

The Special 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 September 8, 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 Special Meeting to order at 9:00 A.M. with all of the Council, the City Manager, City Clerk and City Attorney present.

Volunteer Firefighter Ben Liggin gave the Invocation and Councilman Solis led the Pledge of Allegiance.

Minutes of the Budget Workshop of August 11 and Special Meeting of August 11, 2016 were read and approved as written **per motion by Councilman Chester. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:**

<b>Councilwoman Strange</b>	<b>Aye</b>
<b>Councilman Solis</b>	<b>Aye</b>
<b>Councilman Reichard</b>	<b>Aye</b>
<b>Councilman Chester</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, he asked for a few minutes to explain about the Gulf Coast Jam cancellation. There were no objections. **Councilwoman Strange made the motion to approve the amended Agenda. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:**

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

**PRESENTATIONS**

**1 ANNUAL 9-11 MEMORIAL STAIRCLIMB AT LAKETOWN WHARF.** Captain Terry Parris of the Beach Fire/Rescue explained that this event was a local project to raise funds for the National Fallen Firefighters Foundation and now one of the top ten fundraisers in the country. Captain Parris said he hoped to have 500 climbers this year. Councilwoman Strange challenged her fellow Council members and the public to climb as she also was participating this year.

**2 TPO PRESENTATION CONCERNING THE BAY TOWN TROLLEY.** The Mayor welcomed Ms. Angela Bradley, the transit administrator for Bay County, representing the TPO. She explained two transit systems currently operated, a fixed route (trolley) and the demand response system (door-to-door). She said this second system would take the elderly to doctors if they were qualified. She continued that Bay County took over the transit system a few years ago. They were meeting with all of the municipalities and the County, and during their meeting with Mr. Gisbert, he mentioned some things the City would like to see on the beach. They were working on those issues and she said that two Council members served on the TPO who also voiced concerns at the last meeting, such as the transit pull-offs. Since then, they worked with FDOT to see what could be done to accommodate the transit pull-offs. Ms. Bradley mentioned new buses, trash cans, benches and shelters, plus future transfer locations. She continued that they understood the private property owners not wanting them on their property and she said they would reach out to those owners to clean up the trash and provide a trash can for the riders.

She distributed copies of their new ride guide.

Ms. Bradley mentioned the funding sources for the TPO, the FTA and FDOT, representing approximately 83% of their total funding. Fares were 12% and local contributions were 5%, totaling \$4.2 Million Dollars for both systems. She distributed information about their funding, vehicles, routes, with numbers of riders per year on both systems.

Councilman Reichard asked the other City's reactions in being asked to contribute to the system. Ms. Bradley replied that some cities had guaranteed they would increase their contribution, and what had been requested from the County was in the current budget. Some cities remained to be contacted. She said these were only operating costs, not capital or salaries.

Councilman Solis asked how the TPO determined the breakdown of costs versus the number of stops. Ms. Bradley said her office inherited the breakdown, a hybrid between population and ridership. She said Route 7 (on the beach) was about 35%. She said in future they were looking if there was a better way and the TPO would be voting on the matter in the coming months.

Councilman Reichard said an additional Saturday bus was approved for the beach and Ms. Bradley confirmed the beach would now have two buses on Saturday and three during the week. Mr. Gisbert had mentioned that he would like shorter run times and she said they were working on that issue and they were also looking at a vehicle dedicated strictly for Front Beach Road.

Councilwoman Strange asked why the City paid the lion's share of the local funding when Lynn Haven paid less. Ms. Bradley replied that the TPO looked at ridership and population blended, but were looking for a better equal way. She said Lynn Haven may have more stops but only had one route through the City. Councilwoman Strange asked about Springfield, Parker and Callaway as they had more stops. Ms. Bradley said yes and that the TPO had asked for more funding. Mayor Thomas said some of the other cities did not have the funds to contribute.

Mr. Gisbert said some things he and Ms. Bradley had discussed were the Route 7 being more on the island as opposed to strictly City limits. He said for the City as a community, he would like to have a shorter run on the 9 miles from Joan Avenue to Cobb Road which would benefit the higher populated part of the island. He said he thought the City paid the lion's share because the TPO treated us as the whole island, not just City limits.

