

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 March 9, 2017.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

JOHN REICHARD

JOSIE STRANGE

PHIL CHESTER

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

DIANE FOWLER

ACTING CITY ATTORNEY:

KEVIN OBOS

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

Pastor John Woodrow of the Gulfview United Methodist Church gave the invocation, spoke of the death of Sgt. Kevin Kight twelve years ago in the line of duty, and asked for a moment of silence for all fallen officers. Councilman Reichard led the Pledge of Allegiance.

There were no Minutes available for approval.

Mayor Thomas asked if there were any additions or deletions to the Agenda. Mr. Gisbert said that the Girl Scouts could not attend so the **"Girls Scouts Week" Proclamation** should be removed from the Agenda. He added that Consent Item #4, **Resolution 17-69, Emergency Gravity Sewer Main Repair**, should be moved to the Regular Agenda for additional discussion. Councilman Reichard asked that Consent Item #3, **Resolution 17-68, Sea Oats Drainage Improvements Project, MSA McNeil Carroll Engineering, Inc., Task Order #2017-01**, be moved to the Regular Agenda for further discussion. With nothing further, **Councilman Chester made the motion to approve the Amended Agenda. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:**

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

#### PRESENTATIONS

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

Councilman Reichard introduced Mr. Gavin Johnson and presented him with the Civic Achievement Award for exemplary service to the Beach Boys and Girls Club. He then congratulated Gavin. Mr. J. C. Swab presented Gavin with a gift card donated by a local business. The Mayor recognized Gavin's parents, asked them to stand, and congratulated them on the good job they did raising Gavin. The audience responded with applause.

**2 "GIRLS SCOUTS WEEK" PROCLAMATION.** Removed from Agenda.

**3 MR. GREG SMITH, 1124 REDFISH CIRCLE.** Mr. Smith spoke at length concerning the issues with flooding at his home and subsequent damages claim with the Florida League of Cities.

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

The Mayor opened the Public Hearing at 6:13 P.M.

**1 JOHN PRENDERGAST.** Mr. Prendergast said he represented the owners of Latitudes and Hooters on Front Beach Road who had been trying to get permits for structural repairs for the building for almost eighteen months. During this process, Ordinances changed and today they submitted the complete permit package to the

Building Department. He said everything on tonight's Agenda directly affected them and asked for those issues to be delayed until the next meeting. He said they had some non-compliance issues now and construction was stopped. He said they were doing their due diligence but the process took time. Mr. Prendergast said even the paperwork today may need revisions due to recent changes.

**2 MS. GENESE HATCHER.** Ms. Hatcher asked the Council to vote no on restricting the parking on Oleander to 1.5 parking places per 1000' square feet. She distributed photos of Oleander and stated that they had lost six public parking places at the end of the street because of the new Holiday Inn. She stated they also removed the drainage system for Oleander. She said because the new Holiday Inn was 95' tall, water would flood from the edge down to Oleander. Ms. Hatcher said increasing the building height to 40' on Oleander would permit parking underneath the structure on the new houses and alleviate parking problems. She said she owned eight homes on Oleander now, both old and new, and would be building new homes.

**3 MS. JANET SHORT,** 13001 Oleander Drive. Ms. Short said she lived fulltime on Oleander and asked for a new "dead end" street sign as there was no place for people to turn around. She mentioned the existing street signs were down. She had asked the contractor if they would be repaving the road due to the construction and she was told no because it was the City's responsibility. She also mentioned the drain problem and asked for a drainage ditch.

**4 DR. KANAI JANI,** 13211 Oleander Drive. Dr. Jani and his brother live fulltime on Oleander and he requested that when the street was being repaved to add a sidewalk for safety for the children.

**5 MR. JUSTIN WILSON,** 5218 Beach Drive. Mr. Wilson reported several news stories concerning UBER and their use of mock computer programs to fool law enforcement. He stated that UBER had already ran off 80% of his competition and he urged the Council to reconsider doing away with the rules when UBER had been proven doing something illegal.

