

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 June 23, 2016.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:
JOHN REICHARD
PHIL CHESTER
JOSIE STRANGE
HECTOR SOLIS

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
DIANE FOWLER
CITY ATTORNEY:
AMY E. MYERS

Mayor Thomas called the Regular Meeting to order at 2:00 P.M. with all of the Council, the City Manager, City Clerk and City Attorney present.

Pastor Ramon Duvall of the Beachside Fellowship Church gave the invocation and Councilwoman Strange led the pledge of allegiance.

The Minutes of the Special Meeting of June 9, 2016 were read and approved as written per motion by Councilman Chester. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:

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

Mr. Gisbert asked to add Resolution 16-92, the White's Towing Services Contract, to the Agenda. Copies were in front of each Councilor. There were no objections. With nothing further, Councilman Reichard made the motion to approve the amended Agenda. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:

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

PUBLIC COMMENTS

Mr. Tom Klomps, 614 Poinsettia Court. He encouraged the Council to reconsider the shading devices and agreed with leaving the 30' open for the public. For congested areas, he recommended restricting Beach vendors to only put out chairs as they were rented instead of spreading over the entire site. Regarding litter, he encouraged the Council to extend the area to the entire City and work with the County to make it bridge-to-bridge.

Mr. Mike Burke, Gilmore & Osprey Properties. Mr. Burke said it was a matter of private property rights relating to the shading devices. He said if the City would allow the upland property owners to determine what could go on the beach, then he would be satisfied. He would then ensure that his guests would have the space for a tent or an umbrella; however, if someone was not a guest of their resorts, they would not be permitted to enjoy the amenities that the resorts provided.

Councilman Reichard asked Mr. Burke how he would identify those people on the beach who were not guests of his resorts and as an upland property owner, how he would address the situation. Mr. Burke replied that signs would be installed on their property and tents and umbrellas of their guests would be tagged. If someone other than their guests set up a tent on their property, the resort could sell them a space for the day. Mr. Burke said their properties were unique in that they had a large beachfront and a small number of rooms as opposed to next door with a small beachfront and a great number of rooms.

Councilwoman Strange asked if it would affect his business if uninvited guests came onto his property and set up canopies, preventing his guests from using the beachfront. Mr. Burke replied it would be a bad experience for his guests if that occurred, and they would not come back.

Mr. Tony Horton, 807 Lyndell Way. He said he had prepared statistics for his rentals to prove that they were not amusements. He said they were an alternate means of transportation and he reported numbers. The Workshop was based upon addressing the current number of LSVs and he questioned only forty-seven (47) police officers to police a hundred thousand people per day during the season. He suggested the Police Department be enlarged during the peak season, to give the manpower to police the City.

Mr. Chris Zavala, 16404 LeGrand Avenue. He read the lengthy definition of beach accesses and dunes. He also questioned the length of time it took for the Minutes to be prepared and available to the public according to the Sunshine Laws.

Ms. Lori Elwood, 21404 Sunset Avenue. She said they had enjoyed the ability to set up tents and umbrellas on the beach for forty years, and that the Council was violating their civil rights by disallowing the public the ability to do so and enjoy life. She said she had prepared Ethics complaints concerning these violations and would be submitting them to the Committee. She said the upland property owners owned the property to the low-lying water level and if they so choose, they could mark off that property. She said the beach renourishment easement had ceased for several years, and the City no longer had that right.

Mr. Jeff Johnson, 3100 Justine Court. He said he did not see the canopies as a problem. However, the numbers of rental umbrellas without spacing between them was a problem. He distributed a graph concerning the problems with the June 9th video and missing minutes.

Mr. Bobby Lago, 8317 Front Beach Road. He said the tent ban would violate his rights to protect his health against the sun's rays. He questioned the Council's going beyond their authority to dictate laws. He made comments about being in back of the bus according to law.

Ms. Megghan McDougall, 9860 South Thomas Drive. She said she saw Mr. Horton fight to expand his business as had all of the scooter/LSV businesses. She encouraged the Council not to grant Mr. Burke's request to protect the view when in other times, the Council had restricted other unfavorable businesses.

Ms. Anne Dees, 20332 Brandon Road. She said she must have a tent when sitting at the beach and did not want to be told she had to sit behind chairs. She mentioned the freedom to sit wherever under a tent.

Ms. Cindy Biddle, 2003 Pritchard Street. She encouraged restricting the number of rental chairs. She said she knew a business that delivered rental chairs when ordered. She mentioned greed and control, and questioned tents tied together to prevent view. She talked about skin cancer and blistering sunburns which put a person at risk for skin cancer.

Mr. Bobby Lago, 8317 Front Beach Road. He questioned his time not being the full three minutes earlier.

