

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 13, 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 6:00 P.M. with all the Council, the City Manager, City Clerk and City Attorney present.

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

Minutes of the Special Meeting of September 8, 2016 were read and approved as written **per motion by Councilman Solis. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

Mayor Thomas asked if there were any additions or deletions to the Agenda. Hearing none, **Councilman Chester made the motion to approve the Agenda as written. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**PRESENTATIONS**

**1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD PRESENTATION.**

Councilman Chester introduced Mr. Cruz Thorpe and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. He then congratulated Cruz. Ms. Stacey Schubert presented Cruz with a gift card donated by a local business. Mayor Thomas also recognized his parents and congratulated them for raising a good kid. The audience responded with applause.

**PUBLIC COMMENTS (Consent and Regular Items only)**

**TOM KLOMPS**, 614 Poinsettia Court. Mr. Klomps said regarding Resolution 17-05, Safe Routes To School Grant Application, he encouraged the Council to delete Hills Road from the application because students would not walk away from a school to get to a sidewalk. He said Open Sands had no sidewalks and it would be more beneficial for students to have sidewalks in that subdivision. Regarding Resolution 17-06, Police Department Fleet Vehicles, he thought previous comments from the Department were that the Chargers were not lasting as long as desired and questioned the Department buying new Chargers.

**CONSENT AGENDA**

**1 RESOLUTION 17-01, LETF PURCHASE OF TWO SOLAR POWERED VARIABLE MESSAGE BOARDS.** *“A Resolution of the City Council of the City of Panama City Beach, Florida, authorizing expenditures from the Law Enforcement Trust Fund for the purchase of two solar powered variable message boards from K&K Systems in the amount of \$19,900.”*

**2 RESOLUTION 17-02, "THUNDER BEACH BIKE SHOW" ROAD CLOSURES.** "A Resolution of the City of Panama City Beach related to the "Thunder Beach Bike Show"; authorizing road closure on portions of Pier Park Drive and L. C. Hilton Drive on Saturday, October 22, 2016, for the Event."

**3 RESOLUTION 17-03, "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 29, 2016 for the Event."

**4 RESOLUTION 17-04, "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 12, 2016 for the Event."

**5 RESOLUTION 17-06, BID AWARD- POLICE FLEET VEHICLES.** "A Resolution of the City of Panama City Beach, Florida, authorizing the purchase of 9 Police Vehicles in the basic amount of \$239,925, as more particularly set forth in the body of the Resolution."

**6 RESOLUTION 17-07, BID AWARD- POLICE FLEET VEHICLE EQUIPMENT INSTALL SERVICES.** "A Resolution of the City of Panama City Beach, Florida, authorizing the purchase and installation of emergency equipment for 9 vehicles from HG2 Emergency Lighting in the amount of \$62,485; and providing an immediately effective date."

**7 APPROVAL OF CARPENTER JOB DESCRIPTIONS.** Staff recommends approval of the Permanent Full-time Carpenter I and Carpenter II job descriptions.

Ms. Fowler read each item on the Consent Agenda by title. Regarding the question by Mr. Klomps about the Dodge Chargers, Councilwoman Strange said they were for Staff, not patrol. Deputy Chief Lindsey confirmed the three Dodge Chargers were for Administration only and would be fine. **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:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

#### **REGULAR AGENDA**

**1 WHISPER DUNES PHASE 1-C PLAT APPROVAL, PUBLIC HEARING.** Mayor Thomas opened the Public Hearing at 6:10 P.M. Ms. Myers explained this was a replat of sixteen parcels of land from Phase B into twenty-two residential lots for Phase 1-C. The land was part of a multi-phase development and Council had already approved the original plat. The Council gave their Jennings Disclosures. Ms. Jenkins and Mr. Leonard were sworn. No one from the audience wished to speak.

Ms. Jenkins confirmed that this meeting was properly noticed, the subdivision complied with the requirements in the LDC, most improvements would be dedicated to the City and that the City had the resources to take care of the improvements. One section of sidewalk would remain private and the City would have an easement. The only item not completed was the sidewalk in front of the homes to avoid it being destroyed during construction but it would be completed as the homes were built.

