as the City's Tree Board. Chair Sheldon said that Code Enforcement reported to the Planning Board monthly.

Chair Sheldon suggested that the Council and Planning Board meet like this once a year and talk. He said the Board was an energetic and aggressive group and the Council would be seeing more recommendations in the future.

With nothing further, the meeting was adjourned at 2:12 P.M.

READ AND APPROVED this 10<sup>th</sup> of January, 2019.

  
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Mayor

ATTEST:

  
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City Clerk