Dr. Jeremy Sunseri, 1411 Trout. He spoke of the importance of sun protection versus skin cancer. He said it was a public safety concern, life and death. He reported that melanoma rates were increasing, the most common form of cancer affecting our young and old. He also said as a father of four, he must sit close to the water to watch the children yet be under a tent for their skin protection. He said it seemed four to six groups or individuals were the problem, and that it would be easier to address them rather than put a ban across the beach. He said this was banning things which kept families together to enjoy the beach.

Mr. Burnie Thompson, 8317 Front Beach Road. He addressed Councilman Solis, stating he had a financial interest in this subject because he rented properties and adverted free rental umbrella chairs. He asked Councilman Solis to recuse himself for voting on matters regarding shade devices on the beach. He asked Ms. Myers if this would be a conflict of interest, and Ms. Myers replied she would address that with him after the meeting. Mr. Thompson continued speaking to Councilman Solis concerning his profiting from beach rental chairs while planning to vote on the issue. Councilman Solis said he would address that issue during the meeting.

Mr. Tim Sowell, 611 Poinsettia Drive. He spoke against the tent ban and mentioned the 2300 signatures that had been emailed opposing the ban. He said he understood and respected the rights of private property but believed serving one group above another was wrong. He said the City was perceived as a "banning" beach with negative effects.

Mr. Neal Morgan, 17721 Front Beach Road. He demonstrated the 30' by using a tape measure and spoke of his area that was not congested. He said most people did not want to be 30' away from the water and suggested 5' instead. He also urged the Council to listen to the Fire and Police Departments for their input as to emergency vehicles.

Mr. Jacob Lassiter, 308 9th Street. He said a precedent had been set during Spring Break with the Council prohibiting the upland property owner from doing business on their own property.

There were no further public comments.

CONSENT AGENDA

1 RESOLUTION 16-89, UNITED STATES FASTPITCH ASSOCIATION SOFTBALL TOURNAMENTS OPENING CEREMONY PARADES ROAD CLOSURES. "A Resolution of the City of Panama City Beach authorizing temporary closures of portions of Pier Park Drive, West Pier Park Drive, L. C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way on Sunday, July 10; and Sunday, July 17, 2016 for "The United States Fastpitch Association (USFA) Softball Tournaments Opening Ceremony Parades".

Ms. Fowler read the Consent Agenda. Councilman Chester corrected the second date to July 17th. **Councilman Chester made the motion to approve the Consent Agenda. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

1 ITEM NO. 1 INTRODUCTION OF NEW LIBRARY PERSONNEL. Mr. Gisbert invited Ms. Robin Shader, Library Director, to the podium. She introduced Ms. Lisa Ferrara, new PCB Branch Manager, and Ms. Ashley Burlon, new part-time Staff member. The audience responded with applause.

2 ITEM NO. 2 EXAMINING BOARD- DISCUSSION. Mr. Gisbert distributed copies of the current Board listing, with three members having their term end July 22nd. He explained the qualifications of Examining Board members and that all three men stated they would serve again at the pleasure of the Council. Councilwoman Strange said the seats should be advertised and Councilman Reichard concurred. Mayor Thomas suggested having a discussion about the various City Boards at the next meeting. Councilman Solis said he would like to see resumes of the applicants.

3 ITEM NO. 3 MUTUAL CONSENT AGREEMENTS, FIREFIGHTERS' AND POLICE OFFICERS' PENSION MEMBERSHIP AND THE CITY, RELATED TO STATE INSURANCE PREMIUM TAX REVENUES. Ms. White explained recent Florida Statute changes for the Firefighters' and Police Officers' Pension Plans, and these Agreements

came to the Council at the recommendation of the Pension Boards. She said the Agreements had already been approved by the members of the Firefighters' and Police Officers' Pension Plans. The new law required Mutual Consent between the City and the members of those Plans on the use of the excess insurance premium tax revenues. Those funds were used to fund extra supplemental benefits for those plans. She continued that the legislators intentionally made the statutory provision very complicated and difficult to implement in order to make the cities and Plans come to a mutual consent. Ms. White said this would be a mutual consent to continue using the excess insurance premium tax money in the same manner as in the past, providing a supplemental benefit. The Mayor asked if there were any questions and there were none. **Councilman Solis made the motion to approve the Mutual Consent Agreements. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

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

4 ITEM NO. 4 ORDINANCE 1384, RELIANTSOUTH CONSTRUCTION GROUP ANNEXATION, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1384 by title. Mr. Leonard explained the Planning Board heard the request May 9, 2016, recommended approval six to zero (6-0), and found the property was contiguous to the City, not creating any pockets or enclaves. He identified the property on the map. The Mayor asked for comments from the audience. There were none and Mayor Thomas closed the Public Hearing at 3:00 P.M. **Councilwoman Strange made the motion to approve Ordinance 1384. Second was by Councilman Chester. The motion passed by unanimous roll call vote recorded as follows:**