Mr. Leonard said the subdivision plat was consistent with the Comprehensive Plan and complied with the LDC. Ms. Myers said she reviewed the plat and it appeared to satisfy all the statutory requirements for plats.

The Mayor asked if anyone wished to comment about the plat. Hearing none, the Public Hearing was closed at 6:17 P.M. **Councilwoman Strange made the motion to approve the Plat. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**2 RESOLUTION 17-05, SUPPORT FOR SAFE ROUTES TO SCHOOL GRANT APPLICATION.** Ms. Myers read Resolution 17-05 by title. Councilman Solis said this grant was available from the WFRPC. He said Ms. Kathy Younce was doing a great job, researching the information needed and working with the TPO for the required recommendation letters. He said this was not a matching grant and would be fully funded for the sidewalks.

Regarding the concerns of Hills Road versus Open Sands, Ms. Jenkins said Staff did not consider tearing up everyone's yards for a path in Open Sands but might be something for the future. She said there had been concerns about sidewalks on Hills Road and since it fell within the two-mile radius of the school, this seemed a good opportunity. Councilman Reichard asked if the right-of-way along Hills Road was already the City's and Ms. Jenkins replied affirmatively. Councilwoman Strange said she would like all connector roads to have sidewalks. Mr. Gisbert said he and Ms. Younce had met with the School Board and they were supporting this effort. He asked the audience to sign a sign-up sheet available at the doorway which would help with the grant application.

Mayor Thomas said there had been discussion about future development between Powell Adams and Hills Road. Ms. Jenkins confirmed it would be the developer's responsibility to install sidewalks for new developments and Councilman Reichard asked if this portion of the grant should be delayed for a year. Councilman Solis said there were three proposals and the City would have to see what segment was awarded. **Councilman Reichard made the motion to approve Resolution 17-05. Second was by Councilwoman Strange. The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**3 MOLLY CROSSING FEE WAIVER REQUEST.** Mr. Leonard said this was a fee waiver request of up to Twenty Thousand Dollars (\$20,000) from the Transportation Proportionate Fair Share Fee assessed on the new 80 unit Senior Affordable Housing Project planned for Hutchison Blvd. This request was similar to the request considered about a year ago with Royal American for a Workforce Affordable Housing project. As part of the application process, they would receive a certain amount of points for various items with one being a local government giving a \$20,000 reduction in Impact Fees. Typically, no other fees were considered (Water, Sewer, Fire, Recreation, etc) but the Proportionate Fair Share Transportation Fee could be used. Ms. Myers said a Resolution had been prepared if the Council elected to approve the request.

Councilwoman Strange asked if this request would prevent another developer from having an Affordable Housing project in the future. Mr. Leonard said he imagined the FHFC might eliminate the need for another project in the same area and another project might have to find another location. Councilwoman Strange said she would not want a local company to be prohibited from another project because of this approval. Mr. Leonard said he had no pending requests such as this so it would be difficult to speculate on future projects. Councilman Reichard asked if this waiver would be voided if the FHFC denied the financial assistance. Mr. Leonard said if the project was turned down, this fee waiver would not be applicable. Ms. Myers said that contingency was included in the Resolution.

Mr. Ryan Hoover, President of TVC Development, confirmed that nothing would happen with the waiver if the project was not approved by the FHFC. He discussed the scoring and points process for the applications and added that without the local contribution, their chances of funding would be zero. Mr. Hoover mentioned the two mile ring around existing developments which would prevent nearby new developments. Councilman Solis asked if the demographics of the seniors in our area helped with the application and Mr. Hoover said no.

Councilman Solis asked why his firm chose Panama City Beach. He said they had looked at the population and determined there was not many affordable senior housing.

**Ms. Myers read Resolution 17-10 in full.** Councilman Chester said he was concerned if another firm chose to build a project, they would be required to pay the fee. Councilman Solis said this project would create affordable senior housing and thought it was a good thing to waive the \$20,000. Ms. Myers said the Comprehensive Plan did contemplate and encourage the idea of affordable housing. Mayor Thomas said he would not grant a waiver for a private project but he thought this was a project which would help the City. **Councilman Solis made the motion approve Resolution 17-10. Second was by Councilman Reichard. The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**4 WELLNESS PROGRAM UPDATE.** Ms. Fowler distributed information from Preventure's about their guarantee about Employee participation. She explained in detail and about Panama City's Wellness Program. She distributed information about Panama City's Wellness Program and participation/incentives. With incentives, the participation rate increased to 89%, ultimately costing \$130,000.

