

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 January 12, 2017.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:
JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER
HECTOR SOLIS

CITY MANAGER:
MARIO GISBERT
CITY CLERK:
DIANE FOWLER
ACTING CITY ATTORNEY:
KEVIN OBOS

Mayor Thomas called the Regular Meeting to order at 6:00 P.M. with all Council members, City Manager, City Clerk and Acting City Attorney present.

Pastor Rick Young of the Woodstock Church gave the invocation and Councilwoman Strange led the Pledge of Allegiance.

Mayor Thomas asked if there were any additions or deletions to the Agenda. Ms. Fowler said Consent Item 3, **Resolution 17-34, Bid Award- Soil Conditioning Chemicals**, and Consent Item 5, **Resolution 17-41, Risk Management Services Professional Services Agreement for Parks Events**, should be moved to the Regular Agenda due to minor changes to the Resolutions and those copies had been distributed. She continued that Regular Item 6, **Resolution 17-39, Use of Half Cent Sales Tax and Citizens Oversight Committee**, had a title change and those copies had also been distributed. There were no other changes **Councilman Solis made the motion to approve the Amended Agenda. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

PRESENTATIONS

1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD PRESENTATION. Councilwoman Strange introduced Ms. Nicole Lara-Cruz and presented her with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. She then congratulated Nicole. Mr. J. C. Swab presented Nicole with a gift card donated by a local business. The audience responded with applause.

2 "ARBOR DAY" PROCLAMATION & PRESENTATION CONCERNING LONGLEAF SEEDLING PLANTING JANUARY 14, 2017. Councilwoman Strange presented Mr. Dale Colby, Parks Resource Officer, with the Proclamation designating January 14, 2017 as "Arbor Day". Mr. Colby said this celebrated Florida Arbor Day and was part of the Tree City program. This was our second year as being a Tree City and he gave a short presentation for the six years of planting new longleaf pine seedlings at the Conservation Park, now totaling over 12,000 seedlings. This Saturday, an additional 2,000 longleaf pine seedlings will be planted by volunteers at the Conservation Park. Mr. Colby said this Spring, the gopher tortoise habitat would be expanded and a new habitat established for native bobwhite quail. Mr. Gisbert added that one of the Consent Items on the Agenda involved expanding the trails, closing the loop, a good thing for the Park. The audience responded with applause.

PUBLIC COMMENTS (Consent and Regular Items only)

1 Mr. Stanley Ziegler, 402 Burnham Avenue. Mr. Ziegler commented about expanded the Clean City Act to include vacant lots. He said in Gulf Highlands, the undeveloped lots were a nuisance. He elaborated and gave suggestions.

2 Lt. Col Neal Morgan, 17721 Front Beach Road. Mr. Morgan commented about the communication cables, suggested safety first and mentioned priority of repair. He also recommended developing a procedure for maintenance and suggested penalties for the non-removal of cables. He also suggested recycling the removed wire.

Mayor Thomas entered an email with photos concerning unsightly cables and Ordinance 1394 into the record from Mr. Tom Klomps.

3 Mr. Burnie Thompson, 8317 Front Beach Road. Mr. Thompson distributed a copy of Resolution 14-61 to each Council member and for the record, which concerned time limits. He questioned if votes were valid if the Resolution was not followed.

4 Mr. Frank Sewell, 435 Hidden Island Drive. Mr. Sewell questioned with such a lengthy Agenda if the public was allowed to speak as outlined under Resolution 14-61.

There were no further public comments. Mayor Thomas asked Mr. Leonard if the City could force an undeveloped lot to be cleaned and Mr. Leonard responded no. However, Code Enforcement could address any vegetation growing over onto another lot. Mr. Ziegler had further questions from the audience and the Mayor offered to meet with him afterwards to discuss the process.

Regarding public comments and how the meetings were being conducted, the Mayor said he had been advised by counsel that this manner was legal. Councilman Solis said he had also spoken with Ms. Myers who stated that as long as Regular and Consent Items were allowed to be discussed, it would meet the Resolution and Public Hearings. He continued that regarding cleaning of lots, there would be further discussion in today's meeting and he would be happy to also meet with Mr. Ziegler after the meeting.