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

5 ITEM NO. 5 ORDINANCE 1385, RELIANTSOUTH CONSTRUCTION GROUP COMP PLAN AMENDMENT, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1385 by title. Mr. Leonard explained the Planning Board heard the request May 9, 2016 and recommended approval six to zero (6-0) for the Small Scale Plan Amendment. It was currently in the County as "General Commercial" and the City would be "Tourist" which was equivalent. The Mayor asked for comments. There were none and he Mayor closed the Public Hearing at 3:02 P.M. **Councilwoman Strange made the motion to approve Ordinance 1385. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

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

6 ITEM NO. 6 ORDINANCE 1386, RELIANTSOUTH CONSTRUCTION GROUP ZONING, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1386 by title. Mr. Leonard explained the Planning Board heard the request on May 9, 2016 and recommended approval six to zero (6-0). He said the property was currently zoned "Plaza-Commercial" in the County and would be "Commercial-Low Intensity" in the City. He stated what the CL zoning would allow. The Mayor asked for public comment. Hearing none, the Public Hearing was closed at 3:04 P.M. **Councilman Chester made the motion to approve Ordinance 1386. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:**

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

7 ITEM NO. 7 **ORDINANCE 1387**, AMENDING LEAVE NO TRACE ORDINANCE REGULATIONS, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1387 by title. Mr. Gisbert explained that this Ordinance was a followup to the issues discussed at the TDC, with having items left at the toe of the dune and no one removing them. Mayor Thomas asked for public comments.

Mr. Burnie Thompson, 8317 Front Beach Road, said his concern was the 7 P.M. time and the requirement to leave before sunset. He said initially the time frame was dark until morning, and with this time, it would essentially ban families from enjoying sunsets. He said this originally was to protect the sea turtles and asked the Council to reconsider the 7 P.M. time.

Mr. Chris Zavala, 21404 Sunset Avenue, also had the same concern of 7 P.M. He mentioned the freedom to enjoy the sunset and requested more discussion. He said more scientific data was needed about the turtles and requested Councilman Reichard to say more about his concern on the 7 P.M.

Councilman Reichard suggested changing this time to coordinate with the definition of navy time as used in other Ordinances to make it easier to understand and universal when involving dark and sunset. Councilwoman Strange said that was a good point.

Councilman Solis said he understood this Ordinance only addressed leaving an unattended tent or canopy at the toe of the dune. This would not impact a family still on the beach, enjoying themselves at sunset. Ms. Myers confirmed this regulation addressed only unattended property. Mr. Gisbert said someone under the tent could stay into complete darkness if they so desired as long as the tent was attended. Councilwoman Strange then questioned why the chairs were left overnight. Ms. Myers said when this ordinance was originally adopted, provisions were made for a permit to be issued for an operating business and kayaks, boats, etc., which need not be removed every night. She said Mr. Gisbert and Mr. Jackson had issued permits routinely for the larger items.

Mr. Gisbert said the reason for 7 P.M. was to allow Code Enforcement or the Police to identify unattended tents while it was not completely dark and not safe for driving on the sand. Councilwoman Strange asked about a homeowner being required to file for a permit for their kayak left behind their home. Mr. Gisbert said yes, if they wanted to leave it overnight.

Ms. Lori Elwood, 21404 Sunset Avenue, said she felt this was a violation of human liberties by requiring the tents not be left at the toe of the dune when a family was using the tent. She stated it was beyond the scope of the Council's ability and they could not pass a law to do so. She said if she had the property owners' permission to leave her property, a permit should not be required.

Ms. Cindy Biddle, 2003 Pritchard Street, questioned a homeowner being required to obtain a permit for a kayak, for example, but having the ability to tell someone to leave if they have a tent. She said she was confused.

Mr. Bobby Lago, 8317 Front Beach Road, said he dealt with sea turtles while in the service and the issues occurred after "civil twilight". He recommended using that definition and said turtles did not come out of the water until it was very dark.

Mr. Mike Burke, 162515 Panama City Beach Parkway, said his issue with the Ordinance was the change in the definition of "beach". He said the Ordinance served a good purpose, designed to clean the beach at night. As an example, he mentioned Code Enforcement now being allowed to come onto their property and remove a ping-pong table or picnic table, since they would be unattended at night. He said the law was being expanded to allow the authority to do so, even though he did not believe it would happen. He urged the Council to leave the Ordinance as written.

Mr. Jeff Johnson, 3100 Justine Court, questioned the definition of unattended. Ms. Myers responded that unattended was not defined in the Ordinance. He stated it should be defined.