**6 MR. BURNIE THOMPSON,** 8317 Front Beach Road. Mr. Thompson said the State Legislature was trying to put limits on Home Rule to prevent abuse and he brought up the parking at Mike's Diner. He distributed a photo of a vehicle parked in the street and asked if this was a Diner employee. Regarding Resolution 17-66, he said it had been stated if the House and Senate Bills became law, the City would be forced to levy an Ad Valorem tax. He asked Mr. Obos if the City Charter would allow the City to levy an Ad Valorem tax or must the residents approve the tax.

**7 MS. BARBARA GREER,** owner of a home of Oleander Drive. Ms. Greer said with the new building, they needed drainage for their street since they were the only street below Front Beach Road. She said the Holiday Inn had not allowed for the water coming down the bank onto Oleander.

**8 MR. FRANK SEWELL,** 435 Hidden Island Drive. Mr. Sewell said basically the Legislature was trying to take away the City's right to levy the 1% tax and the Resolution stated that a property tax would have to be initiated to make up for the lost revenue. He said he understood that if a business had 50% of their business based on tourism, this would not affect them. He said if the 1% was eliminated, he suggested taking 1% of the TDC's current 5% bed tax.

There were no further comments. Mayor Thomas responded that when construction started, the City was told that the contractor would repave Oleander if they were allowed to use the road during construction. He had been told that by one of the contractors and knew that they had also promised Mr. Gisbert. He continued that it was the responsibility of the contractor, but if not done, the City would take care of it.

Regarding the Ad Valorem Tax scare, he was concerned. He said if the Legislature prohibited the 1% Gross Sales, it would cost every resident between eight and ten mils. He said the City had done well in avoiding an Ad Valorem Tax by having the 1%, but if eliminated, an Ad Valorem Tax would be levied without a referendum vote because it would be instituted by the Council due to their fiduciary duty to pay bills. He stated this was advice from the City attorneys. The Mayor said the City was fighting very

strongly to avoid the elimination of it and the Home Rule. He spoke of delays caused if Home Rule was eliminated. Regarding the use of Bed Tax money, its use was set by the State and could not be used for anything other than what had been designated.

Councilwoman Strange said there would be no problem adding a "dead end" sign on Oleander. She asked about the loss of six public parking spaces. The Mayor said he understood that had been Holiday Inn's property. Councilman Solis said that was his thought also. Mr. Casto said most of the homes on Oleander were built too low in comparison to the road. Over the years, Oleander had been resurfaced which would add water to the homes. In response to the Mayor's question about the public parking eliminated, Mr. Casto stated that there had not been six spaces.

Councilman Reichard asked about the temporary road depicted in one of the photos from Ms. Hatcher. Mr. Casto explained that was the new driveway connection for the development, permitted through FDOT. Councilman Reichard asked Mr. Casto to confirm that the City would not allow the new development to leave Oleander with a poor drainage problem. Mr. Casto said he believed that was correct but reminded that there had been a drainage problem before the new construction. Mr. Casto said when the road was resurfaced, new drainage could be added.

Councilwoman Strange said that Oleander was unique, 12' down from Front Beach Road. She questioned why they could not be treated like Bid-A-Wee, sending out letters to all owners to get their opinion about allowing an additional 5' height. Mayor Thomas reminded that underneath parking could be accommodated with the 35' height. Councilman Chester said there were incentives for covered parking which would allow another 10'.

Councilman Solis said the problem was overbuilding and a parking regulation was a must when 64 people were housed on one lot. He said this was a residential street. Discussion ensued concerning garages used for additional living spaces. He also reported that residents could not reach their homes when an event occurred because of the overflow parking. He said the overbuilding affected the other residents on that street, blocking their driveways.

The Mayor closed the Public Hearing at 6:57 P.M.

