7/28/2020 - Minutes

1. Opening Prayer with Reverend David Hecht of First Baptist Church.

2. Pledge of Allegiance to the Flag.

3. Roll Call and Approval of Minutes for the July 14, 2020 City Commission Meeting and for the July 15, 2020 Audit Committee Meeting.

Deputy City Clerk Jane Greathouse called the roll with the following members present: Mayor Greg Brudnicki, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas. Also present: City Manager Mark McQueen and City Attorney Nevin Zimmerman.

Commissioner Rader moved to approve the minutes for the July 14, 2020 City Commission Meeting and the July 15, 2020 Audit Committee Meeting as presented. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

Commissioner Rader moved to add Item 6.g. to the agenda. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

Commissioner Brown read a proclamation belatedly declaring July 23rd as “Mother” Jimmy Lee Miller Day in commemoration of her 100th birthday.

4. Commissioner Nichols presents Council on Aging’s Executive Director, Beth Couliette with the Key to the City.

The presentation will be made at a later date.

5. Audience Participation

Derek Thomas, 1100 W. 10th Street, addressed the Commission.

6. City Attorney


Commissioner Rader moved to approve Hurricane Michael State of Emergency Declarations No. 92, and No. 93. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.


Commissioner Brown moved to approve COVID-19 State of Emergency Declarations No. 18 and No. 19. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

6.c. Announce the Executive Session taking place at the end of the Commission Meeting. The City Commission will meet pursuant to Section 286.011(8), Florida Statutes, In an Attorney/Client Executive Session to discuss the following cases: St. Andrews Civic Club V. City of Panama City.

Attorney Zimmerman announced the Executive Session taking place at the end of the Commission meeting.

6.d. Approval of Purchase Agreement with Amerigas Propane, Inc. for parcel in Millville.

Commissioner Rader moved to approve the purchase and ratify the Purchase Agreement with Amerigas Propane, Inc. for a 3.622 acre parcel in Millville in the amount of $299,000.00. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki
voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

6.e. Mutual Aid Agreement and Resolution 20200728.2 with Sheriff Department.
Commissioner Rader moved to approve the Mutual Aid Agreement with the Bay County Sheriff Department and accompanying Resolution 20200728.2. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

The Resolution was read by title only as shown below:

RESOLUTION NO. 20200728.2

A RESOLUTION OF THE CITY OF PANAMA CITY, FLORIDA, PROVIDING FOR PANAMA CITY POLICE DEPARTMENT TO ENTER INTO AN OPERATIONAL ASSISTANCE AGREEMENT WITH THE BAY COUNTY SHERIFF’S OFFICE.

6.f. Discussion and First Reading of Body Altering Establishment Ordinance 2745.
City Attorney Zimmerman gave a brief summary of possible amendments to the current Body Altering Establishment Ordinance.

Attorney Michael Henry addressed the Commission on behalf of his client Steve Thomas.

By consensus, the Commission agreed to schedule a Workshop to further discuss the Ordinance prior to adopting amendments to the current Body Altering Establishment Ordinance.

Commissioner Nichols moved to lift the moratorium and allow the issuance of business licenses to Body Altering Establishments that comply with the current Ordinance; and to set a Workshop within 45 days. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

6.g. Addendum 1 – Budget Discussion Item concerning Fire Assessments and proposed Resolution 20200728.1.
Attorney Mark Lawson gave an overview of the process required to impose and collect Fire Assessments.

Commissioner Rader moved to approve Resolution 20200728.1 authorizing initiation of the process to impose Fire Assessments; and to schedule an Assessment Hearing on September 14, 2020. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

The Resolution was read by title only as shown below:

RESOLUTION NO. 20200728.3

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PANAMA CITY, FLORIDA, AUTHORIZING INITIATION OF THE PROCESS NECESSARY FOR CITY COMMISSION CONSIDERATION OF THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND, IN PART, THE AVAILABILITY OF FIRE PROTECTION SERVICES AND FACILITIES; PROVIDING FOR DIRECTION TO COMPLY WITH ALL NECESSARY PROCEDURES AND NOTICE; AND, PROVIDING AN EFFECTIVE DATE.

7. Unfinished Business

7.a. Final reading of Ordinance 2742.1 amending the Future Land Use Map of the City to reflect a land use designation of Mixed Use for the property located at 836 E 25th St.
Commissioner Brown moved to approve Ordinance 2742.1 amending the Future Land Use Map of the City to reflect a land use designation of Mixed Use for the property located at 836 E 25th St. On a roll
call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

The Ordinance was read as a final reading by title only as shown below:

ORDINANCE NO. 2742.1

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF MIXED USE FOR A PARCEL OF PROPERTY LOCATED AT 836 E 25th ST, PANAMA CITY, FLORIDA, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