Mr. Neel Bennett, 15238 Front Beach Road, said his concern was the intent of the changes. He said if adopted, this would take more land, moving more to the edge of the road. He cautioned in moving the line further north. He said the City already had laws which could deal with unsightly issues.

With nothing further, the Mayor closed the Public Hearing at 3:27 P.M.

Councilman Solis suggested a tagging system might work better. He commented about problems when dealing with private property for property owners, such as kayaks. He said it was not unreasonable to tag property and he believed Code Enforcement and the Police would use their best discretion in removing property.

Councilwoman Strange asked what was the problem with the current Ordinance. Ms. Myers responded that it permitted items to be left at the toe of the dune and Councilman Solis said this resulted in numerous abandoned canopies left for weeks at a time before being finally removed. The intent was to clean up the beach.

Councilman Reichard said where he lived, it was not a problem. He said the resort maintenance people should look daily at their property, and if something was left, it should be removed. He recommended more research and felt the definition of the beach should remain the same. He added that the Leave No Trace should take care of most of the issues. Ms. Myers said if the Council wanted to revise the definition of beach, or take out the amended definition of the beach, she believed this could be done without changing the purpose of the Ordinance. Councilman Reichard said he was also concerned about the 7 to 7 issue and the definition of dark.

Mr. Gisbert said the 7 to 7 and definition of dark was already existing. He said the only changes being made were 1) leaving property at the toe of the dune and 2) the definition of beach. He explained the reasons for the 7-7 and stressed that nothing was removed at 7 P.M. It was tagged at 7 if unattended, and only removed when the cleaning service came later in the night. He said the process remained the same.

Councilwoman Strange said she thought the Ordinance should go away. She said she had not realized there was a problem and could not support it.

Councilman Solis said people were talking about the trash left at the toe of the dune and he felt it should be addressed. He said placing a tag on the items to determine if abandoned or not might be the solution. For an open beach, there were areas without property management and he felt there should be a process to pick up the abandoned property. Mayor Thomas said if the property was left behind someone's house, the owner should remove it. He continued that he thought Leave No Trace was working.

Councilman Chester agreed that he thought Leave No Trace was working and if the cleanup workers saw something left at the toe that looked abandoned, pick it up.

Councilman Reichard suggested not changing the definition of beach. Ms. Myers said the definition of beach was in several Ordinances, such as in the Spring Break Ordinances. That definition of beach was alleged vague and not clear to the public. To defeat that claim, the definition was revised. She said if the Council remained with the old definition, it would be consistent with other Ordinances. With no further discussion, Mayor Thomas passed the gavel to Vice-Mayor Strange. **Mayor Thomas made the motion to deny Ordinance 1387. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

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

8 ITEM NO. 8 **ORDINANCE 1388, LOW SPEED VEHICLES (LSVs) MORATORIUM AND REGULATIONS, 2ND READING, PUBLIC HEARING.** Ms. Myers read Ordinance 1388 by title. The Mayor explained this Ordinance legalized the moratorium and added no new rules. He said a group of business owners, a Staff member and a Council member were working to create new rules. Mayor Thomas asked for public comments.

Ms. Colleen Swab, California Cycles, 13416 Front Beach Road, asked that the LSVs not be classified as an amusement because they were a type of transportation. She said the concern was vests being required and overnight rentals prohibited as for scooters. She mentioned the effect to their revenue of no overnight rentals for the scooters.

Mr. Burnie Thompson, 8317 Front Beach Road, asked about the meetings involving the industry, Staff and one Council member, and if they were public meetings. Ms. Myers said they were called Workshops but were not advertised public meetings and no formal actions were being taken. Mr. Thompson asked if these meetings could be recorded. Mayor Thomas asked a list of questions be furnished to Ms. Myers for her response.

Ms. Meghan McDougal, 9860 South Thomas Drive, said scooters were considered dangerous so they were limited. Thus the industry restructured and the business owners bought more Low Speed Vehicles (LSVs) to make the road safer. She said the LSVs were not a nuisance like scooters and urged the Council not to limit their numbers.

Mr. Chris Zavala, 21404 Sunset Avenue, mentioned the Sunshine Laws and requirements for public meetings. He mentioned two Council members meeting elsewhere, discussing business, and the information must be entered into the public record. Mayor Thomas said that was illegal and Councilman Reichard said all of the Council members recently had Ethic classes with half of that time involving the Sunshine Laws. Councilman Solis said the Sunshine Law specified two or more officials; the Workshop in question only had one Council member. He confirmed that the Council members were not allowed to communicate with each other outside of this meeting.

Ms. Lori Elwood, 21404 Sunset Avenue, said she did not have to identify herself according to the Sunshine Law. She said she had the right to represent herself and mentioned that her liberties were being violated concerning the draft June 9th Minutes. With nothing further, the Mayor closed the Public Hearing at 3:55 P.M.

