

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 March 26, 2020.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

HECTOR SOLIS

CITY MANAGER:

TONY O'ROURKE

CITY CLERK:

MARY JAN BOSSERT

CITY ATTORNEY:

AMY MYERS

Mayor Thomas called the Regular Meeting to order at 9 A.M. with all Councilmen, the City Manager, City Clerk, and City Attorney present. City Attorney Myers attended virtually. The Mayor explained how the virtual meeting would be held since the buildings were closed to prevent the spread of COVID-19. He asked for patience as the calls and comments were taken. He said Ms. Ward had copies of the questions and written comments and he outlined when comments would be allowed.

Councilman Solis gave the invocation and led the Pledge of Allegiance.

The Minutes of the Regular Meetings of February 13, 2020 and February 27, 2020 were available for approval.

Councilman Solis made the motion to approve the Minutes as written. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

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

Mayor Thomas asked if there were any additions or deletions to the Agenda. Councilman Casto asked for Agenda Item 6 to be moved to the front of the Agenda. Ms. Myers asked if **Resolution 20-86, Conducting Virtual Public Meetings**, could be read and adopted in the Consent Agenda. There were no objections.

Councilman McConnell made the motion to approve the Agenda as amended. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

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

PUBLIC COMMENTS (REGULAR NON-PUBLIC HEARINGS AND CONSENT ITEMS)

Mayor Thomas opened the Public Comments section of the meeting at 9:08 A.M. and invited comments.

- 1 Ms. Debbie Ward, PIO. Ms. Ward said she had received several comments related to reopening the beaches, with five asking to keep the beach closed, and eleven to open the beaches with a majority from residents or property owners. A couple of comments concerned special events and returning the deposits. Forty-one emails were received, asking that the evaluation of the City Clerk be tabled, with a majority stating it was not the right time. Ms. Ward clarified that all emails had been supplied to the Council.

2 Mr. Jonathan Reuben, 137 Oleander Circle, property owner. Mr. Reuben recommended reopening the beach because the City was a ghost town from the mass exodus.

3 Mr. Burnie Thompson, 17292 Front Beach Road. Mr. Thompson spoke of the City Clerk evaluation while in the midst of a hiring freeze. He said the City did not need to lose a vital employee and that the issue should be tabled until after the state of emergency. Mr. Thompson added that this was the first time a City Clerk had been publicly evaluated.

4 Mr. Mark Mazarella asked for the beaches to be reopened.

5 Ms. Natalie Dinkus, 17501 Front Beach Rd. Ms. Dinkus asked for the beaches to be reopened.

6 Mr. Rob Holmes. Mr. Holmes reminded that the nation was still under quarantine and until the testing issue was resolved, the beaches should remain closed.

7 Mr. Michael Steinkirchner, Evergreen St. Mr. Steinkirchner spoke of the common sense approach where if at risk, stay home. He spoke of the City Clerk not acting as the secretary to the Council and her being treated as a scapegoat. He asked that Item 7 be tabled until after the emergency.

8 Ms. Skyler Hanson, 219 Toledo Place. Ms. Hanson spoke of personal health and personal responsibility. She asked to open the beaches to local residents.

9 Ms. Mary Jan Bossert, San Souci Blvd. Ms. Bossert said she disagreed with the evaluation narratives in that if there were problems with her performance, a meeting or training class should have been offered. She said prior to receiving the evaluations, she had not been informed of any problems with her performance. Ms. Bossert continued that she had requested to meet the Council members one-on-one but had been denied. She was unaware of any missed events by the Councilors and had no issues with any Public Records Requests except for one involving Mr. Thompson. She continued that the Councilors had several days to review her rebuttal letter concerning the evaluation and she believed the evaluation was retaliatory. She spoke of the anger of Councilman Solis related to Mr. Thompson's Public Records Request and felt this was interfering with her duty to fulfill the request and punishment after she filled the Request. She spoke of her work in municipal government for sixteen years with outstanding performance reviews. She spoke of an instance where the Mayor Thomas directed anger toward her, and nothing was done by Human Resources.

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

CONSENT AGENDA

ITEM 1A RESOLUTION 20-86, CONDUCTING VIRTUAL PUBLIC MEETINGS. "A Resolution of the City of Panama City Beach authorizing the use of communications media technology to conduct virtual public meetings, as more particularly set forth in the body of the Resolution, providing an immediately effective date, providing for expiration upon the termination of Executive Order 20-52." Ms. Myers read Resolution 20-86 by title.

ITEM 1 RESOLUTION 20-83, ANNUAL WETLANDS MONITORING. "A Resolution of the City of Panama City Beach, Florida, approving Task Order 9 to the Master Services Agreement with Tetra Tech, Inc. for hydrologic and environmental monitoring of the Conservation Park, in the amount of \$98,570." Ms. Bossert read Resolution 20-83 by title.

