

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 October 12, 2017.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:
JOHN REICHARD
JOSIE STRANGE
PHIL CHESTER
HECTOR SOLIS

CITY MANAGER:
MARIO GISBERT
DEPUTY CITY CLERK:
JO SMITH
CITY ATTORNEY:
AMY MYERS

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

Pastor John Woodrow of the Gulfview United Methodist Church gave the invocation and Councilman Solis led the Pledge of Allegiance.

The Mayor announced the upcoming Community Events. Councilwoman Strange announced the Barktoberfest at Hook'd on October 21, 2017.

The Minutes of the Regular Meeting of September 28, 2017 were read and approved as written per motion by Councilwoman Strange. 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 |

Mayor Thomas asked if there were any additions or deletions to the Agenda. There were none. Councilwoman Strange made the motion to approve the Agenda as written. Second was by Councilman Solis 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 |

PRESENTATIONS

1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD. Councilman Solis introduced Mr. Keaton Contreras and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. He then congratulated Keaton and presented him with a bag from the Council. The audience responded with applause.

PUBLIC COMMENTS (Consent and Regular Items only)

The Mayor opened the Public Comments portion of the meeting and reminded that the speakers were limited to three minutes on non-Public Hearing items. There were none. He closed the Public Comments portion of the meeting.

CONSENT AGENDA

Ms. Smith read the Consent Agenda items by title.

1 RESOLUTION 18-01, "BREW 'N' BOO FESTIVAL" ROAD CLOSURES. "A Resolution of the City of Panama City Beach, Florida, related to the "Brew 'N' Boo Festival"; authorizing road closures on portions of Pier Park Drive between L.C.Hilton Drive and Longboard Way, and of Sea Monkey Way on Saturday, October 28, 2017 for the Event."

2 RESOLUTION 18-02, "SHRIMP AND OYSTER FESTIVAL" ROAD CLOSURES. "A Resolution of the City of Panama City Beach, Florida, related to the "Shrimp and Oyster Festival"; authorizing road closures on portions of Pier Park Drive between Sea Monkey Way and Longboard Way on Saturday, November 11, 2017 for the Event."

3 RESOLUTION 18-03, "MALL O WEEN" ROAD CLOSURES. "A Resolution of the City of Panama City Beach, Florida, related to "Mall O Ween"; authorizing road closures on portions of Sea Monkey Way, Longboard Way, and Pier Park Drive between L.C.Hilton Drive and Front Beach Road on Tuesday, October 31, 2017 for the Event."

4 RESOLUTION 18-04, NEW YEAR'S EVE STREET PARTY, BALL DROP AND ROAD CLOSURES. "A Resolution of the City of Panama City Beach related to the New Year's Eve Street Party event; authorizing various road closures within Pier Park on December 29, 30 and 31, 2017 for the event's street party and ball drop; and providing an immediately effective date."

5 RESOLUTION 18-06, J.R.ARNOLD HIGH SCHOOL HOMECOMING PARADE. "A Resolution of the City of Panama City Beach authorizing the temporary closure of certain sections of North Alf Coleman Road, Market Street and North Richard Jackson Boulevard to permit the J. R. Arnold High School Homecoming Parade on October 26,2017."

Councilwoman Strange made the motion to approve the Consent Agenda. Second was by Councilman Solis 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- DISCUSSION/ACTION

ITEM 1 ORDINANCE 1419, POLICE OFFICERS PENSION PLAN AMENDMENT REGARDING BENEFIT IMPROVEMENTS, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1419 by title. The Mayor asked if there were any questions from the Council; there were none. He opened the Public Hearing at 6:10 P.M. and asked if any questions or comments from the audience; there were none. He closed the Public Hearing at 6:10 P.M. **Councilwoman Strange made the motion to approve Ordinance 1419. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 2 ORDINANCE 1430, WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1430 by title and directed attention to one change on page 9 concerning poles replaced in their entirety. Staff recommended the change since the last reading but it was not substantive. The Mayor asked if there were any questions or comments from the Council members. Councilman Reichard asked about the CRA areas and if the City would have the right of input on the appearance of the poles. Ms. Myers said the City had that right and applications were already being received. The Mayor said this specified that the supporting boxes would have to be underground even if the antenna was on the pole. Councilman Reichard asked Ms. Myers if she was comfortable with this Ordinance and she replied yes. The Mayor opened the Public Hearing at 6:18 P.M. and called for comments and questions from the audience. Hearing none, he closed the Public Hearing at 6:18 P.M. **Councilman Chester made the motion to approve Ordinance 1430. Second was by Councilman Solis and the motion passed by majority roll call vote recorded as follows:**

