

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 27, 2016.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:
JOHN REICHARD
PHIL CHESTER

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

Mayor Thomas called the Regular Meeting to order at 9:00 A.M. Councilman Reichard, Councilman Chester, City Manager, City Clerk and City Attorney were present.

Councilman Reichard gave the Invocation and led the Pledge of Allegiance.

Minutes of the Regular Meeting of September 22, 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 of those present recorded as follows:**

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

Mayor Thomas asked if there were any additions or deletions to the Agenda. Mr. Gisbert asked to add **Resolution 17-16, Bid Award- Police Department ATVs and Budget Amendment 3** to the Agenda and move Consent Item #6, **Resolution 17-15, Budget Amendment 2**, to the Regular Agenda as Budget Amendments could not be approved on the Consent Agenda. Councilman Reichard said he would like to add an informal discussion about Uber. There were no objections.

PRESENTATIONS

None

PUBLIC COMMENTS (Consent and Regular Items only)

None

CONSENT AGENDA

1 ORDER 01-PL-17 AND FINDING OF FACTS, WHISPER DUNES PHASE 1-C PLAT APPROVAL. *After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on October 13, 2016, the City Council orders that the subject request to subdivide the land is hereby GRANTED and the captioned plat of Whisper Dunes Phase 1-C is APPROVED WITH CONDITIONS, as more particularly stated in the body of the Order.*

2 RESOLUTION 17-08, BID AWARD- SWIMMING POOL COVERS. *“A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Pool World, Inc., in the amount of \$28,545.97 for the purchase of 10 swimming pool covers.”*

3 RESOLUTION 17-11, BID AWARD- PARKS & RECREATION IN-FIELD GROOMER. *“A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Jerry Pate Turf & Irrigation in the amount of \$17,726.02 for the purchase of an in-field groomer.”*

4 RESOLUTION 17-12, HAMPTON INN PEDESTRIAN BRIDGE ROAD CLOSURE. "A Resolution of the City of Panama City Beach, Florida, related to the Hampton Inn's installation of a pedestrian bridge on Front Beach Road; authorizing temporary usage of Front Beach Road at the intersections of Powell Adams Road and Hills Road from 9 A.M. to 6 A.M. on Monday, December 12, and Tuesday, December 13, 2016 for the installation." **Pulled from the Consent Agenda after reading, pending further action from the City Manager.**

5 RESOLUTION 17-14, BID AWARD- LYNDELL LANE CONFERENCE CENTER FLOORING. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Profloors Plus in the amount of \$21,700 for the replacement of Lyndell Lane Conference Center Flooring."

6 RESOLUTION 17-15, BUDGET AMENDMENT #2, MOVING FY 16 EXPENDITURES TO FY 17. Moved to the Regular Agenda.

Ms. Fowler read each item on the amended Consent Agenda by title. Mayor Thomas said he would like to remove Resolution 17-12, Hampton Inn Pedestrian Bridge Road Closure, until the City could confirm that all businesses in the area had been contacted to be made aware of the road closure. He explained that the applicant had originally requested closure for a week and numerous discussion had ensued. He said that the applicant had stated that they would contact the residents and businesses in the area but he had not been any confirmation that they had done so. Mr. Gisbert said he would make the confirmations. **Councilman Reichard made the motion to approve the amended Consent Agenda with the exceptions of Items 5 & 6. Second was by Councilman Chester and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

REGULAR AGENDA

1 RESOLUTION 17-15, BUDGET AMENDMENT 2, MOVING FY 16 EXPENDITURES TO FY 17. Ms. Myers read Resolution 17-15 by title and explained this Budget Amendment moved expenditures from FY 16 to FY 17. Mr. Gisbert said this was typical due to timing and a standard practice. There were no questions. **Councilman Reichard made the motion to approve Resolution 17-15. Second was by Councilman Chester and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

2 RESOLUTION 17-16, BID AWARD- POLICE DEPARTMENT ATVS AND BUDGET AMENDMENT 3. Ms. Myers explained that Firehouse Subs had awarded the Police Department a grant for two ATVs and this Resolution would authorize the purchase and approve a Budget Amendment to reflect the receipt of the grant funds. Ms. Myers read Resolution 17-16 by title. Mr. Gisbert said the Fire Department had also been awarded a grant from Firehouse Subs which would be presented at the next meeting. He added that Firehouse Subs had annually awarded grants to the City which were much appreciated. Councilman Reichard said the City should do something to recognize the local Firehouse Subs for their contributions to the City. **Councilman Chester made the motion to approve Resolution 17-16. Second was by Councilman Reichard and the motion passed by unanimous roll call vote of those present recorded as follows:**