CONSENT AGENDA

1 RESOLUTION 17-23, BID AWARD- FRANK BROWN PARK CONCESSIONS AGREEMENT. *"A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Coastal Parasail for the Frank Brown Park Concessions in the amount of \$65,700; authorizing execution and providing an immediately effective date."*

2* RESOLUTION 17-31, CRA FRONT BEACH ROAD FINANCIAL MODEL ENGAGEMENT LETTER. *"A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Public Financial Management, Inc., in an amount not to exceed \$30,000 for development of a financial model for the Front Beach Road CRA projects."*

3 RESOLUTION 17-34, BID AWARD- SOIL CONDITIONING CHEMICALS.
Moved to Regular Agenda.

4 RESOLUTION 17-38, CONSTITUTION REVISION COMMISSION SUPPORT. *"A Resolution of the City of Panama City Beach, Florida, urging the appointment of municipal officials to the 2017-2018 Constitution Revision Commission; supporting the protection of municipal home rule; supporting the positions of the Florida League of Cities, Inc.; supporting the appointment of Florida League of Cities President, Boca Raton Mayor Susan Haynie; providing an effective date."*

5 RESOLUTION 17-41, RISK MANAGEMENT SERVICES PROFESSIONAL SERVICES AGREEMENT FOR PARK EVENTS. **Moved to Regular Agenda**

6 RESOLUTION 17-42, STORMWATER FIRMS RFQ RANKING. *"A Resolution of the City of Panama City Beach, Florida, authorizing the City to negotiate a Professional Services Agreement for the engineering services related to the City's Stormwater systems and facilities; and providing an immediately effective date."*

7 RESOLUTION 17-43, BID AWARD- CONSERVATION PARK TRAIL STABILIZATION 2017 PROJECT. *"A Resolution of the City of Panama City Beach, approving an Agreement with Gulf Coast Utility Contractors, LLC, in an amount not to exceed \$225,000 for the construction of the Conservation Park Trail Stabilization 2017 Project."*

8 RESOLUTION 17-44, PCB FIRE/RESCUE MUTUAL AID AGREEMENT WITH NSA PC. "BE IT RESOLVED that the appropriate Officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and NSA PC, relating to the provision of emergency fire services, in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City manager and whose execution shall be conclusive evidence of such approval."

9 RESOLUTION 17-46, GULF POWER LIGHTING AGREEMENT FOR COLONY CLUB-NAUTILUS CONNECTION PROJECT. "BE IT RESOLVED that the appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and Gulf Power Company, relating to the installation of street light poles and the associated equipment for the Colony Club-Nautilus Connection project, in the basic amount of \$37,375, in substantially the form attached and presented to the Council today, draft dated December 13, 2016, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive of such approval. "

10 RESOLUTION 17-47, IRONMAN GULF COAST 70.3 TRIATHLON ROAD CLOSURES. "A Resolution of the City of Panama City Beach, Florida, related to the "Ironman Gulf Coast 70.3"; authorizing temporary closure of portions of Middle Beach Road and Richard Jackson Blvd. on Saturday, May 13, 2017; authorizing careful traffic control and extraordinary usage of portions of Front Beach Road and SR 79 on May 13, 2017, for the Event; and providing an immediately effective date."

Ms. Fowler read each item on the Amended Consent Agenda by title. She also identified Item 2, **Resolution 17-31**, as a CRA Item in which the Council was also acting as the City of Panama City Beach Community Redevelopment Agency, jointly and concurrently. **Councilwoman Strange made the motion to approve the Amended Consent Agenda. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