Councilman Solis asked if the incentives must be included now or something which could be determined later. Ms. Fowler replied that the incentives resulted in extra participation for Panama City and a reduction in their annual Blue Cross/Blue Shield costs. Mayor Thomas explained the good aspects of incentives. He mentioned Chief Whitman setting their wellness program for his sworn officers with the condition of improving health or being discharged. He mentioned measurable terms and Ms. Fowler said Panama City did have measurable terms in their Wellness Program. Councilwoman Strange said this was a lot of money which could be better used for sidewalks. Councilman Solis said this was money in the insurance program set aside for these types of programs.

Mr. Gisbert explained the various incentives and said the City could "cafeteriaize" the various incentives, just giving the Council something to review. The incentives could be performance-related which would have a benefit to the overall employee population. Councilwoman Strange asked if this could be considered at a future agenda. Mr. Gisbert said yes, in a workshop if preferred, and one reason Ms. Fowler presented the idea was that this program would give her backup. He said without incentives, the employees did not buy into the system.

Councilman Reichard mentioned a cafeteria-type medical plan and asked if the City was considering this type of plan. Mr. Gisbert explained he meant cafeteria for the term, not the program. He said he was not proposing that the City reconsider the medical insurance program for the City.

Ms. Fowler said Blue Cross/Blue Shield had analyzed the cities using a Wellness Program, and on average they saved \$698 per member per year on claims. It would eventually pay for itself. She added that Panama City limited their incentives to \$500 per employee. Mayor Thomas said he felt the Council was not ready to vote based on the conversation. He said he was familiar with cafeteria plans because the County had looked at one but he thought Mr. Gisbert's comments about incentives was similar to choosing items off a menu. Councilman Solis said he thought Staff should meet and create a conservative look at the incentives. Councilman Reichard said he supported this type of program. He added that cafeteria-type insurance plans saved money for the company (the City) and were a great benefit to the employee. Councilman Solis recommended that Staff come back with a conservative plan concerning the incentives. Councilman Chester asked if the Department Heads had spoken with the employees on feedback. There were no comments.

**5 RESOLUTION 17-09, BID AWARD- BUILDING PLANS REVIEW & INSPECTIONS.** Ms. Myers read Resolution 17-09 by title and said this came with Staff's recommendation. The Mayor asked if there were any comments. Hearing none, **Councilman Solis made the motion to approve Resolution 17-09. Second was by Councilwoman Strange. The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

**6 PUBLIC COMMENTS (LIMITED TO THREE MNUTES)**

**BURNIE THOMPSON.** Mr. Thompson made comments about doubling the sales tax and questioned the Mayor talking directly with the Building Official without the City Manager. He mentioned the chain of command. He also made a public record request of the phone call taken on August 10<sup>th</sup> by the Mayor when he stepped out of the Council Chambers.

**RUSS WILSON,** 17111 Guava Avenue. Mr. Wilson said he had problems with a tractor trailer parking on a sewer line and grassy area on his street. He said that Code Enforcement had explained that the City could not help with the parking situation. He asked for help.

**NEAL MORGAN,** 17721 Front Beach Road. Lt. Col. Morgan said to his knowledge, no communication had been made with Aquatic Adventures concerning the improper beach chair operations. He said he had also talked with the Police concerning the beach vendor operating outside of their licensed area, moving the chairs toward his house.

**BOB LAGO,** 9132 Summer Circle. Mr. Lago said the Council should listen to the speakers. He thanked Councilwoman Strange for standing up for the people. There were no further comments from the audience.

Mayor Thomas explained his reasons for meeting with the Building Official and that he had asked Mr. Gisbert if he could speak directly with Mr. Leonard and Mr. Thorndyke. After receiving the approval, the Mayor met with Mr. Leonard who asked Mr. Thorndyke to attend. The meeting involved insurance, and yes, he went through the chain of command. Regarding the phone call of August 10<sup>th</sup>, he passed the gavel to Vice-Mayor Strange when his phone rang and he stepped out of the meeting. He was no longer a member of the meeting at that point, and the phone call was personal.