#### **AMENDED CONSENT AGENDA**

**1 REVISION OF THE MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS.** *These items are to be removed from the Master Audit List. STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List.*

**2 RESOLUTION 17-67, RENEWAL OF RUSSELL-FIELDS CITY PIER SOVEREIGNTY SUBMERGED LANDS LEASE.** *"A Resolution of the City of Panama City Beach, Florida, approving a Sovereignty Submerged Lands Lease renewal with Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, relating to the property on which the Russell-Fields Pier is located, for an annual lease fee of \$5,634.01 plus 6% of annual gross income; and providing an effective date."*

**3 RESOLUTION 17-68, SEA OATS DRAINAGE IMPROVEMENTS PROJECT, MASTER SVCS AGREEMENT MCNEIL CARROLL ENGINEERING, INC. TASK ORDER #2017-01.** Moved to Regular Agenda.

**4 RESOLUTION 17-69, EMERGENCY GRAVITY SEWER MAIN REPAIR.** Moved to Regular Agenda

Ms. Fowler read the Amended Consent Agenda by title. **Councilman Chester made the motion to approve the Amended Consent Agenda. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

## REGULAR AGENDA

**ITEM 1 RESOLUTION 17-68, SEA OATS DRAINAGE IMPROVEMENTS PROJECT, MASTER SERVICES AGREEMENT MCNEIL CARROLL ENGINEERING, INC., TASK ORDER #2017-01.** Mr. Obos read Resolution 17-68 by title. Councilman Reichard said the City Manager had supplied him with the breakdown of the \$63,695 Task Order and he asked if this project must be done right away or if it could be delayed until the City's new engineer was hired. Ms. Jenkins said Staff was trying to get caught up on projects in order to be efficient and the City currently did not have the resources for the new person. She said the residents called every week to ask for the work to be done. Ms. Jenkins said the engineering was scheduled this year and construction next year. She added that the new engineer would not be doing stormwater projects in the beginning and the City did not have the software to do stormwater projects inhouse. She continued that interviews were planned for April for the engineer applicants. Councilman Reichard asked if the City should buy the stormwater software and Ms. Jenkins replied eventually and elaborated. **Councilwoman Strange made the motion to Resolution 17-68. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 2 RESOLUTION 17-69, EMERGENCY GRAVITY SEWER MAIN REPAIR.** Mr. Obos read Resolution 17-69 by title. Mr. Shortt testified that the clay pipe installed 30-40 years ago had developed a crack and the ground was starting to settle over the pipe and its location was very close to SR 79. He said the pipe was 14' deep and repairs must be done quickly to avoid an open excavation which would be approximately the size of the Council Chambers. He said a company would come in and line the cracked pipe before it collapsed. **Councilman Reichard made the motion to approve Resolution 17-69. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 3 ORDINANCE 1405, AMENDING LDC REGARDING PARKING REQUIREMENTS IN FBO-1 DISTRICT, 2<sup>ND</sup> READING, PUBLIC HEARING, AND ADOPTION.** Mr. Obos read Ordinance 1405 by title. Councilwoman Strange asked about garages and could it be required to be open without a door. Mr. Obos said an enclosed garage would not count and that was not new language. Mayor Thomas said a lot of problems were where a garage was built but not used for parking.

Councilman Chester asked Mr. Leonard how many incentives were available for additional height. Mr. Leonard explained there were ten to fifteen types of incentives but many smaller properties in the FBO-1 District were not eligible. He said the most that could be gained was 10'. He reminded that the applicant had no automatic rights for the additional height as it would be ultimately granted by the City Council. Mayor Thomas said he had talked with the Planning Board about doing away with the incentives using the example of additional height for solar panels and once granted, removing the panels. He said the owners could park underneath now at 35'. With no further questions or comments, the Mayor opened the Public Hearing at 7:08 P.M.

**MS. GENESE HATCHER, 203 South Wells Street.** Ms. Hatcher said no one lived underneath her house on Oleander. Mayor Thomas said her house was already built and this Ordinance dealt with permits for new structures. Ms. Hatcher said she had bought three more homes on Oleander. She continued that for the existing home, it was tiled under the house and the space used for storage. She continued that she had spoken with Mr. Benjamin concerning the 1.5 parking spaces issue and instead was given an inappropriate book. She elaborated. Mayor Thomas said if she wanted to file a complaint, to come to City Hall tomorrow and it would be investigated. She begged the Council to allow her to build her homes with enough height for underneath parking.