Councilman Chester made the motion to approve the amended Consent Agenda. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

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

REGULAR AGENDA

ITEM 6 DIRECTIVES, EXTENSIONS, MODIFICATIONS, OR REVOCATIONS RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

Councilman Casto said the additional testing had reduced the mortality rate. He spoke of the number of positives in Bay County and recommended following the health experts on social distancing, good hygiene and staying indoors as much as possible. He spoke of the fear that our local hospitals would be overrun. He said there must be a united front with all Panhandle beaches closed. He said he believed it was the right thing to do. He reminded that the kids were still out of school and feared that if the beaches were reopened, the Spring Breakers would be back, and the economy should not be placed before health.

Councilman Solis spoke of the mortality rate, with insufficient PPE and ventilators across the country. He spoke of the growth of the virus and overrun hospitals. He feared that case numbers were higher than reported because of patients not being tested. Councilman Solis said it would be irresponsible to open the beaches to visitors when our area did not have sufficient PPE, ventilators nor hospital beds. He continued that opening the beaches for locals use sounded good in theory but it was complicated because of the thousands of condo owners who owned property but were not locals. He recommended seclusion and social distancing. He said the beaches should remain closed for the next two weeks.

Councilman McConnell said the Police force did not have the manpower to check IDs for the locals as well as maintain law and order. He felt it would be unenforceable. He said opening the beaches even for a short time would expose the people leaving the virus behind, spreading rapidly in the community. He agreed with keeping the beach closed whether seven or fourteen days.

Councilman Chester said his focus was public health and safety. He said right now, there were three cases and urged the County and City to work together. He said his major concern was the driving visitors, possibly carrying the virus to our community. He said keep the beaches closed.

Mayor Thomas said he looked at the beach as a park and if the people needed sunshine to feel better, let the residents use the beach. He said the beaches should not be open to everyone but could allow the residents its use. He disagreed with keeping the beaches closed as personal responsibility meant something, and our residents and family should be able to enjoy the beach.

Councilman Casto suggested meeting weekly to keep the public informed. Ms. Myers read Resolution 20-87, Extending the Sandy Beach Closures, by title.

Councilman Casto made the motion to approve the Resolution 20-87 with weekly meetings. Mayor Thomas passed the gavel and seconded the motion.

Councilman McConnell said two weeks would give the industry and visitors a better time frame to make solid plans. Councilman Solis concurred.

The motion failed by majority roll call vote recorded as follows:

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

Councilman McConnell made the motion to approve Resolution 20-87 extending the beach closure to April 9th. Second was by Councilman McConnell and the motion passed by majority roll call vote recorded as follows:

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

Mr. Davis said as part of the COVID-19 order, Councilman McConnell and the City Manager asked Counsel to draft an emergency order concerning food trucks relating to the restaurant closures. Mayor Thomas suggested delaying this matter to April 9th also. Councilman McConnell said that would delay relief to small business owners who could utilize food trucks during this emergency.

Mr. Davis explained the Emergency Order 20-01, with certain provisions of our parking lot vending regulations being suspended for food trucks. This order provided temporary guidelines for food trucks to operate, not adjacent to residential areas and the ability to operate on City property with our permission.

Mayor Thomas expressed concern about a food truck on City property operating in competition with businesses such as a nearby Burger King or McDonalds. He did not agree with that provision. Councilman Chester concurred in that it would not be fair. Councilman Solis said the restaurant should already be licensed to operate a food truck. Mr. Davis outlined the locations and times in the Emergency Order.

Councilman Solis made the motion to approve Emergency Order 20-01 with City property excluded and hours 8-8. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

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

ITEM 1 RESOLUTION 20-81, BAY PARKWAY PROPORTIONATE SHARE FUNDS AND BUDGET AMENDMENT #20. Ms. Myers read Resolution 20-81 by title. The Mayor asked for comments and there were none.

Councilman McConnell made the motion to approve Resolution 20-81. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

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

ITEM 2 RESOLUTION 20-82, HURRICANE MICHAEL REVENUE AND BUDGET AMENDMENT #24. Ms. Myers read Resolution 20-82 by title. The Mayor asked if any questions or comments, and there were none.

Councilman McConnell made the motion to approve Resolution 20-82. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

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

ITEM 3 RESOLUTION 20-84, COVID-19 FISCAL AUSTERITY PLAN. Ms. Myers read Resolution 20-84 by title. Councilman McConnell complimented the City Manager and Ms. White for the fantastic job looking ahead and Mayor Thomas agreed.

Councilman McConnell made the motion to approve Resolution 20-84. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

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

ITEM 4 MUNICIPAL SUPER TUESDAY ELECTION EARLY VOTING MODIFICATION- DISCUSSION. Mr. O'Rourke explained the City moved the two medical units over to Lyndell during the pandemic to lessen the direct contact, which displaced the early voting site. The Supervisor of Election agreed that the Oatfield Building could be used instead of Lyndell. He continued that two sites would be available for election day, the normal Frank Brown Community Center and the Oatfield Building. Mr. Davis added that there would be an additional cost of Seventeen Hundred Dollars (\$1,700) for the additional site but that was within the City Manager's authority. There were no objections.