Councilman Solis said he thought a letter should be sent to the beach vendor concerning the beach chair problem. He said the vendor should be notified not to place the chairs on private property. Mayor Thomas said that property line also angled and some of the property belonging to Splash was actually in front of the condos. Mr. Morgan disagreed. Councilman Solis said Staff should check the boundaries. He continued that he would like Mr. Leonard to check the tractor trailer parking in a residential area on the grass. Mr. Gisbert said the Police Department should be able to address that situation.

**7 ATTORNEY REPORT.** Ms. Myers confirmed that an appeal would not be filed on the scooter suit.

Councilman Reichard said the process of a Council member talking with a City employee was gathering information and going through the channels. He said he met with Ms. Jenkins, Ms. Younce, and Mr. Leonard about a stormwater issue which resolved a three year problem and the City Manager was aware of the meeting.

**8 CITY MANAGER REPORT.** Mr. Gisbert explained the bids and job vacancies posted on the website. He also stated that a road closure would occur in Colony Club for stormwater improvements, and door hangers would be placed tomorrow. He also complimented the Parrotheads for their contribution to Girls Inc, \$35,000, from the Parrothead Rendezvous.

**9 COUNCIL COMMENTS.**

Councilwoman Strange wished Mr. Leonard a happy birthday. She congratulated Officer Justin Busch on his promotion to Fire Battalion Chief, replacing Captain Cocco upon his retirement. She mentioned golf carts going down the sidewalks along the Parkway and Chief Whitman's suggestion was to do an area where there would be "golf cart friendly" sidewalks. Ms. Myers said she would look into that issue. Councilwoman Strange mentioned she would not be at the next meeting as she was having eye surgery.

She added that the notice was that there would only be one meeting for November and one in December, which should be voted by Council.

Councilman Solis said he would also not be at the next Council meeting. Regarding the Planning Board members, he asked if the new appointees could be announced at the next Council meeting so that they might be able to attend at least one Planning Board meeting in conjunction with the current members. Councilman Reichard said the new members would not be finalized until January 2, 2017. Councilman Solis said he thought it would be good for at least one meeting having the new and old members. Councilman Reichard asked about the status of the Ordinance. Ms. Myers said one Reading had occurred, and the Planning Board must give a recommendation but the Planning Board had not met since the Reading. She said the Planning Board would meet in November to consider it. Regarding the members whose term expired September 30<sup>th</sup>, they would serve until the successors were appointed so there would not be a void.

Councilman Solis mentioned about phoning into the meeting. Councilman Reichard said the technical part of using the phone at a Council meeting was horrible. Ms. Myers said as long as three Council members were present, there was a quorum and the absent members could watch the livestream and be aware of the meeting. Regarding the Planning Board Ordinance, the Council would not see the 2<sup>nd</sup> Reading until the December meeting because of the Planning Board meeting schedule. Councilman Solis reminded that the Town Hall meeting would be held November 4 from 2 P.M. to 5 P.M. at the Oatfield Building on Lyndell Lane. He mentioned the issues which would be discussed with the public. Regarding Colony Club Exit Road, he mentioned the Bid Award should be at the November 10<sup>th</sup> meeting.

Councilman Reichard asked the Council to address the issue about the second meetings for November and December, both falling on or near the holidays. **Councilman Reichard made the motion to forego the second meetings in November and December. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Mayor Thomas</b>	<b>Aye</b>

Councilman Reichard asked about the changes to the Planning Board. He said some of the current members were sharp people and questioned reducing the membership from seven to five. He mentioned fairness to the seven current members and the Planning Board members having their term match the appointing Council member. Mayor Thomas said there were some issues which were problems. Councilman Reichard said he thought it was a good Board at seven members but did not oppose five members and agreed with term limits for the Board. Lengthy discussion ensued and Ms. Myers stated the Council could make the appointments December 8<sup>th</sup>.

With nothing further, the meeting was adjourned at 7:45 P.M.

READ AND APPROVED this 8th of December, 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