**MS. JANET SHORT, 13001 Oleander Drive.** Ms. Short said Oleander was a historic street with her home built in 1945 and lots generally 60' wide. She said her comments concerning drainage were to prevent a water problem. She said it was a

residential street with little lots.

**MR. BURNIE THOMPSON**, 8317 Front Beach Road. Mr. Thompson asked if the Chair of the Planning Board was governed by the Ethics Board as were the City Council.

**DR. KANAL JARI**, 13211 Oleander Drive. Dr. Jari echoed Ms. Short's comments about Oleander being a residential street and many full-time residents would be impacted by the Council's decision. He said overbuilding impacted the residents.

**MR. GREG SMITH**, 1124 Redfish. Mr. Smith said it made sense to allow parking underneath the house and suggested language that restricted blocking the view or must be open.

With no further comments, the Public Hearing was closed at 7:15 P.M. **Councilman Solis made the motion to approve Ordinance 1405. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:**

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

Mr. Obos responded to Mr. Thompson's question concerning the Planning Board that all members of the Planning Board were subject to the State Ethics laws.

**ITEM 4 ORDINANCE 1406, AMENDING LDC REGARDING PERMANENT BUILDINGS, 2<sup>ND</sup> READING, PUBLIC HEARING, AND ADOPTION.** Mr. Obos read Ordinance 1406 by title. The Mayor asked if the Council members had any questions or comments; there were none. He then opened the Public Hearing at 7:16 P.M. With no comments from the audience, the Public Hearing was closed at 7:16 P.M. **Councilman Solis made the motion to approve Ordinance 1406. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 5 ORDINANCE 1410, AMENDING LDC REGARDING CHANGE TO NON-CONFORMING DEVELOPMENT REVIEW, 2<sup>ND</sup> READING, PUBLIC HEARING, AND ADOPTION.** Mr. Obos said he would read the Ordinance and the Mayor would open the Public Hearing for the matter to be continued until the March 23<sup>rd</sup> meeting. Mr. Obos read Ordinance 1410 by title. Mayor Thomas opened the Public Hearing at 7:19 P.M.

**MR. JOHN PRENDERGAST.** Mr. Prendergast said he was not sure if these rules would apply to his project at Latitudes and Hooters but reminded that the project was submitted today.

With no further comments, Mr. Obos said the Public Hearing would be continued until the March 23<sup>rd</sup> meeting at 9 A.M.

Councilman Solis said his concern was the additional two months to a project if submittal to the Planning Board was required. He wondered if there could be better triggers in place to avoid going to the Planning Board.

Councilman Chester asked Mr. Obos why the extension. Mr. Obos said this would allow an additional two weeks to review the grey area between diminimus and full compliance. He elaborated how to determine the triggers. Mayor Thomas mentioned grandfathering and triggers that would cause compliance. He said he did not mind the additional two weeks and asked Mr. Leonard and Mr. Obos to meet with the Council members individually during these next two weeks to avoid an extra two months. There were no objections to the continuance. **Councilman Reichard made the motion to continue the Public Hearing on Ordinance 1410 and table Resolution 17-64. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 6 RESOLUTION 17-64, FEES FOR PLANNING & ZONING NON-CONFORMING USE/DEVELOPMENT.** Tabled per above motion. Councilman Solis said he would like examples to justify the fees.

**ITEM 7 ORDINANCE 1409, AMENDING CHAPTER 24, TRANSPORTATION NETWORK COMPANY VEHICLES FOR HIRE, 2<sup>ND</sup> READING, PUBLIC HEARING, AND ADOPTION.** Mr. Obos read Ordinance 1409 by title. He explained the non-material changes since the last Reading, clarifications, and the title change to Transportation Network Company. He said the amendments were okay on Staff level.