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

ITEM 3 ORDINANCE 1433, CAMPING ON THE BEACH, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1433 by title. The Mayor asked if the Council members had any questions or comments; there were none. The Mayor opened the Public Hearing at 6:19 P.M.

Mr. John Latham, 8727 Thomas Drive. Mr. Latham distributed some information from a Supreme Court decision into the record. He said he opposed the Ordinance because it gave too much authority to the Police and the public had a right to travel.

Mr. Burnie Thompson, 301 Lullwater Drive. Mr. Thompson mentioned the violation of the 4th Amendment and questioned the reasonableness of defining camping as someone being outside between 1 A.M. and 7 A.M.

Councilwoman Strange asked why this Ordinance had been prepared. Ms. Myers said this Ordinance did not require the presentation or authorize the Police to ask for a person's identification. She said this was an existing Ordinance when the City was created but did not have the end time noted, only being outdoors after 1 A.M. Chief Whitman asked for an end time and 7 A.M. had been the normal practice for his officers. Mayor Thomas said the Chief had requested that an end time be specified. He asked if there were any further questions or comments; there were none. He closed the Public Hearing at 6:25 P.M. **Councilman Solis made the motion to approve Ordinance 1433. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:**

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

ITEM 4 PLAT APPROVAL, BREAKFAST POINT 3B, PUBLIC HEARING. Ms. Myers said this request was to plat the land into 86 residential parcels, the fifth phase of an ultimate development of 360 residential parcels. Staff had reviewed the plat. Ms. Myers confirmed that the notice provisions had been met, a title certificate was on the face of the plat, a surveyors certificate, and a title report confirmed there were no mortgages and the title was vested in the entity making the dedications. She reminded that a HICA had been adopted at the last meeting and a \$1.6 Million Dollar Bond had been delivered to the City. Mayor Thomas asked the Council members if they had any questions for Staff; there were none. He opened the Public Hearing at 6:26 P.M. Hearing no comments or questions, he closed the Public Hearing at 6:26 P.M. **Councilwoman Strange made the motion to approve the Plat. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

ITEM 5 ORDINANCE 1437, SURFACE PARKING STANDARDS, 1ST READING. Ms. Myers read Ordinance 1437 by title and said this came with the recommendation from the Planning Board. She explained that it would allow Gulf-front businesses to locate their parking on the side or near the street rather than having Gulf-front parking. Mayor Thomas asked if the Planning Board had a reason why the change was not for both sides of Front Beach Road. Ms. Myers said she could not recall that being discussed but did recall two Variances had been brought to the Planning Board for Gulf-front properties. Mr. Leonard said amending the Ordinance to prevent people overlooking parking when looking towards the Gulf was the main reason for the change. However, the topic for the north side had not yet been discussed. Mayor Thomas asked if the Planning Board could consider that and Mr. Leonard replied affirmatively. **Councilman Chester made the motion to approve Ordinance 1437. Second was by Councilman Solis 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 |

ITEM 6 ORDINANCE 1438, CHARTER AMENDMENT PIGGYBACKING, 1ST READING. Ms. Myers read Ordinance 1438 by title and explained that if either of these two Ordinances were adopted amending the Charter, another Resolution would come back to the Council setting the ballot language and directing that this question be placed on the Municipal Super Tuesday ballot. Staff recommended a few changes to the Charter to increase the efficiency of City business and procurement was the biggest issue to be expedited if possible. The current provision in the Charter allowed the City to piggyback if the contract had been competitively bid within the last year. Many State contracts were competitively bid but ineligible because they were years into a multi-year contract. This caused the City to go out for bid, usually coming to the same result. She said it would basically remove the one year requirement. Councilman Reichard said this would save money. There were no questions. **Councilman Solis made the motion to approve Ordinance 1438. Second was by Councilman Reichard 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 |