7.b. Final reading of Ordinance 2742.2 amending the Zoning Map of the City to reflect a zoning designation of Mixed Use 3, MU-3, for the property located at 836 E 25th St. Commissioner Brown moved to approve Ordinance 2742.2 amending the Zoning Map of the City to reflect a zoning designation of Mixed Use 3, MU-3, for the property located at 836 E 25th St. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

The Ordinance was read as a final reading by title only as shown below:

ORDINANCE NO. 2742.2

AN ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 836 E 25th ST, PANAMA CITY, FLORIDA, HAVING APPROXIMATELY .909 ACRES, MIXED USE-3, MU-3, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

7.c. Final reading of Ordinance 2743.1, voluntary annexation of 2.971 acres of property located at 2803 Lisenby Ave. Commissioner Nichols moved to approve Ordinance 2743.1, voluntary annexation of 2.971 acres of property located at 2803 Lisenby Ave. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

The Ordinance was read as a final reading by title only as shown below:

ORDINANCE NO. 2743.1

AN ORDINANCE OF THE CITY APPROVING THE VOLUNTARY ANNEXATION OF 2.971 ACRES OF UNINCORPORATED PROPERTY LOCATED AT 2803 LISENBY AVE, BAY COUNTY, FLORIDA, INTO THE CITY, AS FURTHER DEFINED HEREAFTER, AMENDING THE WARDS AND BOUNDARIES OF THE CITY TO INCLUDE SAID LAND AND PROVIDING FOR AN EFFECTIVE DATE.

7.d. Final reading of Ordinance 2743.2, amending the Future Land Use Map of the City to reflect a land use designation of General Commercial for the property located at 2803 Lisenby Ave. Commissioner Nichols moved to approve Ordinance 2743.2, amending the Future Land Use Map of the City to reflect a land use designation of General Commercial for the property located at 2803 Lisenby Ave. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

The Ordinance was read as a final reading by title only as shown below:

ORDINANCE NO. 2743.2

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF GENERAL COMMERCIAL FOR A PARCEL OF PROPERTY LOCATED AT 2803 LISENBY AVE, PANAMA CITY, FLORIDA, PROVIDING FOR A
7.e. Final reading of Ordinance 2743.3 amending the Zoning Map of the City to reflect a zoning designation of General Commercial-2, GC-2, for the property located at 2803 Lisenby Ave.
Commissioner Nichols moved to approve Ordinance 2743.3 amending the Zoning Map of the City to reflect a zoning designation of General Commercial-2, GC-2, for the property located at 2803 Lisenby Ave. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

The Ordinance was read as a final reading by title only as shown below:

ORDINANCE NO. 2743.3

AN ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 2803 LISENBY AVE, PANAMA CITY, FLORIDA, HAVING APPROXIMATELY 2.971 ACRES, GENERAL COMMERCIAL 2, GC-2, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

7.f. Final reading of Ordinance 2744.1, voluntary annexation of .72 acres of property located at 1405 St Andrews Blvd.
Commissioner Rader moved to approve Ordinance 2744.1, voluntary annexation of .72 acres of property located at 1405 St Andrews Blvd. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, and Jenna Haligas voted “YEA”. “NAYS” - none. Mayor Brudnicki abstained from the vote. The Deputy City Clerk certified the motion passed by a 4-0 vote.

The Ordinance was read as a final reading by title only as shown below:

ORDINANCE NO. 2744.1

AN ORDINANCE OF THE CITY APPROVING THE VOLUNTARY ANNEXATION OF .72 ACRES OF UNINCORPORATED PROPERTY LOCATED AT 1405 ST ANDREWS BLVD, BAY COUNTY, FLORIDA, INTO THE CITY, AS FURTHER DEFINED HEREINAFTER, AMENDING THE WARDS AND BOUNDARIES OF THE CITY TO INCLUDE SAID LAND AND PROVIDING FOR AN EFFECTIVE DATE.

7.g. Final reading of Ordinance 2744.2, amending the Future Land Use Map of the City to reflect a land use designation of General Commercial for the property located at 1405 St Andrews Blvd.
Commissioner Rader moved to approve Ordinance 2744.2, amending the Future Land Use Map of the City to reflect a land use designation of General Commercial for the property located at 1405 St Andrews Blvd. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, and Jenna Haligas voted “YEA”. “NAYS” - none. Mayor Brudnicki abstained from the vote. The Deputy City Clerk certified the motion passed by a 4-0 vote.

The Ordinance was read as a final reading by title only as shown below:

ORDINANCE NO. 2744.2

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF GENERAL COMMERCIAL FOR A PARCEL OF PROPERTY LOCATED AT 1405 ST ANDREWS BLVD, PANAMA CITY, FLORIDA, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

7.h. Final reading of Ordinance 2744.3 amending the Zoning Map of the City to reflect a zoning designation of General Commercial-2, GC-2, for the property located at 1405 St Andrews Blvd.
Commissioner Nichols moved to approve Ordinance 2744.3 amending the Zoning Map of the City to reflect a zoning designation of General Commercial-2, GC-2, for the property located at 1405 St Andrews Blvd. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, and Jenna Haligas voted “YEA”. “NAYS” - none. Mayor Brudnicki abstained from the vote. The Deputy City
The Deputy City Clerk certified the motion passed by a 4-0 vote.