Mayor Thomas asked Chief Whitman if he had any information about the illegal activities reported by Mr. Wilson and if he had any concerns. Chief Whitman said there had been rumors from other agencies with UBER being slow getting information. He said UBER had tried to remove him from the process and remove the 24 hour contact. Mr. Obos explained there was a New York Times article about ride-sharing companies operating in some of the bigger cities which expressly prohibited these ride-sharing companies. He said the article was about the companies trying to circumvent the prohibition in locations where the companies were not allowed.

Councilwoman Strange asked Mr. Obos if the news involving UBER would affect the State's decision. Mr. Obos said he did not know but if the City passed the Ordinance, UBER/Lyft could operate immediately and not have to wait on the State. He continued that UBER and Lyft still believed that the Statewide law would pass and become effective in July.

The Mayor opened the Public Hearing at 7:33 P.M.

**MR. JUSTIN WILSON, 5218 Beach Drive.** Mr. Wilson said lying to law enforcement on such a large scale showed the true nature of the company. He said many of the City's laws had been in place for 20 years but once the rules were opened, there would be problems. He urged the Council to delay a decision until the State decided. Councilman Reichard asked Mr. Obos if a sunset clause could be added. Mr. Obos said yes but if the State Bill passed, this Ordinance might be preempted.

**MR. BURNIE THOMPSON, 8317 Front Beach Road.** Mr. Thompson said he had used UBER in the past and they were less expensive and pleasant. He claimed a hostile business environment. He stated the public should have the ability to choose their transportation.

**MR. GREG SMITH, 1124 Redfish.** Mr. Smith said it sounded like a good opportunity and good reason for the City to stop something if there was fraudulent corporate activity.

With nothing further, the Mayor closed the Public Hearing at 7:40 P.M. Councilman Chester said the Airport was a separate entity from Panama City Beach and they were their own Special District and legislative body. **Councilman Solis made the motion to approve Ordinance 1409 with the changes made by the attorney. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:**

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

**ITEM 8 RESOLUTION 17-66, OPPOSING REPEAL OF 1% MERCHANTS BUSINESS TAX AND HOME RULE.** Mr. Obos read Resolution 17-66 by title. Mayor Thomas asked if the Council members had any questions or concerns. There were none. **Councilman Reichard made the motion to approve Resolution 17-66. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

Councilman Reichard said this only affected Panama City and Panama City Beach. He said he wanted to ensure that representatives were going to Tallahassee to see the people sponsoring the Bill. Mr. Gisbert said he had been in direct contact

with

the Florida League of Cities and their lawyers, keeping the City updated. He said the County adopted a similar Resolution, and a draft had been given to the EDA to adopt similar language. Both Chambers had already been to Tallahassee. The FLC was in the lead and as soon as they asked for City representatives, he and Mr. Sale would go. He mentioned giving the exemption language needed for our two cities if it looked like the Bill would move forward. Mayor Thomas said he did not anticipate this Bill being withdrawn, but would have to be defeated. He agreed that it was so important to the residents that the elected officials should go if needed. Mr. Gisbert said he would be in Tallahassee March 16<sup>th</sup> on a Stormwater issue and would meet with the FLC representative there.

**ITEM 9 RESOLUTION 17-65, BID AWARD- LIBRARY CONDENSING UNIT REPLACEMENT AND BUDGET AMENDMENT #23.** Mr. Obos read Resolution 17-65 by title. Councilman Reichard asked Mr. Casto why the additional items were on the order. Mr. Casto explained that the unit was 7-8 years ago and last summer sustained a lightning strike. One condenser was replaced then but it was time now to replace the entire unit before summer. Mr. Casto went more in detail about the equipment to be replaced and upgraded. He added that the A/C system was very complicated. He requested a Budget Amendment for the future purchases to be proactive. Councilman Reichard questioned why not rebid for the additional equipment and Mr. Obos responded that Staff would get quotes for the items, and not necessarily use Tarpon Docks. **Councilwoman Strange made the motion to approve Resolution 17-65. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

#### **PUBLIC COMMENTS**

The Mayor opened the Public Comment portion at 7:53 P.M. Prior to the first comments, Mayor Thomas responded to Mr. Thompson that he did not know if this was the vehicle from one of his employees blocking the street.

