

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 11, 2018.

**ROLL**

**MAYOR MIKE THOMAS**

**COUNCILORS:  
JOHN REICHARD  
JOSIE STRANGE  
PHIL CHESTER  
HECTOR SOLIS**

**CITY MANAGER:  
MARIO GISBERT  
ACTING CITY CLERK:  
MARY JAN BOSSERT  
CITY ATTORNEY:  
AMY MYERS**

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

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

Mayor Thomas gave the Community Announcements.

The minutes of the Special Meetings of November 9 and December 14, and the Regular Meeting of December 14, 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:**

|                             |            |
|-----------------------------|------------|
| <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. Councilwoman Strange asked if the cell phones in the audience could be turned off. Mayor Thomas said the phone could be on silent and if he received a call from his mother, he would step outside and answer her call. **Councilman Chester made the motion to approve the Agenda as written. Second was by Councilman Reichard 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> |

**PRESENTATIONS**

**1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD.** Mayor Thomas introduced Mr. Robert Lucien Treadwell and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. He then congratulated Lucien and presented him with a bag from the Council. The audience responded with applause.

**2 PLAQUE FOR RETIRED FIRE CHIEF JOHN DALY.** The Mayor invited John Daly to the podium and stated that he would be missed and to enjoy his retirement. Retired Chief Daly stated that he had worked with outstanding Firefighters over the years and was proud to have served the City. The audience responded with applause.

**PUBLIC COMMENTS(REGULAR NON-PUBLIC HEARINGS AND CONSENT ITEM)**

The Mayor opened the Public Comments portion of the meeting at 6:11 P.M. There were no comments. The Mayor closed the Public Comments section at 6:12 P.M.

## CONSENT AGENDA

Ms. Bossert read the Consent Agenda Items by title.

**1 ORDER 01-VA-18, VARIANCE REQUESTS FOR RESIDENTIAL PROPERTY LOCATED AT 502 PETREL STREET.** "The City Council of the City of Panama City Beach, having heard testimony and reviewed the exhibits produced during the Quasi-Judicial Hearing in this matter held December 14, 2017, orders that the decision of the Planning Board is REVERSED and the Applicants requests are hereby GRANTED."

**2 RESOLUTION 18-39, PANAMA CITY BEACH MARDI GRAS AND MUSIC FESTIVAL AND ROAD CLOSURES.** "A Resolution authorizing temporary road closure of portions of certain roads internal to Pier Park to permit the Panama City Beach Mardi Gras and Music Festival on February 9 and February 10, 2018; authorizing careful traffic control and extraordinary usage of portions of Front Beach Road on Saturday, February 10, 2018, to permit the Panama City Beach Mardi Gras at the Beach Parade; and providing an immediately effective date."

**3 RESOLUTION 18-40, PURCHASE OF REPLACEMENT PUMP FOR SPLASH CONDOMINIUMS LIFT STATION 110.** "A Resolution of the City of Panama City Beach, Florida, approving the purchase of a replacement pump for the Lift Station at Splash Condominiums from AAG Electric Motors & Pumps, Inc., in the amount of \$11,421.40"

**4 RESOLUTION 18-41, PURCHASE OF 450K DOZER FOR STORMWATER DEPARTMENT.** "A Resolution of the City of Panama City Beach, Florida, approving the purchase of one 450K LGP Dozer and associated equipment, from Beard Equipment Company in the basic amount of \$91,004.50; and providing an effective date."

**5 RESOLUTION 18-42, PURCHASE OF REPLACEMENT PUMP FOR MAGNOLIA BEACH LIFT STATION 128.** "A Resolution of the City of Panama City Beach, Florida, approving the purchase of a replacement pump for the Magnolia Beach Lift Station from Jim House & Associates, Inc., in the amount of \$19,700."

**6 RESOLUTION 18-43, NUISANCE ABATEMENT LIEN, 157 WELLS STREET NORTH.** "A Resolution of the City of Panama City Beach, Florida, approving an amount of \$606.62 to be liened on property located at 157 Wells Street North for costs incurred by the City to abate nuisances located upon such property; authorizing the appropriate officers of the City to record the lien and notify interested parties of such lien; and approving an immediately effective date."

**7 RESOLUTION 18-44, NUISANCE ABATEMENT LIEN, 206 EL CENTRO BLVD NORTH.** "A Resolution of the City of Panama City Beach, Florida, approving an amount of \$675.08 to be liened on property located at 206 El Centro Boulevard North for costs incurred by the City to abate nuisances located upon such property; authorizing the appropriate officers of the City to record the lien and notify interested parties of such lien; and approving an immediately effective date."