Ms. Bradley said she had been asked to look at the ridership for merely City limits but they currently did not have that capability. She said they were exploring passenger counters to see where the riders got on and off the trolleys in order to have better data.

Councilman Chester asked the average fare cost. Ms. Bradley said a one-way fare was \$1.50 with a day pass at \$4.00. The Mayor asked about transfers and Ms. Bradley said each transfer point would be another \$1.50. The Mayor asked Ms. Bradley the actual cost of the ride. Ms. Bradley said the TPO paid \$46.00 per hour for the third party operator. She said the fares did not pay the cost of running the system. Councilwoman Strange asked what the fares would be in order to pay for the system and Ms. Bradley guessed about \$35.00 per ride. She said that was the reason that a majority of the system was paid by Federal and State funding, 83% of the total system. Mayor Thomas said he thought the fares should be higher in order for people to pay more and reduce the local contributions. He mentioned an employer could furnish tickets for a good employee. Ms. Bradley said they planned to look at the fare structure within the next year. She also confirmed Route 7 was the most profitable. Mayor Thomas thanked her for the presentation.

**3 TDC PRESENTATION FOR EVENTS.** Mr. Dan Rowe said the TDC focused on generating visitor demand for all 12 months and specifically focused outside of the peak summer months. He said Mayor Thomas had challenged his Staff to develop a series of events for next Spring and he hoped they would be able to host events at Aaron Bessant Park during March. The events they planned would fit the need and desire of the City. He said they planned a Mardi Gras music festival and a boat show. Another event was Emerald Coast Cruizin', similar to the November show. Another event planned for March was UNwined which historically had been held in the fall. Mr. Rowe said immediately following that event, they were working with the Chamber in creating a restaurant week to showcase PCB restaurants. He said these events would showcase the beach as a dynamic, fun, quality, family beach destination. He asked for the Council's approval for these events in March at Aaron Bessant Park.

**Councilman Reichard made the motion to lift the March blackout beginning in 2017.** Mayor Thomas suggested amending the motion to approve by event as he felt removing the blackout totally would lose Council control over what occurred at Aaron Bessant Park. He said the Council should be able to vote on the types of events that were or were not wanted. Councilman Reichard asked Ms. Myers if the City would have problems by approving one event and not approving another and she replied possibly.

Mr. Rowe said the TDC provided the funding for the improvements to Aaron Bessant Park and possibly it could be that if the TDC brought an event to the Council, it would be considered in a different light because of their partnership. Mr. Gisbert said within the Operational Standards, there were two sets of blackout dates, March and June 10<sup>th</sup> to August 10<sup>th</sup>. During the summer blackout period, the Council had the authority to bring an event that promoted and benefitted the community. He said that same clause could be added for March and then the Council could approve events. Since the TDC promoted and benefitted the community, it would seem natural that they would be an exception versus a promoter that came with an event that benefitted the promoter. Councilman Reichard disagreed and said he did not want the Council to give preference of one group over another. Councilman Solis said if the blackout was removed completely, it would take the approval out of the Council's control. Councilman Reichard said with the changes made last year, he did not see March any different than February or April. Councilman Solis said he might agree with that statement next year but the changes had been only for one cycle. Councilman Reichard said that was a good idea but did not want to turn away anyone bringing a good event to the beach. **Councilman Reichard withdrew his motion. Councilman Solis made the motion to treat March the same as the June-August blackout for at least another year.** Councilwoman Strange mentioned possibly a year by year basis. She said the Council should ensure that an event at Aaron Bessant Park was something that was good for the community and liked the idea that it would be presented to the Council for approval. Mr. Rowe said he had no problems bringing the events during the blackout period to the Council for approval. Mayor Thomas said Mr. Rowe had the assurance of Council's backing for these events. Mr. Rowe suggested that the motion be amended to change the timeframe to be consistent with the Spring blackout dates as those went through mid-April. **Second was by Councilwoman Strange. The motion passed by unanimous roll call vote recorded as follows:**

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

Mr. Rowe asked if the Council directed that he bring the three events back for approval or approve them now. Ms. Myers suggested that he wait until the Operational Standards were amended to allow the authority to bless the three events. **Councilman Reichard made the motion to go forward as Mr. Rowe requested subject to the adoption of the new Operational Standards. Second was by Councilman Solis. The motion passed by unanimous roll call vote recorded as follows:**

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

Councilman Reichard asked Ms. Myers if this would still be in the realm of discriminating for one event over another. Ms. Myers responded that this was a different subject. The Mayor said the Operational Policies were community standards and the Council had the authority and duty to uphold them.