**1 MR. FRANK SEWELL, 435 Hidden island Drive.** Mr. Sewell thanked the Mayor for his support while on the County Commission when he addressed the County Commission asking for a buffer zone.

**2 MR. BURNIE THOMPSON, 8317 Front Beach Road.** Mr. Thompson asked Mr. Obos if the City Manager was also governed by the State Ethics Commission. Regarding the ZHA and the Capital Improvement Bids, he asked Mr. Gisbert if a Conflict of Interest form had been submitted to the State. He asked the City Council if the recusal was only for the Bid process or if that included actions now. He asked Councilman Solis if his campaign received funds from people from outside of the City limits. He also said laws passed by the City also affected those people living outside of City limits. He questioned Councilman Solis if he has a Florida State Real Estate license. Mr. Thompson asked Councilman Reichard if he had been aware of the incident concerning Ms. Hatcher and the book.

**3 MS. ROSE MEZZMOTTE, 6303 Palm Court.** Ms. Mezzmotte said she had issues with her neighbor who was hooked into her lift station located on her property. This neighbor was sharing the lift station when she bought the property many years ago. She said she had been told by City officials that sharing of the lift station was not allowed and she understood that the neighbors had been fined for the past seventeen years. She questioned if the City would require the neighbor to have their own lift station since it was illegal.

**4 MR. GREG SMITH, 1124 Redfish.** Mr. Smith thanked the Council for the entertainment.

With no further comments, the Public Comment section was closed at 8:01 P.M. Mayor Thomas explained to Ms. Mezzmotte that it was not illegal for more than one

person to be on a lift station. What was illegal was that the neighbor had not paid their Impact Fees when hooking onto the lift station and not advising the City. The Mayor said the funds were not fines but rather Impact Fees. The other part of her problem was a civil matter and nothing the City could do as it was on her property. Ms. Mezzmotte said this meant the only way to get the neighbor off her lift station was to sue her and the Mayor responded affirmatively.

Regarding Mr. Gisbert's conflict of interest disclosure in writing, the Mayor stated that he did not believe so but that he had explained the conflict with each Council member individually before the Bids were opened. The Mayor continued that the other engineering firm bidding also had a conflict as someone in that office was dating one of our engineers. Mayor Thomas said Staff had been very open with the Council about the conflicts.

Councilman Solis apologized to Mr. Sewell and explained that people living outside of the City would need to move into City limits for their voice to count by voting. He said the Council did listen to everyone. He continued that he complied with the laws of the City and State concerning his VRBO business. Mr. Leonard confirmed he had supplied all he needed in order to operate within the City.

Councilman Reichard said he knew Mr. Ed Benjamin personally and that he was a good officer of the City. He said there would probably have been events leading up to the exchange of the book and all would come to light if someone charged him with an Ethics violation with the State. He stated that he did not know if the issue in advance and did not know the details now.

Councilman Chester stated that the car show was occurring this weekend.

Councilman Solis said he had only met Mr. Benjamin one time.

Councilwoman Strange passed.

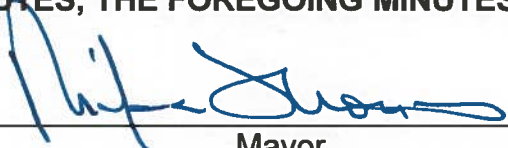
Mayor Thomas said tomorrow at 11 A.M. Operation Cinderella would occur and the Panama City Garden Club would have a program. He urged everyone to look at the telephone poles in the neighborhoods, explaining that the City had passed a new Ordinance to clean up the excess lines on the poles. He also asked everyone to clean up and fix up their yards.

The Mayor explained about the presentation from the new company at the airport, GNK. He stated it would be a big deal for the County, the first phase of several projects coming into the County. He said this was a partnership with Enterprise Florida, bringing this English company to the area for jobs.

With nothing further, the meeting was adjourned at 8:13 P.M.

READ AND APPROVED this 23rd of March, 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