Councilwoman Strange said this Ordinance involved the facilities and Ms. Myers responded that it was a moratorium so that no permits would be issued for the next six months until the regulations were crafted for the Low Speed Vehicles. This basically maintained the status quo. **Councilman Solis made the motion to approve the Ordinance 1388. Second was by Councilman Reichard. The motion passed by majority roll call vote recorded as follows:**

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

9 ITEM NO. 9 **ORDINANCE 1389-R, ESTABLISHING CANOPY FREE ZONE, 1ST READING.** Ms. Myers read Ordinance 1389-R by title. Mayor Thomas said he understood this Ordinance only prohibited canopies, not all shading devices. Councilman Solis said he looked at rulings and the Council had to deal with the fact that most of the property on the beach was deeded to private property owners and many own to the edge of the water. The State saw the need for renourishment and that it was something they could do because the submerged land belonged to the State. It was codified by the Supreme Court in the Walton County case and involved the 30' for public use. He read the State Statute which further complicated the issue. He said the City had allowed public-friendly beaches for many years and the business and property owners had purposely made it an open beach.

Regarding the subject of whether he would recuse himself from voting, Councilman Solis said he had spoken with attorneys concerning conflict of interest. He was advised that he did not have to recuse himself. He said in prior meetings, he had ruled against his own interests. He continued that his affirmative votes were to further the matter along for more discussion.

Councilwoman Strange said the Council would not be discussing this matter if there were not so many chairs on the beach. Councilman Chester agreed. She mentioned chairs on request and that this would allow more beach and prevent so many unoccupied chairs.

Councilman Reichard displayed a sign used by Edgewater Beach Resorts which informed their guests where to place their tents and chairs. It also noted the Leave No Trace guidelines. That the upland property owner had the right to handle his or her own property should be a consideration and their responsibility as well. He commended the Resort for creating this method of information which was working. He recommended denying this Ordinance and to move forward in making the upland property owner in charge of the property.

Councilman Chester said the problem started with the Beach Services. He said a commercial showed numerous rows of empty chairs and umbrellas. He recommended stopping this issue now and continue allowing tents on the beach. Councilman Chester said if the property owner could not handle the problems with the Beach Services and complaints continued, then the Council would address the problems. He questioned whether all of the chairs and umbrellas needed to be on the beach. However, he did not want to ban the canopies. With nothing further, **Councilman Reichard made the motion to deny Ordinance 1389-R. Second was by Councilman Chester. The motion passed by unanimous roll call vote recorded as follows:**

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

At this juncture, the Mayor called for a 5 minute recess at 4:10 P.M.
Mayor Thomas reconvened the meeting at 4:15 P.M.

10 ITEM NO. 10 **RESOLUTION 16-88, BIDS- BAYSIDE WATER AND WASTEWATER IMPROVEMENTS PROJECT.** Ms. Myers read Resolution 16-88 by title. The Mayor asked if there was any discussion on the matter. Hearing none, **Councilwoman Strange made the motion to approve Resolution 16-88. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:**

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

11 ITEM NO. 11 **RESOLUTION 16-90, ENNEAD,LLC.,AGREEMENT FOR UPDATE AND PREPARATION OF 2016-2017 STORMWATER ASSESSMENT ROLL.** Ms. Myers read Resolution 16-90 by title and explained that ENNEAD had worked with the City since the inception of the Stormwater Assessment program. **Councilman Solis made the motion to approve Resolution 16-90. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

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

12 ITEM NO. 12 **RESOLUTION 16-91, REPLACEMENT GEOTHERMAL POOL HEATING/COOLING UNIT AND BUDGET AMENDMENT #38, PUBLIC HEARING.** Ms. Myers read Resolution 16-91 by title. Mayor Thomas opened the Public Hearing at 4:17 P.M. Mr. Gisbert explained another heating/cooling unit failed so a Budget Amendment was needed to purchase a new unit.

Councilwoman Strange asked Mr. Ponek, Parks Director, asked about all of the units. Mr. Ponek explained there were six total heating/cooling units, one purchased last fiscal year. Of the five remaining units, they were ten years old and at the end of their expected life. To replace the units, some of the existing shelter would need to be removed. One unit was approved for purchase in March but had not yet been installed. With this purchase of a replacement unit, this would allow the Pool to have three new units and three old units to be replaced next fiscal year. Councilwoman Strange asked the temperature of the pool this weekend and Mr. Ponek replied 86 degrees. Councilman Solis said he had received calls from competition swimmers who stated the pool was unbearable. He said it made sense to replace all at once. He asked if there was a cost savings for buying multiple units as opposed to merely one. Mr. Ponek said yes. Councilwoman Strange said the Parks did not have the funds to do a full replacement and the Mayor stated that the Parks did not have the funds for one, hence the Budget

Amendment. Councilwoman Strange asked if there were sufficient funds in the Pier Fund. Mr. Gisbert said yes. Councilman Solis asked if there would be an issue financially if all units were replaced versus only funding one unit. Mr. Gisbert explained how other departments staggered their replacements to avoid having to replace all in one year. The goal was to replace two this fiscal year and the other three next fiscal year, allowing for a methodical replacement cycle. However, if the Council decided to replace all of the units today, it could be done.