ITEM 5 CITY CLERK EVALUATION- DISCUSSION. Councilman Solis said this was a tragedy having to discuss this matter in a public forum as it had never been done this way in the past. He said the Clerk position was an at-will position, and usually the employee would take a graceful departure versus going through actions such as this. He reminded that the City Clerk worked directly for the Council. No one had advised him that

Ms. Bossert wanted to meet individually with the Council. Councilman Solis said the evaluations were independently completed and all came out with a below average evaluation. He said Ms. Bossert was a nice person, cordial and professional. He added that she had been offered another position two months ago, a different pay level but with the same benefits, but it was declined. She was offered severance pay with a period of medical benefits but that was declined.

Councilman Chester said it was a hard decision, heartbreaking. He suggested maybe doing another evaluation later.

Councilman Solis made the motion to terminate Ms. Bossert's employment. Mayor Thomas said the Council had received public comments that this was not right. He said he thought the City had been very fair. He passed the gavel to Vice-Mayor Chester. **Mayor Thomas seconded the motion and the motion passed by unanimous roll call vote recorded as follows:**

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

Mayor Thomas asked Ms. Bossert to step down and for Ms. Ward to take over her duties.

DELEGATIONS

Mayor Thomas explained the Delegations period and opened this portion of the meeting at 10:00 A.M.

- 1 Mr. Rex Reed. Mr. Reed said he agreed with the Mayor that it was not fair for the citizens not being able to go to the beach.
- 2 Mr. Dustin Fryer. Phone volume was too soft to understand comments.
- 3 Ms. Cameron Loving. Ms. Loving spoke of Spring Breakers coming, bringing the virus and congregating.
- 4 Mr. Burnie Thompson. Mr. Thompson referred to the forty-one emails and asked who would be the keeper of the records now. He said this was irresponsible and opened the City to a lawsuit.
- 5 Mr. Michael Steinkirchner. Mr. Steinkirchner said the City would be prohibited from doing business until a new City Clerk was appointed because she held the City seal. He questioned if future actions would be legitimate.

With nothing further, Mayor Thomas closed the Public Comments at 10:15 A.M.

Mr. O'Rourke recommended appointing Ms. Jo Smith, the prior City Clerk, as the Interim City Clerk effective Monday, March 30, 2020. He said she had the qualifications and experience necessary to be the keeper of the public records and other functions. Ms. Myers added that the Council could hire Ms. Smith plus Ms. Ward was already appointed as the Deputy City Clerk. She said the City business would continue.

Councilman Solis made the motion to hire Ms. Smith as Interim City Clerk. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

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

Mayor Thomas asked if there were any further comments. He said this process had nothing to do with Public Records Requests.

CITY MANAGER REPORT

Mr. O'Rourke said the Fire Department was checking every employee each morning, securing the City employees. He said there were up to forty employees telecommuting, allowing more social distancing within the buildings. He said staff had also identified additional cost savings of seventeen positions historically classes as exempt which would be reclassified August 1st as non-exempt, not eligible for overtime, at a minimum cost savings of Three Hundred Sixty Thousand Dollars (\$360,000) per year. He continued that the savings to date were \$8.5 Million Dollars, with the target amount of \$9.1 Million Dollars the estimated 60% reduction of tourist-based revenue this

year. Mr. O'Rourke said staff was already working to plan what steps would need to be taken if the reduction continued into the next FY.

ATTORNEY REPORT

Ms. Myers said she was leaving for the Bond validation meeting. Mayor Thomas thanked Ms. Myers and Mr. Davis on behalf of the Council for their work during the past few weeks. He said they had done a good job and the Councilors appreciated it.

COUNCIL COMMENTS

Councilman Solis asked the community to be safe and patient during this emergency. He asked if people could purchase gift cards from their favorite places if within their budgets as the businesses needed help. He asked for the people to think about our vulnerable population. He added kudos to the new gas station with low gas prices. He said the new business did the right thing which caused the other stations to lower their prices.

Councilman McConnell thanked the Police Department and Fire Department for their good work.

Councilman Chester thanked Mr. O'Rourke and the Police Department for their good work.

Councilman Casto said the community would get through this and that the beaches would reopen one day.

Mayor Thomas reminded everyone of what a great City this is, and that it had been his pleasure to serve the beach twice, once as a Bay County Commissioner and the other as Mayor. He said it was a wonderful place to live.

With nothing further, the meeting was adjourned at 9:27 A.M.

READ AND APPROVED this 14th of May, 2020.


- Any item noted with an asterisk are taken both by the City Council and the Panama City Beach Redevelopment Agency jointly and concurrently.

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 (Interim)