REGULAR AGENDA

ITEM 1 RESOLUTION 17-34, BID AWARD- SOIL CONDITIONING CHEMICALS. Ms. Fowler confirmed the minor change in the Resolution was that the chemicals were for Frank Brown Park, not the Aquatic Center. Mayor Thomas read Resolution 17-34 by the amended title. **Councilman Solis made the motion to approve Resolution 17-34. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 2 RESOLUTION 17-41, RISK MANAGEMENT SERVICES PROFESSIONAL SERVICES AGREEMENT FOR PARK EVENTS. Mr. Obos said some of the language in the Agreement had been changed after the Agenda Packet was published. He then read Resolution 17-41 by title. **Councilman Solis made the motion to approve Resolution 17-41. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 3 ORDINANCE 1399, AMENDING ORDINANCE 1388 EXTENDING LOW SPEED VEHICLE MORATORIUM, 2ND READING, PUBLIC HEARING AND ADOPTION. Mr. Obos read Ordinance 1399 by title. Mayor Thomas opened the Public Hearing at 6:29 P.M. Hearing no comments, he closed the Public Hearing at 6:30 P.M. **Councilman Solis made the motion to approve Ordinance 1399. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 4 ORDINANCE 1400, MARIJUANA DISPENSING FACILITIES MORATORIUM, 2ND READING, PUBLIC HEARING AND ADOPTION. Mr. Obos read Ordinance 1400 by title. Mayor Thomas opened the Public Hearing at 6:30 P.M. With no comments, the Public Hearing was closed at 6:31 P.M. Councilman Solis said the public should know that the City could move quicker than the June 1st deadline if clear guidance was received from the State. Councilman Reichard said this also would not prohibit anyone from receiving medical attention per State laws. **Councilwoman Strange made the motion to approve Ordinance 1400. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 5 ORDINANCE 1401, ESTABLISHING FORECLOSURE REGISTRATION PROGRAM, 2ND READING, PUBLIC HEARING AND ADOPTION. Mr. Obos read Ordinance 1401 by title. Mayor Thomas opened the Public Hearing at 6:31 P.M. Hearing no comments, the Public Hearing was closed at 6:32 P.M. **Councilman Solis made the motion to approve Ordinance 1401. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 6 ORDINANCE 1402, AMENDING CHAPTER 15 FOR CARPORT REGULATIONS, 2ND READING, PUBLIC HEARING AND ADOPTION. Mr. Obos read Ordinance 1402 by title. Mayor Thomas opened the Public Hearing at 6:32 P.M.

Mr. Burnie Thompson, 8317 Front Beach Road. Mr. Thompson asked if the Mayor had personally directed Code Enforcement to drive through his neighborhood to look for Code Enforcement issues. He asked the other Council members if it would be illegal for the Mayor to directly ask Code Enforcement to inspect his neighborhood for violations.

There were no further audience comments. Councilman Reichard said this Ordinance did not address a location looking trashy or aesthetically unpleasing. Councilman Chester said this Ordinance also addressed the grass height which might assist Mr. Ziegler with his problems.

Councilman Solis said vacant lots could not exceed 18" and Mr. Leonard replied that undergrowth could be addressed, but not clearcutting or removing trees. Mr. Ziegler made comments from the audience. Mr. Leonard said he noted the lot mentioned by Mr. Ziegler and would have Code Enforcement to see what could be addressed. Councilman Reichard asked if the 18" was currently in the Ordinances and Mr. Leonard replied affirmatively. Mr. Gisbert said the City would not go into gated neighborhoods as they had stricter rules and an HOA.

Councilman Reichard was concerned as he did not see this language addressing the trash or boxes stacked in the carport. Mr. Gisbert said this would be a tool for Code Enforcement and if more refinement was needed, Staff would come back. Mayor Thomas reminded that this addressed open carports the public could see, not enclosed

property. The complaints received had been that open spaces had increased over the years and were harming nearby property values and/or housing rodents. Councilman Reichard said this did not address aesthetics. Mr. Leonard said Item #3, causing diminishing surrounding property values, and #5, harboring rats and snakes, which might address those concerns.

Mr. David Kelly, Southport resident, said that he felt this involved private property and the public would not be endangered by his property unless they came onto his property. He said that was trespassing. He also made statements about being poor and not able to afford garbage service. He suggested Code Enforcement see a problem and instead stop and ask how the owner could be helped rather than issuing a fine.

Mr. Frank Sewell, 435 Hidden Island Drive, said he agreed with Mr. Kelly that some folks needed help and suggested Sheriff Department Trustees help these homeowners instead of issuing fines. He also questioned if Code Enforcement would be looking over fences into backyards.