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

3 UBER- DISCUSSION. Councilman Reichard said the City of Lynn Haven and the City of Panama City were considering having Uber operate in their cities. He also spoke about this matter with Lynn Haven Mayor Margo Anderson. He understood Mr. Gisbert had dealt with the Uber concept before and what the drivers would need to do to operate within City limits. He wanted to see if there was any interest from the other Councilors with directing the City Manager to continue exploring this matter. Mr. Gisbert planned to meet with the other City Managers and the County Manager Friday morning and this would be one topic of discussion. Mr. Gisbert explained that Uber two years ago had started a campaign stating that the City would not allow the company to operate within the City limits. Mr. Gisbert responded each time stating that Uber would be allowed to function within the City by following the existing "vehicles for hire" rules. These rules were straightforward, such as registering the car, inspections by the Police Department, car insurance, registering the driver and background check. He emphasized that Uber had never been told they could not operate in the City, only that they would have to follow the City's regulations and have a Business License. Uber chose not to follow those steps.

Councilman Reichard said that Uber ran the background checks on their drivers themselves. He asked if Mr. Gisbert would come back on how this concept could be pursued in fairness to the taxi industry. Mayor Thomas said that was a good idea to see what the other cities were doing but he did state that the City was different than the other cities and the unincorporated areas of Bay County. Councilman Reichard reported that the City of Lynn Haven's concept was that the Uber drivers licensed in Lynn Haven could operate in the other six cities and Bay County. They could deliver passengers to the City but could not pick up new passengers. He said that Mayor Anderson would like to see something County-wide. Councilman Reichard questioned a self-regulating group operating which ran their own background checks, and said he preferred instead that the City run our own background checks.

Mayor Thomas said people were excited about this possibility and many people used Uber when out of town and it worked well. He said it was a legitimate business but during certain times of the year, it would be very easy for someone to take advantage of our visitors. He said he was not in favor of following Uber's rules when they operated throughout the City. The Mayor said it would be good to discuss the issue.

4 PUBLIC COMMENTS.

JACK BISHOP, 729 Sandbar. Mr. Bishop brought the front page of today's News Herald to the Council to talk about the \$85 Million Dollars lost to the community last March. He said the City had replaced the lost 1% tax. He reported the Business Tax and Ad Valorem Taxes paid by his two businesses within the City. He said the City paid the County about 60% of the Ad Valorem taxes but only received 22% back. He said the businesses within the City had private property rights and thought the City should address allowing the owners to use their property in their best interests. He said with the Special Events Ordinance, maybe the City could consider events which would cater to the 18-24 year old college Spring Breakers, not the high schoolers or the thugs which had previously preyed on our visiting kids. Mr. Bishop said the community could not afford to lose another 15% of that business this upcoming March. A car show, boat show and UNwineD would not replace the lost revenue. He spoke of businesses coming to the City to present events on their property which might be counter to the Ordinance.

BURNIE THOMPSON, 8317 Front Beach Road. Mr. Thompson spoke of parked cars extended into the roadway at Mike's Diner. He said \$112,000 was spent in attorneys' fees for the scooter issue. Regarding Uber, he said the City had an Ordinance prohibiting overnight parking which would be an incentive not to call Uber or a taxi. He said Uber was another option for travel. He also stated the \$85 Million Dollars was lost forever and the residents were being punished with laws that applied this month but not next month. He said local ordinances did not supersede state statutes.

GENESE HATCHER. Ms. Hatcher said she had six homes available for rent in March but no reservations had yet been made. She said the City had to find something to bring income back to the City in March but not the thugs. She said the City needed to expand our horizons and invite other events back which would bring groups of people here. Regarding Uber, it operated all over the world and was good and more affordable than a taxi. She suggested inviting an Uber representative to speak of their operations.

LT. COL. NEAL MORGAN, 17721 Front Beach Road. Col. Morgan asked if the letter to the Beach Service had been written regarding the beach chair problem. Mr. Gisbert confirmed the letter had been written and a copy emailed to him yesterday. Councilman Reichard said he also personally delivered that message to the Beach Service owner as well.

5 CITY ATTORNEY REPORT. Ms. Myers clarified that the Hampton Inn Pedestrian Bridge Road Closure, Resolution 17-12, although read was not intended to be approved on the Consent Agenda. The Council members agreed that was correct. She said in a previous meeting, the Council had asked to expand the Nuisance Abatement program City-wide and in order to do so, the Council would need a Public Hearing and she suggested the December 8th Council meeting. She explained the required publishing of notices and there were no objections.