**8 RESOLUTION 18-45, NUISANCE ABATEMENT LIEN, 111 HEATHER DRIVE.** "A Resolution of the City of Panama City Beach, Florida, approving an amount of \$830.10 to be liened on property located at 111 Heather Drive for costs incurred by the City to abate nuisances located upon such property; authorizing the appropriate officers of the City to record the lien and notify interested parties of such lien; and approving an immediately effective date."

**9 RESOLUTION 18-46, MASTER SERVICES AGREEMENT FOR PROFESSIONAL LAND SURVEYING SERVICES, DEWBERRY ENGINEERS, TASK ORDER PLSS 2018-01 FOR BEACH DRIVE WATER & SEWER IMPROVEMENTS.** "A Resolution of the City of Panama City Beach, Florida, approving a Task Order with Dewberry Engineers, Inc., for surveying services related to Water and Sewer Improvements on Beach Drive in the lump sum amount of \$43,935."

**Councilman Reichard 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> |

**ITEM 1 ORDINANCE 1444, FIRE SERVICE ASSESSMENT PROCEDURAL ORDINANCE, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Mayor Thomas explained to save time, the Council would conduct the Public Hearings for both Ordinance 1444 and Resolution 18-37 concurrently. There were no objections.

Ms. Myers said tonight was the last step bringing forth the methodology to have a revenue stream for fire services. She introduced Mr. Mark Lawson and invited him to the podium.

Mr. Lawson said he had worked with ENNEAD and Mr. Owen Beitch creating the methodology for the fire assessment. He said approximately 19,000 notices were sent to property owners as well as information posted on the City website. He added that there was a search engine on the website as well as notices published in the News Herald. The Mayor opened the Public Hearing at 6:22 P.M.

1 Mr. Bill Caravello, 407 Dolphin Street. Mr. Caravello said he did not object to the Fire Assessment but had questions. He had a list of questions and asked that the vote be postponed until his questions and others from the audience were answered. He also questioned the City's growth and current Impact Fees.

2 Mr. George Hughes, 17317 Front Beach Road. Mr. Hughes said he agreed with Mr. Caravello.

3 Mr. Gene Armstrong, 17462 Front Beach Road. Mr. Armstrong said he did not oppose the new Fire Station but opposed the Fire Assessment to pay for it. He said the new growth of the City should pay for the new station. He said there was no cap on the Assessment nor a time limit.

4 Ms. Barbara Neff, 213 Nautilus Street. Ms. Neff said she was not opposed to a new fire station but opposed how the residents would pay for the service. She agreed with the prior comments but urged that the new growth pay for the fire house.

5 Mr. Gregory La Plante, 202 Fan Coral Drive. Mr. La Plante spoke of Federal Tax Liens of the Mayor and his actions as County Commissioner.

6 Ms. Lynne Sonley, 17670 Front Beach Road. Ms. Sonley questioned why the Fire Assessment would be almost as much as the School Board taxes. She did not oppose the new fire station but said this was not the right way to pay for it.

7 Mr. Tim Sowell, 611 Poinsettia Drive and 504 E. Gulf Blvd. Mr. Sowell spoke of the City's contributions to the County and questioned why the City could not keep more money for our services.

8 Mr. Matthew Bush, 170 Crane Street. Mr. Bush said he supported Police and Fire and questioned higher taxes and getting rid of scooter businesses.

9 Mr. Ronald Wolff, 122 Glades Turn. Mr. Wolff said this Assessment was a tax and a hardship on people with a fixed income. He stated growth was causing the problems and suggested using some of the surplus to pay for the fire station.

10 Ms. Vicky Gregor, 145 Grand Heron Turn. Ms. Gregor said these funds should come from the tourist, not the residents. She spoke of her revenue losses at her rental units due to no Spring Break.

11 Mr. Jack Bishop, 729 Sandbar. Mr. Bishop said that 60% of the County taxes was collected on the island but only 22% was returned. He said the tourists were already paying the 1% Gross Sales which were the bulk of the City's revenue.

12 Mr. Dan Naven, 303 Gable. Mr. Naven said the General Fund should pay for fire services.

13 Mr. Burnie Thompson, 301 Lullwater Drive. Mr. Thompson said public safety should come first before attorneys or City Hall. He questioned not having a cap and if the City could raise the Assessment.

14 Ms. Joe Ann Clark, 17816 Front Beach Road. Ms. Clark urged the Council to listen to the people.

15 Mr. Frank Sewell, Hidden Pines. Mr. Sewell said everyone was for the Police and Fire. He suggested letting the visitors pay on their lodgings with a fee.

16 Mr. Gary Boswell, 9718 Beach Blvd. Mr. Boswell spoke of the improvements required of his properties and questioned not having a cap on the Assessment.