With no further audience comments, the Public Hearing was closed at 6:47 P.M. Councilwoman Strange asked Mr. Leonard if Code Enforcement only looked into a backyard if a neighbor complained and he replied affirmatively. Mayor Thomas addressed Mr. Thompson's question and said he had not personally directed the Code Enforcement Officers to his knowledge. He said he had spoken with Mr. Leonard and the Code Enforcement Officers had been present at the time.

Councilman Chester asked Mr. Leonard about grass height and if the City did not automatically fine a homeowner but rather gave a notice of violations first. Mr. Leonard concurred and said the notice would first be given by a door hanger and a letter. The fines would only be the last resort. With nothing further, **Councilman Solis made the motion to approve Ordinance 1402. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 7 SANDS STREET RESIDENTIAL PLAT APPROVAL, PUBLIC HEARING.

Mr. Obos explained the Quasi-Judicial procedure and asked the Council members for their Jennings Disclosures. Mayor Thomas Opened the Public Hearing at 6:49 P.M. Mayor Thomas was familiar with the property and spoke with no one. Councilwoman Strange said she knew the property location and had spoken with no one. Councilman Solis knew the property location and prior to this meeting spoke with Mr. Leonard. Councilman Chester said he knew the property location and spoke with no one. Councilman Reichard said the same.

Everyone who planned to testify was sworn. Ms. Kelly Jenkins confirmed that the Hearing was properly noticed, the subdivision complied with the City's subdivision regulations, and some of the improvements would be dedicated to the City and the City had the sufficient resources to accept and maintain those items. The Engineering plans and specs were reviewed by staff and found to be technically sound. The site was inspected and a majority of the improvements had been made. She continued that there were a couple of minor outstanding issues, and with Council's approval, she would withhold her signature on the plat until those were resolved.

Mr. Leonard testified that the proposed plat was consistent with the Comp Plan and complied with the LDC.

Mr. Obos said the face of the plat contained the title certificate and surveyors certificate and satisfied the requirements of Chapter 177. He asked if there were any questions.

Mayor Thomas asked for public comments. There were none so he closed the Public Hearing at 6:54 P.M. **Councilwoman Strange made the motion to approve the plat contingent upon the City Engineer's approval. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

At this juncture, Mayor Thomas introduced Mr. Kevin Obos, an attorney from Harrison Sale, who would be handling the City affairs while Ms. Myers was on maternity leave.

ITEM 8 RESOLUTION 17-39, USE OF HALF CENT SALES TAX AND CITIZEN OVERSIGHT COMMITTEE. Mr. Obos read Resolution 17-39 by title. Councilman Solis said this Resolution confirmed the intent of the use of the Half Cent Sales Tax. With no further questions or comments, **Councilman Solis made the motion to approve Resolution 17-39. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 9 PLANNING BOARD APPOINTMENTS. Mayor Thomas said seven applicants applied for the three vacancies and Councilman Solis suggested that each Council member mark their three choices on the ballot and Ms. Fowler would compile the totals and announce the winners. There were no objections. Ms. Fowler read that Mr. Paul Turner, Mr. Mark Sheldon, and Mr. Josh Wakstein received the most votes. **Councilwoman Strange made the motion to approve the Planning Board appointments. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

Copies of the signed ballots are attached to and become an official part of these Minutes.

ITEM 10 ANNUAL PLANNING BOARD CHAIR APPOINTMENT. Councilman Reichard said he had spoken with the current Chair Ed Benjamin who said he would be interested in being reappointed as Chair. Councilwoman Strange said she had no objections. **Councilwoman Strange made the motion to appoint Ed Benjamin as Chair. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 11 ORDINANCE 1394, MAINTENANCE OF COMMUNICATION CABLES IN RIGHT-OF-WAY, 1ST READING. Mr. Obos read Ordinance 1394 by title. Councilwoman Strange said she had these problems in her neighborhood and Councilman Chester agreed for his neighborhood. Mayor Thomas said the neighborhoods had complained and that he thought they should be the starting locations. He said he hoped a change could be that with new construction or improvements over 50%, the utilities must be undergrounded from the pole to the house. Councilman Reichard said regarding Colonel Morgan's concerns, this would require each Utility to remove their own wires but then he questioned how to know who to contact. Mr. Gisbert said Gulf Power had each pole marked and they could address what utility was on that specific pole.