The Ordinance was read as a final reading by title only as shown below:

ORDINANCE NO. 2744.3

AN ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 1405 ST ANDREWS BLVD, PANAMA CITY, FLORIDA, HAVING APPROXIMATELY .72 ACRES, GENERAL COMMERCIAL 2, GC-2, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

8. City Manager

8.a. Martin Theater Presentation.
Kevin Miller, Martin Theater Steering Committee Citizens Group Member, presented an overview of recommendations for restoration of the historic Martin Theater. The Commission thanked the Citizens Group for their work and dedication.

8.b. Consideration of authorization for the Mayor to execute a Submerged Lands Lease with the State of Florida for the submerged cable serving the Frank Nelson Bridge (aka Tarpon Dock Bridge).
Commissioner Nichols moved to authorize for the Mayor to execute a Submerged Lands Lease with the State of Florida for the submerged cable serving the Frank Nelson Bridge (aka Tarpon Dock Bridge). On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

8.c. Consideration of approval of the Bay City Point Phase 2 Plat.
Commissioner Brown moved to approve the Bay City Point Phase 2 Plat as presented. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

Commissioner Haligas moved to approve the Resolution 20200728.1 supporting Tyndall Air Force Base F-35A and MQ-9. On a roll call vote, Commissioners Jenna Haligas, Kenneth E. Brown, Billy Rader, Mike Nichols, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

RESOLUTION NO. 20200728.1

A RESOLUTION OF THE COMMISSION OF THE CITY OF PANAMA CITY, FLORIDA, RECOGNIZING THE COMMITMENT BY THE U.S. AIR FORCE TO REBUILD TYNDALL AFB, FLORIDA AS A NEXT-GENERATION INSTALLATION SUPPORTING UP TO FOUR SQUADRONS OF F-35 OPERATIONAL AIRCRAFT AND AN OPERATIONAL REMOTELY PILOTED AIRCRAFT (‘RPA’) WING WITH BOTH A MISSION CONTROL ELEMENT (‘MCE’) AND A LAUNCH AND RECOVERY ELEMENT (‘LRA’) WITH 24 AIRCRAFT.

8.e. Consideration of approval of donation to Bay District Schools for the installation of Shade Sails at Jinks Middle School in the amount of $40,000.00.
Commissioner Haligas moved to approve a donation to Bay District Schools for the installation of Shade Sails at Jinks Middle School in the amount of $40,000.00. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

8.f. Consideration of a proposed Fiscal Year 2021 Millage Rate for the City and the Downtown Improvement Board.
City Manager McQueen explained the options for City Millage Rates and Downtown Improvement Board Millage Rates. The Commission discussed the various Millage Rate options, lack of FY21 financial information from the State, and anticipated budget shortfall for the year due to various factors.
Commissioner Nichols moved to approve 6.6201 mills as the Millage Rate for the City. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

Commissioner Nichols moved to approve 3.00 mills as the Millage Rate for the Downtown Improvement Board. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

8.g. Consideration of approval of setting date, time, and meeting place of the tentative budget hearing.
Commissioner Rader moved to approve Tuesday, September 8, 2020 and Monday, September 21, 2020 at 5:01 p.m. at the Bay County Government Center for the tentative budget hearings. On a roll call vote, Commissioners Kenneth E. Brown, Billy Rader, Mike Nichols, Jenna Haligas, and Mayor Brudnicki voted “YEA”. “NAYS” - none. The Deputy City Clerk certified the motion passed by a 5-0 vote.

8.h. Announce Lindenwood Drive Improvements Community Meeting.
City Manager McQueen announced the Lindenwood Drive Improvements Community Meeting would be held on Tuesday, August 4, 2020 at 6:15 p.m. at the Bay County Government Center.

9. Mayor

9.a. Executive Session now commences.
Mayor Brudnicki announced the commencement of the Executive Session and the individuals attending. Each attendee was identified for the record, as follows: Mayor Greg Brudnicki, Commissioner Jenna Haligas, Commissioner Kenneth E. Brown, Commissioner Billy Rader, Commissioner Mike Nichols, Attorney Mike Burke, Attorney Nevin Zimmerman, Attorney Cliff Higby, and City Manager Mark McQueen. The entire session was recorded by a court reporter. A transcript will be filed with the City Clerk and will be available at the conclusion of the litigation.

9.b. Executive Session now terminates.
Participants of the Executive Session meeting returned to the Commission room. Mayor Brudnicki reconvened the City Commission meeting.

9.c. Discussion and possible action regarding litigation.
There was no action taken at this time.

10. Adjournment.
There being no further business, the meeting was adjourned at 11:04 a.m.