Councilman Solis mentioned buying an additional unit as backup. He said the options would be to buy all five replacement units now or purchase two now to allow for a backup to prevent situations such as this. Councilwoman Strange suggested instead replace all now and then build the budget for the next ten years to have the funds to replace the units. She stated it was a quality of life issue that everyone enjoyed and all should be replaced.

Councilman Reichard said Councilwoman Strange had a good point but the other three units could last longer. Councilwoman Strange asked Mr. Poniek how the units were working. Mr. Poniek replied that the company had worked on the units several times, and the City had incurred a lot of money for maintenance calls, approximately Eight Thousand Dollars (\$8,000) for this fiscal year.

Councilman Solis asked if the City should see a substantial reduction in electrical costs with the new units having a higher efficiency rating. Mr. Poniek said the new units were designed completely different than ten years ago and he hoped to see better efficiency.

Councilman Reichard asked the savings if the pool was not cooled, matching every other pool on the island. Mr. Poniek replied that if the pool was not cooled, the City could not host competition in the pool because of USAA Standards, and for safety reasons the pool should be 79 to 82 degrees. The City would not be able to have swim meets during this time of year. Councilman Solis mentioned competition swimmers practicing daily and it would be hard to compete at that temperature.

Councilwoman Strange made the motion to replace the remaining four units for the Sixty-Seven Thousand Dollars. Mr. Gisbert said these funds could be taken from the Pier Fund and a new Budget Amendment would be brought back to Council. Mr. Poniek explained how the original bid was broken down for the individual/multiple units. Councilwoman Strange said the City had the money and Ms. Myers said it would come from Pier reserves. Ms. White added that she was currently working on the Pier Fund budget. Mr. Gisbert reminded that some reserves in the Pier Fund were set aside for replacement of the Pier in case of a catastrophe.

Ms. White said the City was reaching the point where now most of the excess Pier funds had been moved to the Pool. It would then be the situation where the Pier would not create sufficient excess revenue each year to subsidize the Pool to the level that was needed. Then some funds would need to be moved from another Fund, more than likely the General Fund. Councilwoman Strange asked the amounts of reserves in the different Funds, and Ms. White said she did not know the exact numbers at the top of her head as she would need to pull the contingency numbers out of the totals. She said there were funds in the reserves allocated for projects. She said in the upcoming Budget Workshops, the Council would be able to see the cash layout in the different Funds. Ms. White continued that Seven Hundred Fifty Thousand Dollars (\$750,000) was set aside in the Pier Fund for R&R, in the event of a hurricane.

Councilman Solis asked about the additional monies for the lifeguards. Ms. White said the funding had not yet been received. Mayor Thomas said One Hundred Thousand Dollars (\$100,000) was supposed to be given. Councilman Solis said the City had already budgeted for lifeguards so that \$100,000 would be in addition. Ms. White agreed and said she had already built those additional funds into the amended Budget that would be presented at the Workshop and into next year's Budget. Mr. Poniek also changed the structure of the Pier for next year, adding a program for upgraded repairs to the beach accesses. Some of the \$100,000 was planned for the upgraded beach access program, taking some pressure off the General Fund. Ms. White continued that she and Mr. Poniek had discussed the age of the Pool and the big ticket items which needed to be repaired or replaced soon, such as the pool liner. She said a budget was planned for the big ticket items but unfortunately, there was not enough cash generated from the facility to do so.

Councilman Reichard said about One Million Dollars for the Colony Club Road, Five Hundred Thousand Dollars for pay raises, and about Eight Hundred Thousand Dollars for a new firetruck had already been taken from reserves, not counting the Budget Amendment for this unit. He said he would rather see the one unit replaced now and hopefully have revenue in the future to better afford more replacements. Ms. White said she had planned for the other three units in this upcoming budget. Councilwoman Strange said if approved for all four, it would not affect this year's budget. Ms. White said it could, depending upon timing. Mr. Ponek said the March unit should be here within two weeks. Mayor Thomas asked how long it would take the company to supply four units. Mr. Ponek replied that the company gave priority to larger orders and our smaller order was delayed. He asked the company to delay the installation of the March unit in hopes of being able to have two units installed. Councilman Chester asked if the three units were installed, if that would cool the pool sufficiently for the competition swimmers. Mr. Ponek said yes, and of the three remaining units, they could be serviced so all six would be performing.