Councilman Solis asked if the TDC could bring some events for the beach volleyball courts. Mr. Rowe said if Parks & Recreation wanted to organize the tournaments, the TDC would help promote them to the school systems but the TDC was not in the business of running volleyball tournaments.

Mr. Rowe said the TDC was in negotiations with a number of tournament organizers that could do multiple tournaments outside of the summer months with a focus of creating additional demand for the new Sports Park opening in 2018 and Frank Brown Park.

Councilwoman Strange questioned about running events and Mr. Rowe explained that they partnered with event right-holders. As an entity, they did not run the events but rather worked with an outside organization to do that.

Councilman Chester said the plans would put more demand on Frank Brown Park and questioned if the TDC could increase the donation to the City. Mr. Rowe said they could legally spend the Tourist Development tax to keep the fields tournament-ready. The investments in chemicals were sufficient to keep the fields tournament-ready throughout the year regardless of additional demands.

**4 INTERNATIONAL COASTAL CLEAN-UP DAY.** The Mayor invited Mr. Dale Colby, Parks Resource Officer, to the podium to talk about the "International Coastal Clean-Up Day". Mr. Colby said the beach clean-up day would be September 17<sup>th</sup> from 9-11AM at the Russell-Fields City Pier. He spoke of the international event, the volunteers picking up trash and he invited the public to come help pick up trash. He also updated the Council on the gopher tortoises at the Conservation Park, now with a female named "Shirley" plus two juveniles. He reported even with the heavy rainfall, they were all doing fine.

#### **PUBLIC COMMENTS**

**1 TONY HORTON**, 807 Lyndell Way. Mr. Horton said he opposed the 9 A.M. meeting time because many of the public could not leave work or school to voice their opinions. He said 9 A.M. was not convenient to the public.

**2 BURNIE THOMPSON**, 8317 Front Beach Road. Mr. Thompson questioned why the website had future Council meetings listed at 9 A.M. He said the Council had received overwhelming opposition to moving the meetings to 9 A.M. He suggested the second meeting be at 5 P.M.

**3 JEFF JOHNSON**, 3100 Justine Court. Mr. Johnson thanked Councilwoman Strange and Councilman Solis for their opposition to changing the meetings to 9 A.M. since the meetings were not for the Council's convenience. He said he agreed with alternating the meeting times with one meeting after 5 P.M.

**4 JASON JOHNSON**, 1025 W 19<sup>th</sup> St. Mr. Johnson said the 9 A.M. meetings would limit the public access to government. He suggested both meetings be moved to 6 P.M. to benefit the common good of the people.

**5 GLENDA DUDLEY**, 145 Seaclusion Circle. Ms. Dudley said she represented the senior citizens and would like the meetings in late afternoon to allow for golf and doctor appointments normally scheduled in the mornings.

**6 TOM KLOMPS**, 614 Poinsettia Court. Mr. Klomps asked not to move the meetings to 9 A.M. to make people take time off from work or take vacation to attend. He also said the parking situation was horrible and why put more people here during the day.

**7 JACOB LASSITER**, Bay County resident. He said he agreed with all of the speakers and that no one supported 9 A.M. meetings.

With no further public comments, Mayor Thomas responded that the meeting times on the website were correct in that the Council voted to change the times, and while the process continued to change the times, the Council voted to hold the meetings at 9 A.M. The vote this afternoon would either confirm that or it would be changed to something else. But at this present moment, the times were correct.

Councilman Reichard said many times it had been said that the meeting time changes were for the Council's convenience but that was not true. He mentioned that no one complained about the 2 P.M. Council meeting time when people had to take off work to attend. One point made was that many City employees started work at 7 A.M. and could well be working 14 hours the day of the 6 P.M. meeting.