ITEM 7 ORDINANCE 1439, CHARTER AMENDMENT BEACH EASEMENT SWAP, 1ST READING. Ms. Myers read Ordinance 1439 by title and explained the Charter did not allow the City to abandon a beach access easement without a referendum. She said in the past, there had been referendum swaps which were not approved by the voters except for one which had been no net loss as the developer had already dedicated an equivalent easement. She said Staff proposed that when there would be no net loss of a beach access easement to the public that the Council be given the authority to abandon the easement in acceptance for an equivalent easement without a referendum. She said the swap would still come to Council for approval and determination if equivalent. The Mayor asked if there were any questions and there were none. **Councilman Reichard made the motion to approve Ordinance 1439. Second was by Councilman Chester and the motion passed by majority roll call vote recorded as follows:**

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

ITEM 8 RESOLUTION 18-05, CITY CLERK CONTRACT. Ms. Myers read Resolution 18-05 by title. The Mayor asked if there were any questions by the Council members; there were none. Ms. Norma Shields made comments from the audience. **Councilman Solis made the motion to approve Resolution 18-05. Second was by Councilman Reichard 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 |

ITEM 9 DISCUSSION ON SECOND NOVEMBER/DECEMBER MEETING DATES. Ms. Myers said the Council had traditionally not had a second meeting date in November and December due to the holidays. Mr. Gisbert said calendars for November and December were in the package and if directed, there could be Special Meetings scheduled for November 30th and December 28th. Councilman Reichard suggested that many people would be traveling Christmas week and Mr. Gisbert said many employees took their vacation that week. Councilwoman Strange said a Special Meeting could be called if necessary. Councilman Solis said it had worked in the past so recommended it remain as handled in the past.

ITEM 10 BEACH CHAIRS-DISCUSSION. Mayor Thomas said he asked for this item to be placed for discussion to consider changing from the wooden lounges to regular beach chairs. He said he talked with several beach vendors and they had no problem with the change, only give a few years to recoup their investments. This was brought to his attention from comments during the election that the beach could be cleaned easier if the chairs were moved every night. Councilwoman Strange said she thought it was a good idea if they were removed entirely from the beach every night. Mayor Thomas said in other areas, the chairs were moved to a box located at the toe of the dune. He said he had spoken with three of the beach vendors and they were fine with the change. He also spoke with a few properties who did their own chairs and they welcomed the change. He said the way the chairs were placed now, the beach was not cleaned well. He recommended having Staff bring something back to Council. Councilman Reichard suggested having the beach vendors add their input and said it was a good idea. Mr. Gisbert said Staff would bring something to Council.

DELEGATION

Mayor Thomas opened the Delegation period. He said this would also be a "Campaign-free zone".

1 Ms. Paula Henry, 514 Evergreen. Ms. Henry asked about maintenance of empty lots in residential areas and commercial properties. She said she had a rodent problem from a nearby property as well as a homeless felon sleeping next door in an overgrown lot. She questioned commercial vehicles parked constantly on residential streets, blocking her mailbox and parking in front of her home.

2 Ms. Norma Shields. Ms. Shields thanked Councilman Chester and Councilwoman Strange for the professional phone calls to her. She made comments about Councilman Solis intimidating and bullying her.

3 Mr. John Latham, 8727 Thomas Drive. Mr. Latham made a sarcastic suggestion.

4 Mr. Burnie Thompson, 301 Lullwater Drive. Mr. Thompson made comments about a non-resident speaking at the delegation period during the last meeting and questioned some people being treated differently than the rest of the tax payers. He also addressed comments to Councilman Solis.

5 Ms. Genese Hatcher, 203 South Wells Street. Ms. Hatcher asked that Councilman Solis recuse himself from her compliance issue.