In response to the Mayor's question about how much less was being lost at the Pool, Mr. Ponek replied that this year about Thirty-Five Thousand Dollars (\$35,000) more in revenue was generated. However, repairs absorbed a lot of the increase. He added that about two years ago, PCST (Panama City Swim Team) entered into a six year contract, and in the next years, the City should see increased revenue, almost double the amount they had been paying.

Councilwoman Strange said she had made the motion to replace all four units now. Mr. Ponek said before the Council now was the recommendation to replace one unit, with the agreement of Ms. White and Mr. Gisbert. The upcoming budget would replace the remaining three units. Councilwoman Strange said she would prefer to do the remaining four, but would change her motion if he could survive with the one and handle the service calls for the others. **Councilwoman Strange revised her motion to approve Resolution 16-91. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:**

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

The Mayor closed the Public Hearing at 4:42 P.M.

13 ITEM NO. 13 CITY SPOKESPERSON-DISCUSSION. Councilman Reichard suggested now was the time for a City Spokesperson, a Public Information Officer, to hand out information more efficiently. He had discussed this matter with the City Manager to consider sharing someone with other jurisdictions. He said this person would keep the media and citizens informed. Since the budget process is now ongoing, it seemed time to go forward with having someone who could disperse information efficiently and frequently. He asked for Council comments as this type of person would be able to prevent a lot of the misinformation going out to the public.

Mayor Thomas agreed and said this was one issue he had also discussed with Mr. Gisbert. He said the City did not combat misinformation or do anything to sell the City in a positive light. He said the meetings and discussions appeared unorganized and uninformed because the Council could not discuss items outside of the sunshine. He said when the County hired a Public Information Officer, it made a huge difference in the way the news was presented, and changed many concepts held about the County Commission. When the media wanted an article, they would call Ms. Sale and she would find out the information in order for the Commissioner to give correct facts. He said the PIO also gave out good stories to the media in order to sell the community and County. The Mayor said he had also spoken with Mr. Rowe, about sharing Mr. Demarest for a while. He said Mr. Demarest understood the news as he had worked at the News Herald previously.

Councilman Solis mentioned collateral duties and that there may be talented people already on staff who could assume the additional duties. He said he did not think the City had the budget for a full-time PIO and said it was a good idea. Councilwoman Strange said it was a good idea. Mayor Thomas asked if Staff should be directed to bring back recommendations during the budget process and there were no objections.

FLOOR ITEMS

Mr. Bobby Seay, 611 Poinsettia Court. He distributed photos of businesses operating on the Scenic Corridor with litter issues, particularly the Alvin's Island warehouse. He spoke of the homeless people and trash. He recommended holding the businesses responsible for keeping their property clean.

Mr. Tim Sowell, 611 Poinsettia Drive. Mr. Sowell said he lived across the street from the Alvin's Island eyesore. He said the back of the building had a garage door partially open, with people living there and a vacant lot next door with human traffic going into the woods.

Mr. Jacob Lassiter said he paid City taxes and his opinion was legitimate. He stated he would not supply his address.

14 ADD-ON **RESOLUTION 16-92, WHITE'S TOWING SERVICES AGREEMENT.** Ms. Myers read Resolution 16-92 by title and explained that the County recently advertised for year-round towing with specifically the City contemplated in joining the contract once awarded. She said White's had been the City's towing service during Spring Break. This would expand the scope to year-round. In reply to Councilwoman Strange, Ms. Myers explained this would not be for accidents as the Police Department already had a rotation for that. This would be specifically for cars parked illegally in the right-of-way or scooters operated illegally. White's would be called to respond within twenty minutes to remove that vehicle from the road.

Councilman Chester asked if White's had the property to store the vehicles after they were towed. Mr. Gisbert said yes, as the arrangement with White's was that the property had to be on the island. Councilman Chester said he had received calls that cars had been parked in church parking lots and different places. He said that cannot occur. Mr. Gisbert said the contract was for White's Wrecker to use their lot on Front Beach Road. Chief Whitman explained that cars were towed to the church parking lot on Cobb Road because they staged the cars there, to then be transported to the impound lot by the big wrecker. **Councilwoman Strange made the motion to approve Resolution 16-92. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

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

15 ITEM NO. 14 **CITY ATTORNEY UPDATE.** Ms. Myers said the City adopted its first Nuisance Assessment Roll in September, for one property the demolition of the old Beach Club Motel. That assessment for One Hundred Seventeen Thousand, Twenty-Nine Dollars and Seventy-Eight Cents (\$117,029.78) was paid. Mr. Gisbert said these funds would reimburse the CRA Fund for the demolition expenditures. Councilman Reichard asked about the penalties and Ms. Myers said they were still outstanding to her knowledge. She said the penalties were liens on the property but the nuisance abatement costs were placed on the tax roll and paid when they paid the property taxes in April. Councilman Reichard said the City would have to wait until the property was sold to recoup the penalties. Ms. Myers said it had not been the City's custom or practice to foreclose on Code Enforcement liens, and it would not trump the bank's mortgage.