Councilwoman Strange reported a leaning pole in her neighborhood, but when she called Gulf Power, they said it belonged to AT&T. Mayor Thomas said every other pole belonged to AT&T. He said he had spoken with WOW concerning burying the cables and how much better it looked aesthetically. He continued that Gulf Power had been very helpful, working on some of the poles and reported that he had not heard from AT&T nor Comcast.

Councilman Reichard commented that some homeowners got together on 30A to bury their cables and were told that it was substantially more expensive to bury the cables as opposed to above ground. Councilwoman Strange said it worked better when a storm occurred.

Councilman Solis thanked Mr. Klomps for sending pictures of problem poles to the Council and he addressed one question about unsightly existing cables. Mr. Gisbert said the Ordinance would address the whole issue of existing cables as well as abandoned poles left standing when a new pole was installed and would require abandoned poles to be removed. He said it would take time for four different providers to address one pole.

Mayor Thomas asked Mr. Obos about penalties for those companies who did not follow the Ordinance. Mr. Obos said the City could notify the Utility and if they did not comply, the City could take action and charge back to the Company.

Mayor Thomas said he had addressed this matter years ago and Gulf Power had explained that the main lines on the poles were needed for street lights and had displayed photos showing how well it looked without the crossover lines. They also stated it was quicker and easier to fix above ground if a problem occurred. He asked the other Council members if this was a good starting place, and Councilwoman Strange and Councilman Chester agreed. **Councilman Reichard made the motion to approve Ordinance 1394. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 12 ORDINANCE 1405, AMENDING LDC REGARDING PARKING IN FBO-1 DISTRICT, DISCUSSION. Mr. Leonard explained this issue concerned areas where transient rentals were occurring and that the parking demand was more of a commercial use rather than a single-family use. He and Ms. Myers had been working on options which would increase the requirement over those for single-family or multi-family which was 1.5 or 2 per house. He said this also concerned what areas would be regulated and maps of the various FBO-1 Districts were in the Agenda Packet. Mr. Leonard said this would basically require more parking for houses and dwellings in those areas conducive to transient rentals which needed more parking. If the Council wanted to move forward, it would go to the Planning Board for consideration and then return with a recommendation to the Council.

Councilman Reichard said most of the lots along Front Beach Road were 45' to 75' wide which would limit how much parking was available. He mentioned Oleander where an older home was removed and replaced by a larger home, and what could be built toward the sandy beach. Mr. Leonard explained FDEP would set the rear setback, lining up with the neighbors to not block the view. Ms. Hatcher from the audience responded that lots on that street were 50' wide. Mr. Leonard said on a smaller lot, the house could be elevated to gain the extra parking beneath the home. He elaborated. Councilman Solis said the condo regulations were 1.5 parking spaces per condo so he did not see this change as out of the ordinary and preferred the 1.5 per thousand. **Councilman Solis made the motion to move Ordinance 1405 forward to the Planning Board to consider before bringing back to the Council for the First Reading. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:**

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

Mayor Thomas explained that this was not adopted but rather a pending Ordinance which will be sent to the Planning Board for their consideration and recommendation. Ms. Hatcher asked when she could speak to this item and the Mayor said she would be able to speak at the Planning Board meeting.

ITEM 13 RESOLUTION 17-37, EDWARD BYRNE MEMORIAL JAG AWARD AND BUDGET AMENDMENT #10 REGARDING PURCHASE POLICE RADIOS. Mr. Obos read Resolution 17-37 by title. The Mayor asked for comments from the Council and there were none. **Councilwoman Strange made the motion to approve Resolution 17-37. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 14 RESOLUTION 17-40, 2017 PCB MARDI GRAS & MUSIC FESTIVAL BOURBON STREET PARTY & ROAD CLOSURES. Mr. Obos read Resolution 17-40 by title. Councilman Reichard said the TDC was the sponsor of this event and would be able to supply 584 safety barriers along the parade route. The Mayor asked if there were any questions or additional comments; there were none. **Councilman Reichard made the motion to approve Resolution 17-40. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 15 ORDINANCE 1406, AMENDING LDC REGARDING PERMANENT BUILDINGS, DISCUSSION. Mr. Leonard said this Ordinance would strengthen the City's regulations on temporary buildings to prevent a temporary building from being retrofitted to become permanent. He explained that the tongue or wheels on the temporary building could not be removed to make it permanent. He said if the Council approved, it would be sent to the Planning Board for their consideration and recommendation.