With nothing further, the Delegations period was closed. Regarding the gentleman who spoke at the last meeting, the Mayor said that since he had mentioned the number of condominiums he owned that he thought that he was a tax collector. It was an oversight that he did not specifically ask the gentleman. Regarding the Council members talking with the City Manager on different issues, the Council members could not talk with anyone else per the Charter. Regarding complaints, when a Council member received a complaint, they took the matter to the City Manager for Code Enforcement to handle.

Ms. Myers had no report.

Mr. Gisbert read the numerous job vacancies posted on the website.

Councilwoman Strange asked how many lawsuits had been filed against the City. Ms. Myers said she thought approximately twenty pending lawsuits. **A copy of the email identifying the pending and current lawsuits is attached to and becomes a permanent part of these Minutes.**

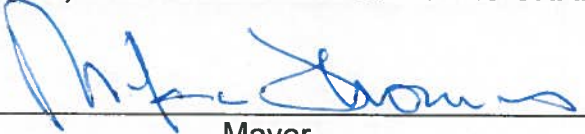
Councilman Solis responded with comments about his phone call with Ms. Shields.

Mayor Thomas said Staff had finished some reports on the tax collections and the value of the beach and County, and they would be available at the next meeting.

The meeting was adjourned at 6:55 P.M.

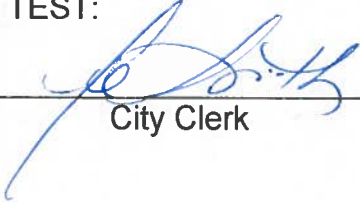
READ AND APPROVED this 26th of October, 2017.

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

Mario Gisbert

From: Amy Myers <amyers@hsmclaw.com>
Sent: Monday, October 16, 2017 5:32 PM
To: Mario Gisbert
Cc: Cindy Kittler
Subject: FW: Pending Lawsuits

Meant to copy you.

From: Amy Myers
Sent: Monday, October 16, 2017 5:31 PM
To: 'Josie' <jtrek@aol.com>
Subject: RE: Pending Lawsuits

Pending:

Reck v. Signs Unlimited: Personal injury claim from bump in parking lot allegedly resulting from City's approval of sign installation.

Jacquelyn Dixon, Ronald Dixon: Personal injury claim from accident with police vehicle

Robert Toth: Personal Injury claim from accident with Police cruiser

Julianna Drew: Employment discrimination claim alleging unlawful termination.

Tammy Hess: False arrest claim by movie patron trespassed and arrested by PD at theater's request.

Sylenthia Demeritt: Federal Civil rights suit involving battery investigation by PD.

Classy Cycles: Suit challenging the validity of Ord. banning scooters after 2020.

PCB Scooters, et al: Suit by 4 business entities challenging legitimacy of Ord. 1398 regulating low speed vehicles.

Pearson v. Curry: Defamation action against Keith individually and officially.

Ingles v. Solis: Defamation action against Hector individually and officially.

Threatened:

Antaquanna Howard: Claiming damages for negligence of PD

Elaine Andrews: Personal injury claim due to ride in a police vehicle

Andrew Spenser, Glory Alejo: Personal Injury claim from accident with police vehicle

Greg Smith: Claiming damages arising from storm event

Kenneth Smith: personal injury claim arising from injury sustained on beach access

Wooden: Personal injury and Wrongful death claim alleging negligent design and maintenance of road

Adam Pate: Personal injury claim arising from accident with Fire Truck

Heidi Murray: employment discrimination claim alleging unlawful termination.

~amy

From: Josie [<mailto:jtrek@aol.com>]
Sent: Monday, October 16, 2017 4:47 PM
To: Amy Myers <amyers@hsmclaw.com>
Cc: jstrange@pcb.gov; Mario Gisbert <mgisbert@pcb.gov>; Cindy Kittler <ckittler@HSMclaw.com>
Subject: Re: Pending Lawsuits

If you would, please... provide information on all filed or threatened suits.

Thank you,
Josie