

**CITY OF PANAMA CITY BEACH
PLANNING BOARD MEETING MINUTES
July 12, 2023
MINUTES TO THE REGULAR MEETING**

The meeting was called to order by Chairman Wakstein at 1:00 p.m. and Ms. Deese was asked to call the roll. Members present were Mr. Scruggs, Mr. Jones, Mr. Coleman, Mr. Morehouse, Mr. Register, and Chairman Wakstein. Mr. Houk was absent. Mr. Coleman led the Pledge of Allegiance.

ITEM NO. 3 Approval of the June 14, 2023, Planning Board Meeting Minutes

Chairman Wakstein asked if there were any comments or corrections to the meeting minutes. Mr. Scruggs made a motion to approve, it was seconded by Mr. Coleman. Ms. Deese called the roll.

Mr. Register	Yes	Mr. Scruggs	Yes	Mr. Jones	Yes
Mr. Coleman	Yes	Mr. Morehouse	Yes	Chairman Wakstein	Yes

ITEM NO. 4 Public Comments – Non-Agenda Items

There were no public comments.

ITEM NO. 5 Pier Park Kiosk Overlay- Continued Discussion

Ms. Schuler introduced the item and noted that an updated copy of the ordinance has been provided concerning the distance of obstructions. The words “more than” have been changed to “placed within.”

Chairman Wakstein disclosed that he is a business owner in Pier Park and will abstain from voting on this item. He opened the floor to public comment on the agenda item.

Kimberly Sprague, business owner in Pier Park asked if the overlay would apply to new kiosks or existing as well. She also asked if the kiosks that are currently located within six (6) feet would need to be relocated.

Ms. Schuler said the application of the ordinance will be to existing kiosks.

Chairman Wakstein asked the Board if there are any changes.

Mr. Coleman questioned the intent of item number four (4) involving the removal of vacant kiosks.

Ms. Schuler said she believes that Mr. Davis intended that a vacant kiosk does not set.

Chairman Wakstein clarified that it is a tool for enforcement, but there is not a specific trigger tied to it. He reiterated that he has filed a voting conflict form that will be added to the record (see attached *Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*).

Mr. Morehouse made a motion to accept the Pier Park Kiosk Overlay draft, it was seconded by Mr. Coleman.

Mr. Register	Yes	Mr. Scruggs	Yes	Mr. Jones	Yes
Mr. Coleman	Yes	Mr. Morehouse	Yes	Chairman Wakstein	Abstained

ITEM NO. 6 Concurrency Report

Ms. Chester introduced the item as the annual update of public facilities and level of services provided within the City. She explained that the data from the Concurrency Report is part of the Comprehensive Plan and will be used by staff in reports for annexation or rezoning requests. She stated that the Board will make a recommendation to the City Council.

Mr. Coleman made a motion to accept the Concurrency Report, it was seconded by Mr. Scruggs.

Mr. Register	Yes	Mr. Scruggs	Yes	Mr. Jones	Yes
Mr. Coleman	Yes	Mr. Morehouse	Yes	Chairman Wakstein	Yes

ITEM NO. 7 Code Enforcement Update

Mr. Smith provided an update for mid-May through mid-June. Most of the Division's efforts were in the areas of tall grass, detrimental conditions, littering and dumping, glass and dogs on the beach, as well as double red flags. To serve the community better they worked with condos to handle solicitors, parking on vacant lots, beach clutter and assisting with lost children. He shared a letter received from a member of the community that gave appreciation for Code Enforcement Officer, Deborah Jones and her professionalism.

Mr. Coleman asked about the process of issuing citations for double red flag violations.

Mr. Smith explained that a person must be warned before a citation can be issued and the Division focuses on educating the public.

Mr. Register inquired about the new signage that Bay County has purchased to be placed on the beach by vendors when double red flags are posted.

Mr. Smith said that he has not yet seen the signs in person and that Code Enforcement currently places stop signs that say the water is closed, double red flag, \$500 fine.

Chairman Wakstein asked if there were any comments from the Board. There were none.

The meeting adjourned at 1:20 p.m.

DATED this 8th day of November, 2023.


Josh Wakstein, Chairman

ATTEST:


Melissa Deese, Secretary

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Wakstein, Joshua <i>Todd</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Panama City Beach Planning Board
MAILING ADDRESS 314 Columbus St.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Panama City Beach	COUNTY Bay
DATE ON WHICH VOTE OCCURRED July 12, 2023	NAME OF POLITICAL SUBDIVISION: City of Panama City Beach MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Josh Wakstein, hereby disclose that on July 12, 20 23 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Ordinance 1624 amending the Land Development Code to regulate kiosks in the Pier Park Overlay District. I operate a business, Hy's Toggery, within the Pier Park Overlay District. The regulation of kiosks which may sell products competing with my business from time to time. This competition is of a sufficiently small class of businesses that I believe the effect of these regulations could inure to the special private gain or loss of my business.



If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/12/23

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.