Councilman Reichard asked about the existing buildings in which this had occurred in the past and if they would be grandfathered. Mr. Leonard said yes. He elaborated and gave the example of someone bringing in a food trailer and altering it to become permanent. Councilman Reichard asked if a structure within Reids Trailer Resort went away, would the owner be able to install a new trailer. Mr. Leonard replied affirmatively because the land use was for the entire property. With no further questions, **Councilman Solis made the motion to move Ordinance 1406 forward to the Planning Board to consider before bringing back to the Council for the First Reading. Second was by Councilman Chester.** Councilman Reichard asked Mr. Leonard if this would primarily address modular homes. Mr. Leonard said this would address temporary portable commercial structures. He mentioned Florida law superseding local ordinances where modular homes could be placed. **The motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 16 APPROVAL OF PERMANENT PART-TIME INFORMATION TECHNOLOGY SPECIALIST JOB DESCRIPTION. Ms. Fowler explained the City currently contracted the City's IT services and with the new building and additional projects, our current IT person needed assistance. Mr. Gisbert said this position had the potential of growing into a full-time position. Councilwoman Strange asked if Mr. law was full-time with the City and Mr. Gisbert replied no, he was full-time with CRI and strictly contract. **Councilman Reichard made the motion to approve the job description. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 17 RESOLUTION 17-45, BUDGET AMENDMENT #11 FOR PROPERTY INSURANCE ADDITIONS. Mr. Obos read Resolution 17-45 by title. Mr. Gisbert explained that Staff had been doing an extensive research into the property insurance for all the City's facilities, over One Hundred Million Dollars of assets. Ms. Fowler researched

researched the coverage, met with the supervisors to determine what should be insured. These were mainly for utilities and more may be brought to Council at a future date. Councilman Chester said these were not equipment and Mr. Gisbert said some of these were large pieces of equipment that looked like buildings. Councilman Reichard asked if these numbers were based on the depreciated value of the assets. Mr. Gisbert said the Asset Manager from the Florida League of Cities assigned values. Discussion ensued. Mr. Shortt explained that these were the current replacement values for the utility assets. With nothing further, **Councilwoman Strange made the motion to approve Resolution 17-45. Second was by Councilman Solis.** Councilman Reichard asked what was the total premium for the property insurance. Mr. Gisbert said the City paid over Seven Hundred Thousand Dollars but that amount also covered vehicles and other liabilities. Ms. Fowler added that the premium also included Workers Comp Insurance. **The motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 18 PUBLIC COMMENTS (Limited to Three Minutes).

1 Mr. Clant Seay, representative for Citizens Campaign Against Big Lick Animal Cruelty. He distributed information for the record and to each Council member. He said he represented over 200,000 people who were active in this movement. He questioned if the horse show would be allowed in Frank Brown Park this year. He continued that Twenty-Five Thousand Dollars (\$25,000) had not been paid by the TDC as no bill had been received. He spoke of physical threats of violence during last year's show. He said the Secretary of Agriculture in late July 2016 issued a federal regulation prohibiting the pads and chains on the walking horses. Mr. Seay said the law was sitting now on final approval. He urged the City not to allow the horse show to appear at Frank Brown Park this year. He asked Mr. Gisbert if the contract had been signed for this year and said he would speak with him after the meeting.

2 Mr. John Latham, 8727 Thomas Drive. Mr. Latham said the courts ruled against the City in the Low Speed Vehicles so the City needed to respect that ruling. Regarding medical marijuana, the voters overwhelmingly supported the dispensaries and the municipalities should follow the State law. For carports and foreclosure registration, it was unconstitutional to allow government agents onto private property with court orders. He spoke of the P25 radio system in Resolution 17-37 which was meant more for an urban area and was a ridiculous expenditure.