Councilwoman Strange said no one complained about the 2 P.M. meeting because there was the 6 P.M. meeting.

Mayor Thomas said he wanted to explain the events leading to the cancellation of the Gulf Coast Jam. The issue which concerned him was that Mr. Gisbert was out of town which would put the decision in his hands. Mr. Mark Bowen had advised him that the Governor planned to declare a state of emergency within the next few days and that the County would follow suit. FEMA would issue standards that the City would have to follow. At 8 A.M. Thursday morning, he met with Chief Whitman. The Chief and Mr. Ponek had been meeting with the Gulf Coast Jam organizers for the last few mornings, and Mr. Ponek had contacted him to be present at the meeting that morning as there were decisions to be made. The hurricane was still coming and had been declared by that time.

He said they met at the Park in the morning, seeing what could be done. The Chief had wanted the event canceled at 8 A.M. for public safety, but the Mayor had advised that the City was on the good side of the storm and he did not foresee a problem. Once at the Park, they looked at the tents which could be removed and then re-erected to salvage some parts of the event. The Jam organizers were also considering which tents could be removed and re-erected in time. The stage was their main concern because at a certain wind speed the stage had to come down. Chief Whitman called Mr. Bowen and Mr. Leonard for their input. Mr. Leonard said the City was bound to the permit issued to the Gulf Coast Jam which directed that tents come down at certain wind speeds, usually 25-40 mph. Mr. Bowen anticipated the winds would be at 35-50 mph and he also expected to declare a state of emergency later in the day. The Mayor said he made the decision in the City Manager's place, and even after making the decision with everyone's input, he was still not sure it was the correct decision. FEMA had given a list of work to do and all said to take the structures down. Mr. Ponek also supplied lightning strike reports for the area and strikes occurred every day during the weekend. For Friday and Saturday, the strikes occurred during show time. Chief Whitman called him about 9:30 P.M. Friday night during the storm to say thank you because if not canceled, his officers would have been out in the storm trying to move people out of the venue. He told the Mayor it was the right decision and Mayor Thomas said he was comfortable agreeing that it was the right decision. He said no one got hurt during the event.

Councilman Solis said it was a tough decision and he thought it was the right decision. He said it would have been irresponsible for the stage to remain erected when sustained winds were expected over 25 mph. He reminded that it had taken a week to erect the stage, and there would be no way to take it down and put it back up in one day. He said the Friday night storm would have canceled the main show and the same for Saturday evening. He mentioned the flooded fields at Frank Brown Park on Sunday. He said the Mayor had received good information to make the tough decision.

Mayor Thomas said he received good input, and the City employees and County EOC did good jobs. He said there had been horrible emails, letters, blogs and Facebook postings insinuating that he had been coerced into making statements and taking actions. He said it had not been an easy decision and he was sorry for those people hurt by the City's actions. He closed by stating that when he looked at his phone and saw where his mother was calling, he would excuse himself from the meeting to always take her call.

#### **CONSENT AGENDA**

**1** **RESOLUTION 16-127, "PIRATES OF THE HIGH SEAS" ROAD CLOSURES.** *"A Resolution of the City of Panama City Beach related to the "Pirates of the High Seas Festival"; authorizing closure of portions of L.C Hilton Drive, Sea Monkey Way, Longboard Way, and Pier Park Drive on October 7 and 8, 2016, for the Event; and authorizing temporary usage of a portion of Front Beach Road on October 8 for the Event's Parade."*

**2** **RESOLUTION 16-128, "CHASIN' THE SUN MUSIC FESTIVAL" ROAD CLOSURE.** *"A Resolution of the City of Panama City Beach, Florida, related to the "Chasin' the Sun Music Festival"; authorizing temporary road closure on portions of West Pier Park Drive on Friday, September 23, 2016 and Saturday, September 24, 2016, for the Event."*

**3** **"NATIONAL DAYS OF PRAYER AND REMEMBRANCE" AND "PATRIOT DAY" PROCLAMATION.** *"A Proclamation designating September 9-11, 2016 as "National Days of Prayer and Remembrance" and September 11, 2016 as "Patriot Day", and directing that the flags be lowered to half-staff on September 11, 2016 with a moment of silence at 7:46 A.M."*

**4 RESOLUTION 16-134, "PANAMA CITY BEACH MARATHON" ROAD USAGE.** "A Resolution of the City of Panama City Beach, Florida, related to the "Panama City Beach Marathon" authorizing extraordinary traffic control on portions of Front Beach Road, South Thomas Drive, Thomas Drive and Surf Drive on Saturday, December 3, 2016 for the Event."