Mayor Thomas said Code Enforcement was working a case about cleaning a property and that Counsel had advised that they could not clean the carport. Ms. Myers confirmed that yes, even though it was not enclosed, a carport was considered sheltered under the City's Ordinances. The City needed the property owner's permission to move items to the back yard. Mayor Thomas said he did not believe the property owner would give permission and the nearby neighbors were having their property values destroyed due to the nuisance. He recommended that she meet with Code Enforcement to determine ways that all property could be cleaned. He said properties in this condition were everywhere.

6 CITY MANAGER REPORT. Mr. Gisbert advised that a public information meeting on the Front Beach Road CRA Segment 2 was scheduled tonight from 6 P.M. to 8 P.M. in the Council Chambers. He invited everyone. Flyers were on the table which included contractor information and he emphasized that the contractor was fully responsible for the site during construction.

A Putt-Putt Golf Tournament was scheduled for Saturday, October 26th, a fundraiser for the Senior Center. Flyers were on the table.

Friday, November 4th, a Town Hall meeting for the PCB Clean Coalition Initiative was scheduled at the Oatfield Building on Lyndell Lane, from 2 P.M. to 5 P.M. He said everyone was invited and flyers were on the table.

Florida Ironman Triathlon was scheduled for Saturday, November 5th, and reminded the public to be prepared for traffic delays.

The City Hall offices would be closed Friday, November 11th, for Veterans Day.

Mr. Gisbert also stated the City's website had numerous bids posted as well as job vacancies. He gave the closing dates for the various bids and that details were on the website.

7 COUNCIL COMMENTS. Councilman Reichard reported more details about tonight's CRA Segment 2 meeting beginning at 6 P.M. He explained the project was planned for two years. He recommended everyone take one of those flyers for contact information. He also reported that LAX Airport did not allow Uber, but Ms. Hatcher stated that they did so. Councilman Reichard said the promotion of the beach and bringing more people here was a function of the TDC, not the City, and the audience should share those comments with them. Regarding the beach vendor problem and Lt. Col Morgan, the vendor stated that he had not meant any malice but was only placing the chairs at the highest level of the beach prior to the storm but it would not occur again. Regarding the News Herald article, Councilman Reichard said the decline in reservations reported today were only as of October and he predicted that more would be made by March. For large homes such as Ms. Hatcher's, those were usually reserved a year in advance. He said the TDC had plans to advertise the City in various social medias. He spoke of tv stations visiting to report on Spring Break and that he thought the reservations would improve somewhat due to the TDC efforts.

Councilman Chester gave kudos for the stormwater repairs to Mr. Casto and Mr. James "Corky" Denham, all over the beach. Very efficient and wonderful. He asked if the other Council members could attend the meeting tonight. Ms. Myers said it was a public meeting and the Council could attend. However, if giving any input, for our protection, she would like Minutes recorded so that it was in the sunshine. It would also be the same for the Town Hall meeting. Councilman Reichard said he had been talking about the same issues Councilman Solis planned to discuss for the last thirty years as president of

an HOA. He said he had heard from the public about beach cleaning and was concerned about being at the meeting. Ms. Myers said this was not a meeting of the City Council and the Council members were not required to attend.

Mr. Gisbert said tonight's meeting was a construction meeting which was typically not attended by the Council, more of an informational meeting for the locals. He confirmed he would be at the meeting. However, if two or more Councilors wished to attend, please let Staff know. Mayor Thomas said in the past, when such a meeting occurred, he attended so that he would know what was said. Councilman Reichard said he planned to attend tonight because the project was within his Ward as well as he visited with a number of businesses to ensure that they would know the meeting was tonight. He said he also appreciated Mr. Casto, Ms. Jenkins and Ms. Younce putting this meeting together with GAC.

Mayor Thomas asked about the new lines being installed at Frank Brown Park. Mr. Gisbert explained that these were new Verizon fiber optics to expand the broadband capabilities.

Mayor Thomas said he appreciated Mr. Bishop's comments and realized there were a lot of businesses significantly hurt during Spring Break. However, he did not believe that the beach suffered from having car shows and boat shows, that those were the type people we wanted. The City's revenues were up and the TDC was close. He continued that the results were much better than he had feared. He said the beach had grown and had the opportunity to increase revenue by the way Fall Breaks occurred and later Spring Breaks. He said he thought things were better and would improve. He said it was important to stay the course.

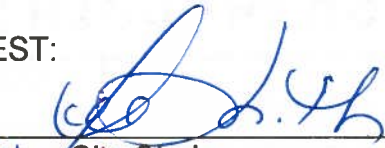
With nothing further, the meeting was adjourned at 9:48 A.M.

READ AND APPROVED this 10th of November, 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:


Deputy City Clerk