17 Mr. Gary Beck, 2601 Beech Street. Mr. Beck mentioned the liens placed on his County property and thefts of his intellectual property.

There were no further comments from the audience. The Mayor closed the Public Hearing at 7:08 P.M. and asked Staff and Counsel to summarize the issues as well as answer the questions posed by the audience.

Mr. Lawson addressed the various questions posed by the audience at length. He addressed Impact Fees and that there was a cap which was required by law and the rates could not exceed that figure. He also said the Ordinance included a process to hear hardship applications and he confirmed to Councilwoman Strange that a lien would be placed on the home if the Assessment was not paid, just like Ad Valorem taxes. He spoke of another city's special assessment on hotels specifically and being sued by the State for improper assessment.

Mr. Lawson said in the Agenda Packet was the procedural Ordinance which outlined the due process for imposing the Special Assessment as well as the Assessment Resolution and Dr. Beitch's updated executive summary. He continued that a Note Resolution was included in the Packet that would allow the City to issue an obligation. He added that less than 120 people were in attendance for these Hearings. Ms. Myers added that the City had established an email account "pcbfirefund" for the people to send comments concerning the Assessment and less than 70 emails had been received. Copies were made for the Council members, with 52 opposing, 5 supporting, and the remainder had no position or had questions. Those were entered into the record.

Councilman Solis asked for clarification on the amount of Assessment and Mr. Lawson said the Council could have chosen to assess more but elected to assess a lesser amount. Mr. Lawson said if the Assessments were imposed, they would be in the latter part of 2018, sent to the Tax Collector no later than September 15<sup>th</sup> and on the same bill as the Ad Valorem taxes. He said this was compliant with the Supreme Court allowances for Special Assessments for Fire Rescue and essential services such as trucks and equipment. He said this was a reasoned rational approach, not arbitrary.

Ms. Myers read Ordinance 1444 by title. The Mayor asked for Council comments. Councilman Solis said the City had no Ad Valorem taxes and relied upon the 1% Gross Sales Receipts. He mentioned in unincorporated Bay County a Fire Assessment was already assessed and 35% more than the City. The off-season was growing and Impact Fees were only for growth. He said a Resort Fee could not be used for the Assessment. The Sports Park was the County and the TDC, not the City. Tourists already pay the 1%. Regarding need, Councilman Solis mentioned the 5000 calls with only two stations while the County and Panama City also had 5000 calls with five stations each. He explained the Mutual Aid and its uses.

Councilwoman Strange said a central fire station would be a good thing and thought everyone agreed. Regarding water bills, she said hotels paid less per unit than residences and if some of those funds were used, it would pay for this Assessment. She stated that tourists were not paying enough because she thought they were causing a majority of the problem. She said she thought there had to be a better way to pay for the services and **made the motion to put it on a referendum for the residents to vote. There was no second, and the motion failed for lack of a second.**

Councilman Reichard said these funds could only go for the Fire Department. He explained how the hardships could be confidentially addressed to the City Manager on a case by case basis. Regarding Mutual Aid, he explained everyone responded and elaborated. He mentioned the 5000 calls responded by the City's two stations. He reminded that Panama City had the 1% along with an Ad Valorem tax and a Fire Assessment fee.

Councilman Chester said there was a cap on the Assessment and the Council could lower the Assessment at any time. Regarding Impact Fees, he said he thought those should be increased in order to lower this Assessment. He said he would continue to research ways to not have the Assessment.

Mayor Thomas said he originally had many of the same questions. Regarding Impact Fees, they could not be used for labor and unfortunately those Fees had not been raised over the last ten to fifteen years to keep up with the City's growth. Those Councils chose not to raise the fees and thus the station itself would be built from reserves. He said the City's 2 ISO rating was expensive and if the changes were not made, the rating would drop down to 4 like in the County. He personally thought the action was necessary. **Councilman Solis made the motion to approve Ordinance 1444. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:**

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

**ITEM 2 RESOLUTION 18-37, FIRE SERVICE ASSESSMENT IMPLEMENTING RESOLUTION, PUBLIC HEARING.** Ms. Myers read Resolution 18-37 by title. **Councilman Solis made the motion to approve Resolution 18-37. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:**

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

**ITEM 3 RESOLUTION 18-38, FIRE SERVICE ASSESSMENT REVENUE NOTE RESOLUTION.** Ms. Myers read Resolution 18-38 by title. **Councilman Solis made the motion to approve Resolution 18-38. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:**