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

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

**REGULAR AGENDA**

**1 RESOLUTION 16-100, 2016-2017 ANNUAL STORMWATER ASSESSMENT RESOLUTION, PUBLIC HEARING.** Mayor Thomas opened the Public Hearing at 10:25 A.M. Ms. Myers read Resolution 16-100 by title and explained this was the same Resolution as last year. She said the City was also undertaking a rate study which possibly might amend the future rates but for now these rates were consistent to those in the past. She said there were 19,448 parcels on the tax rolls and the assessed value was \$1,047,240. Councilwoman Strange asked how the citizens would apply for mitigation credit and Ms. Myers replied that they would go through the Engineering Department. He asked for audience comments and there were none. **Councilman Reichard made the motion to approve Resolution 16-100. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

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

Mayor Thomas closed the Public Hearing at 10:30 A.M.

**2 ORDINANCE 1393, CHANGING MEETING TIMES, 2<sup>ND</sup> READING, PUBLIC HEARING AND ADOPTION.** Ms. Myers read Ordinance 1393 by title. Mayor Thomas opened the Public Hearing at 10:30 A.M. and asked for audience comments. There were none. He closed the Public Hearing at 10:31 A.M. **Councilwoman Strange made the motion to amend the Ordinance for one meeting at 9 A.M. and one meeting at 6 P.M.** Councilman Solis mentioned some people could not attend the 9 A.M. meeting and explained his reasons. He said there was nothing wrong with the current times. **Second was by Councilman Solis.** Councilwoman Strange mentioned that many people worked shifts, unlike people attending the City of Panama City meetings or the Bay County Commission meetings. Councilman Chester said he had received numerous calls, texts, and emails and said he was leaning more toward 9 A.M. and 6 P.M. He said the 9 A.M. was more convenient with the City workers, making them more efficient. He said also that there was no perfect time for everyone. Councilman Reichard asked Ms. Myers if this would affect the 2<sup>nd</sup> reading of the Ordinance. Ms. Myers stated that the Council could adopt the Ordinance as amended.

Councilman Reichard mentioned the number of citizens in the audience and said he was concerned about the sometimes 14 hour days the employees put in on Council day. He said he felt the citizens would attend if they had business with the City. Councilman Chester said the people had emails, texts, and calls that would be an avenue to express their thoughts.

Ms. Myers asked which meeting should be amended to 6 P.M. Both Councilwoman Strange and Councilman Solis said it did not matter. Councilman Chester recommend the 2 P.M. meeting be moved to 9 A.M. **The motion to amend the proposed Ordinance passed by the majority roll call vote recorded as follows:**

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

Ms. Myers read the amended title of Ordinance 1393, revising the fourth Thursday meeting to be at 9 A.M. **Councilwoman Strange made the motion to approve the amended Ordinance 1393. Second was by Councilman Solis and the motion passed by majority roll call vote recorded as follows:**

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

**3 APPOINTMENT OF THE CIVIL SERVICE BOARD MEMBER AND THE PENSION BOARD MEMBERS.** Mr. Gisbert explained that the Civil Service Board seat was advertised and only one application was received, Ms. Sherry Swartout, the current Board member. For the City's Pension Boards, only the existing employees (Holly White-General, Shawn Legleiter-Fire, and Robert Clifton-Police) requested to be appointed for another term. **Councilwoman Strange made the motion to approve Staff's recommendations. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:**

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

Councilman Solis said in future he would like resumes attached to applications.

#### **4 PUBLIC COMMENTS.**

**BURNIE THOMPSON**, 8317 Front Beach Road. Mr. Thompson distributed copies of the City Charter and said if he had the authority, he would also have canceled the Gulf Coast Jam. He read portions of the Charter regarding someone filling in while the City Manager was out of the office. He questioned if in the past the Mayor had filled in for the City Manager. He mentioned the levels of checks and balances and questioned a Council member speaking with the Mayor while acting as the City Manager being a violation of the Sunshine Laws. He said a City Administrative officer must be appointed as acting City Manager.