16 ITEM NO. 15 **CITY MANAGER UPDATE.** Mr. Gisbert said there were several bids posted on the City website and he elaborated. He said there would be a TPO Workshop in the City Council Chambers on June 27th beginning at 5:30 P.M. and invited everyone. Flyers were on the table. He added that the Summer Concert Series concert was tonight at 7 P.M. at Aaron Bessant Park.

Mr. Gisbert said private property owners were duty bound to maintain their own property, and it would not be the City's duty to clean behind or in front of a hotel or residence or business. This would include the Alvin's island warehouse, and Code Enforcement was focusing on these issues. For the future big weekends for the remaining season, it will take the property owner to clean their property, removing the abandoned tents, the litter, the trash. Mr. Gisbert said the City did not have sufficient Staff to clean the City.

Regarding the City Hall discussion, Mr. Gisbert said some work was done in 2008 to prepare a program for the City Campus. The program at that time said City Hall needed 11,400 square feet. However, this information is dated so he added 10% and would suggest that square footage to use to prepare a budget. Including the site work, he would estimate a budget of 3.5 Million Dollars. He identified the area where the new building would be located. Mr. Gisbert said he had already contacted a local real estate agent with good opportunities for a new tax collector office. He said the new building could be built within fourteen to sixteen months if Council directs Staff to move forward. The first expenditure would be approximately Twenty Thousand Dollars for studies to get the ball rolling, and then return with more information.

Councilwoman Strange asked about the new Fire Station. Mr. Gisbert said he had spoken with Chief Daly about a location, and said with the City in process of revisiting the Impact Fees, the study may advise that more Firefighters were needed. If the existing facilities were rebuilt, there would not be room for additional Firefighters. The solution may be a new location and there may be better properties, more central to the City. Councilwoman Strange said she thought a new Fire Station was more important. Chief Daly said the Department had outgrown the building and after talking with Mr. Gisbert, a plan has been drafted but money would be the issue. He said it would be important in finishing the new study and pinpointing the needs.

Councilman Reichard asked Mr. Leonard if he could estimate what Impact Fees would be collected next year. Mr. Leonard replied it should be similar to this year and he did not foresee any spikes to the Fees. Regarding total Impact Fees, that would be a question for Ms. White.

Councilwoman Strange said she would prefer to see the Impact Fee Study for the Fire Station. Mayor Thomas said he had spoken with Chief Daly and Deputy Chief Couch and they both preferred to wait as there were a few things they were putting together now. They both thought it was needed and wanted, but they were trying to set up a plan. The Mayor said he would prefer to finish this corner and then see what the Fire Chief wanted to do. He said he wanted to move forward.

Councilman Solis said he would like first to identify the sources of revenue and create a priority list. He said the Back Back Beach Road was paramount to help cut down the traffic and congestion. He said if discussion started on that issue, there may be other transportation entities to bring money into the project. He had also spoken with people in the transportation industries, and they were looking at the matter hard.

The Mayor asked if Staff should bring back projections of what could and could not be done, and there were no objections.

17 ITEM NO. 16 **COUNCIL UPDATES.** Councilman Chester said he loved the 9 A.M. meeting. Mayor Thomas concurred. Councilman Chester suggested at least one of the two regular meetings be held at 9 A.M. Councilman Solis said there were many people that worked during the day and it was difficult to take off work at attend a meeting. He said it was important for the people to be able to voice an opinion and not worry about losing pay. Mayor Thomas said these were business meetings, and part of business meetings for the last eleven years at the County. Years ago, the City had Council meetings in the day. The Mayor said he believed the meetings worked more efficiently during the day.

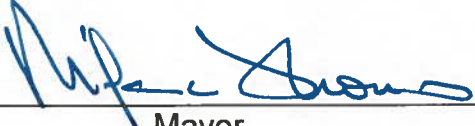
Mayor Thomas said several comments had been made about Code Enforcement, and he agreed about the trash and that the City did a horrible job about addressing the problems. He said he would recommend moving enforcement to the Police Department as only two Code Enforcement Officers were not able to handle the job. He said the Police could identify simple things and help the City to get caught up on the Code Enforcement problems.

With nothing further, the meeting was adjourned at 5:15 P.M.

Regular Meeting
June 23, 2016

READ AND APPROVED this 14th of July, 2016.

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

SMITHWORTH
2016