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

**ITEM 4 ORDINANCE 1448, CHARTER AMENDMENT REGARDING COMPETITIVE BIDDING PER ANNUM, 2<sup>ND</sup> READING, PUBLIC HEARING, AND ADOPTION.** Ms. Myers read Ordinance 1448 by title. Mayor Thomas opened the Public Hearing at 8:06 P.M. and welcomed comments from the audience. Hearing none, he closed the Public Hearing at 8:06 P.M. **Councilman Reichard made the motion to approve Ordinance 1448. Second was by Councilman Chester 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 5 ORDINANCE 1441, AMENDING LDC ACCESSORY STRUCTURES, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Ms. Myers read Ordinance 1441 by title. The Mayor opened the Public Hearing at 8:07 P.M. and invited comments from the audience. There were none. He closed the Public Hearing at 8:07 P.M. **Councilman Chester made the motion to approve Ordinance 1441. 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 1443, AMENDING LDC LARGE SITE DEVELOPMENT APPLICATION, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1443 by title. The Mayor asked if there were any questions and there were none. **Councilwoman Strange made the motion to approve Ordinance 1443. Second was by Councilman Chester 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 1447, AMENDING GENERAL EMPLOYEES PENSION PLAN REGARDING VICE-CHAIRMAN, 1<sup>ST</sup> READING.** Ms. Myers read Ordinance 1447 by title. The Mayor asked if there were any questions and there were none. **Councilwoman Strange made the motion to approve Ordinance 1447. Second was by Councilman Chester 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> |

**ITEM 8 RESOLUTION 18-26, BID AWARD- KNUCKLEBOOM TRASH LOADER & DUMP BODY.** Ms. Myers read Resolution 18-26 by title. Councilman Reichard recommended that this purchase be postponed until after discussions about mandatory garbage. **Councilwoman Strange made the motion to approve Resolution 18-26.** She stated these trucks were not used for merely trash but also cleanups after a hurricane. Councilman Solis said this new truck was needed due to the disrepair of one of the existing vehicles. Councilman Reichard said the outside haulers would have this type equipment also.

The mayor asked Mr. Casto if this truck was an immediate need. Mr. Casto said the City currently had three trash trucks with one not reliable. He said to keep up with the yard debris for 5000 residents, it was difficult if one truck was out of service. Two of the three trucks were worn out and were a good tool to use for pickups of illegal items. He urged this purchase in order to keep the City clean. Mr. Casto said he thought he would transfer the oldest truck to stormwater for occasional use when the new truck was received. **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> |

#### DELEGATIONS

Mayor Thomas explained the delegations period and opened this portion of the meeting at 8:20 P.M.

1 Mr. Burnie Thompson, 301 Lullwater Drive. Mr. Thompson made comments about two "Whistle-Blower" lawsuits and called for Mr. Gisbert's termination. He also commented about the Mayor's wall at home.

2 Mr. Paul Dalton, 107 Manistee. Mr. Dalton made comments about the Police Department being understaffed.

3 Ms. Genese Hatcher, 203 South Wells. Ms. Hatcher asked everyone to listen and made comments about public trust and respect.

4 Mr. Tim Sowell, 611 Poinsettia. Mr. Sowell made comments asking why the City could not keep more of the funds sent to the County to replace the Spring Break losses. He asked why not another representative on the County Commission.

5 Mr. Matthew Bush, 170 Crane St. Mr. Bush made comments about the reasons Spring Break was abolished. He mentioned State laws regulating scooters.

6 Mr. Gary Beck, 2601 Beech St. Mr. Beck spoke of his being classed as delusional and the reasons. He stated he had no lights nor water at his home.

7 Mr. Mark Neitzel, 113 South Wells St. Mr. Neitzel thanked the Council, City Manager, Staff and Counsel for their hard work.

With no further comments, the Delegations portion of the meeting was closed at 8:35 P.M.

Ms. Myers said Counsel intended to file the validation for the Fire Assessment next week and reminded that no imposition of the Assessment would begin until the court had issued their Order.

Mr. Gisbert said the City website included job opportunities as well as Notices to Bid. He also said at the Council's direction, at the next meeting he would present a contract for the design of the new fire station. There were no objections.

Regarding Council comments, Councilman Reichard mentioned the causes of Ms. Hatcher's problems with her buildings starting when she first applied for a building permit for two family residences which turned into commercial property. He spoke of being treated with respect and the treatment of Mr. Gisbert. Councilman Chester had no comments. Councilwoman Strange said she had six more meetings. Councilman Solis said the FDOT sidewalk extensions were starting at SR79 west.

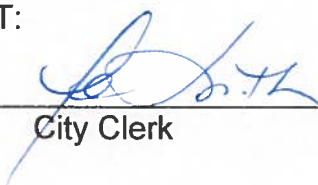
The meeting was adjourned at 8:50 P.M.

READ AND APPROVED this 25th of January, 2018.

**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