**TOM KLOMPS**, 614 Poinsettia Court. Mr. Klomps asked that the City ensure that the streets could accommodate the visitors brought in by the TDC events.

**NEAL MORGAN**, 17721 Front Beach Road. Mr. Morgan distributed photos of the Beach Service behind the Splash Resort that had moved their beach equipment onto his property preparing for the upcoming storm instead of higher on Splash's property. He asked for the City's help and protection against this happening again. He asked for a restraining order against Splash and the Beach Service for trespassing onto his property. He said he did make a Beach Police report at the time.

**TONY HORTON**, 807 Lyndell Way. Mr. Horton said on May 12<sup>th</sup>, the Council adopted the moratorium for the LSVs, and today was the 120<sup>th</sup> day. He questioned where the City stood. Ms. Myers responded that she had drafted the design standards which had not yet been vetted by City Staff nor the industry. She understood that the Council still intended to move forward with the regulation of the LSVs and explained that the Ordinance specified six months, not 120 days.

Chief Whitman said he had contacted Col. Morgan concerning the situation and the Beach Services to advise them that they could not put their equipment on someone else's private property. In response to the Mayor question as to their actions, they had dealt with the beach vendor that day and made them move the equipment. Councilman Solis said unfortunately that had occurred after the storm; he suggested the City Manager draft a letter to all Beach vendors advising them of the violation ramifications. Chief Whitman clarified that the call to his Department had been after the storm.

Councilman Reichard asked Ms. Myers if this was not an upland property owner issue rather than the City's. He said he sympathized with Col. Morgan but he thought it was between two property owners. Mayor Thomas said the City issued a Beach Service license which made it City business. Ms. Myers said Col. Morgan requested a Temporary Restraining Order but the City did not have a personal trespass action to

restrain here. The City regulated Beach Services through the Beach Service permit and may have some remedy there to penalize the provider but not through a TRO.

Mayor Thomas asked Ms. Myers to explain the delegation of the City Manager's duties to the Mayor. He said the City did nothing wrong. Ms. Myers said the City Charter allowed the Mayor to assume the duties in the absence of someone appointed as City Manager. She stated that a qualified administrative officer was not defined and the mayor was the default, so there was the suggestion that the mayor was the appropriate candidate to be the acting City Manager.

Councilman Reichard said Mr. Thompson brought up an interesting fact if a Council member could discuss something with the Mayor in his capacity as the acting City Manager. Ms. Myers said the City Council was not supposed to be involved with administrative affairs, that was the City Manager's job. However, asking a question would not necessarily mean the issue would come before the Council so she was unclear whether it would be a Sunshine Law violation to discuss administrative matters.


Councilman Solis mentioned not being notified as to the Gulf Coast Jam cancelation. Mayor Thomas said every Council member should have received updates from the EOC. He continued that upon leaving Frank Brown Park, he met with Mr. Rowe to explain the cancellation and that no statements would be made until Ms. Myers had drafted a news release so that all would be fair among the news media. Ms. Myers clarified that Mr. Rowe wrote the press release and she wrote the letter on behalf of the City. The Mayor said he asked Ms. Cox and Ms. Erkel to call each Council member to inform them of the decision. Councilwoman Strange said she had been informed even before the City's call. Mayor Thomas said when he arrived at the restaurant he was contacted by the news media asking to confirm the cancellation. Councilwoman Strange said her call had been from Mr. Darrell Sellers.

Councilman Solis said he felt the Council members should have been brought into the loop prior to the tough decision being made. He said he did not believe it was appropriate for the Mayor to be the acting City Manager based on potential conflicts with the Sunshine Law. He said there were many Department Heads who could act as the acting City Manager, and in the future they should be appointed in that capacity. Discussion ensued. Councilman Solis said he had discussed this matter with Mr. Gisbert earlier in the week.

With nothing further, the meeting was adjourned at 11:05 A.M.

READ AND APPROVED this 13th of October, 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