3 Lt. Col. Neal Morgan, 17721 Front Beach Road. Mr. Morgan said nothing will be remove from the poles unless the City had a coordinated plan of attack. He explained that the power company would not pay for undergrounding the cables, that would be the property owners. He requested that the utility companies meet with the City and if a no show, fine them per pole.

4 Mr. Burnie Thompson, 8317 Front Beach Road. He referenced Resolution 14-61 again regarding public comments. He mentioned prohibiting an audience member's right to address her government was a violation of her First Amendment rights. He also spoke to the other Councilors that this Resolution was not being followed. Mr. Thompson submitted a photo of cars parked in the ROW at Mike's Diner into the record. He asked all Council members to hold each other accountable.

5 Mr. David Kelly, Southport. Mr. Kelly said he was concerned with a citizen having pertinent information on a subject being discussed by the Council but not allowed to speak. He said the Council members were elected to be the people's representatives, not the leaders.

There were no further public comments. Councilman Reichard commented that in the evolution of the beach and Front Beach Road, if the current rules were applied to all the businesses, about half would be put out of business. He said if Mr. Thompson went down Front Beach Road looking at the older businesses, he would see how many had

been built at the edge of the ROW. He continued that as the CRA went down Front Beach Road, this would correct some of the situations. These issues will self-correct over time.

ITEM 19 ATTORNEY REPORT. Mr. Obos said he was happy to be here in Ms. Myers place during her maternity leave.

ITEM 20 CITY MANAGER REPORT. Mr. Gisbert commended Ms. Myers as she worked until yesterday and he asked her to go home. She worked to make this transfer as seamless as possible, producing a list of every project she was working on and its status. He announced the job postings and Bid Notices posted on the website. He also mentioned next week, an RFP would be issued for a system which would allow the City to monitor the vehicles for maintenance, speed, etc. He said these would be installed on all vehicles, not any particular Department. He elaborated on its uses. Mr. Gisbert said Staff was also studying the vehicles which were taken home by employees, continuing to allow the police vehicles to go home. Mr. Gisbert said plans were to reduce the number of vehicles taken home unless they were being used sufficiently for the on-call basis. This would assist with maintenance costs and fuel costs. Both should come to Council soon.

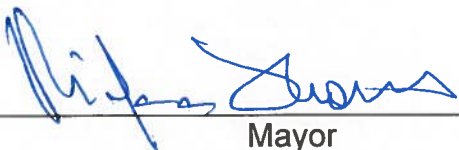
ITEM 21 COUNCIL COMMENTS. Councilman Solis said in driving around the City sometimes people do construction work without the proper permits and he resorts to calling the City manager to research what has been pulled with the Building Department. He asked the Department Heads as they go out and about to let the Departments know about any issues which need to be fixed, especially safety issues.

Councilwoman Strange had no comments. Councilman Chester asked which Department would be charged in taking care of the power poles. Mr. Gisbert said Code Enforcement would deal with those pertaining to Ordinance 1394. He mentioned about sharing knowledge from the various Departments as the City only had two Code Enforcement Officers. It would be a team effort. Mayor Thomas said there had been a life safety matter occurring for months and the City Manager only advised last week. Councilman Reichard had no comments. Mayor Thomas said insinuations that people could not speak at Council meetings was grossly inaccurate. Most of the comments made today were from people who did not live within the corporate City limits. He said other communities did not allow such comments if the speaker did not live in the City. He said the Council allowed those comments and valued the opinions given. He said the Council members listen to the comments but that did not mean that the Council agreed with the speaker. He said the Council follows the structured Agenda and there were opportunities for everyone to speak tonight. Mr. Seay was allowed additional time because he only appears once or twice and the Council members wanted to hear his comments. Mayor Thomas said there was nothing illegal and the Council had listened to the attorneys.

With nothing further, the meeting was adjourned at 8:08 P.M.

READ AND APPROVED this 26th of January, 2017.

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

BALLOT

Council selection for Planning Board members, filling three seats. Term will run through September, 2020.

TERRY COLE
DAVID SCRUGGS
DARRELL SELLERS
MARK SHELDON
PAUL TURNER
TONY VIEJO
JOSH WAKSTEIN

Choice per seat:

[Signature]
Signature 1/12/17

[Handwritten mark]

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