

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 May 28, 2020.

ROLL

MAYOR MARK SHELDON

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

MICHAEL JARMAN

CITY MANAGER: `

TONY O'ROURKE

INTERIM CITY CLERK:

JO SMITH

CITY ATTORNEY:

AMY MYERS

Mayor Sheldon called the meeting to order at 9:00 A.M.

Pastor Jason Williams, Woodstock Church of PCB, gave the invocation and Councilman Chester led the Pledge of Allegiance.

Mayor Sheldon read the Community Announcements.

Mr. O'Rourke introduced Mr. Bobby Bland, longtime City employee working temporary beach control, who rescued a local fourteen year old from drowning from the Gulf of Mexico in dangerous conditions. The audience responded with applause.

The Minutes of the Emergency Meeting of March 20, 2020 were presented for approval.

Councilman Casto made the motion to approve the Minutes as written. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

Mayor Sheldon asked if there were any additions or deletions to the Agenda. Mr. O'Rourke asked to table Consent Item #1, **Resolution 20-111, Bid Award- City Wrecker Services**, until June 11th. There were no objections.

Councilman McConnell made the motion to approve the amended Agenda. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

PUBLIC COMMENTS - NON-AGENDA BUSINESS (LIMITED TO THREE MINUTES)

Mayor Sheldon opened the Public Comments section at 9:05 A.M. and asked for comments.

- 1 Mr. Justin Wilson. Mr. Wilson spoke of the 5G towers and their effects on the community. He recommended their being placed away from schools and residential areas.
- 2 Mr. Burnie Thompson. Mr. Thompson saluted the men and women of the Beach Police for their work over the Memorial Day Weekend. He spoke of the Police Chief being accountable and recommended the new Council members listen to his expertise. He spoke of personal responsibility and asked for Circle K to step up and hire security.
- 3 Ms. Colleen Swab. Ms. Swab said her company was disabling the blue tooth on the carts and requiring renters to be 25 to rent low speed vehicles.

She said they now required a copy of the car insurance card before they were allowed to rent the LSVs. She said they were being proactive.

4 Mr. Frank Sewell. Mr. Sewell said it was not fair for the bars to be closed when the restaurants were packed.

5 Mr. Gary Beck. Mr. Beck spoke of corruption and being targeted, being tortured by the media. He spoke of his ideas and inventions being stolen.

6 Mr. Shane Hamilton. Mr. Hamilton spoke of his efforts in calling Circle K corporate and the tv media and no one wanted to help. He urged for security at Circle K.

7 Mr. Michael Steinkirchner. Mr. Steinkirchner echoed Mr. Sewell's comments as he worked in a bar. He urged sending a letter to the Governor to defer to the County on guidelines when to open businesses.

With no further comments, the Mayor closed the Public Comment section at 9:20 A.M.

AMENDED CONSENT AGENDA

ITEM 1 RESOLUTION 20-111, BID AWARD- CITY WRECKER SERVICES. "A Resolution of the City of Panama City Beach, Florida, approving Agreements with White's Wrecker Service, LLC, and Discount Towing and Recovery, LLC, for the provision of routine and specialty towing services; and providing an effective date." **TABLED.**

ITEM 2* RESOLUTION 20-112, BID AWARD- CRA LANDSCAPING MAINTENANCE SERVICES. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Rotolo Consultants, Inc., for Landscape Maintenance Services within the Front Beach Road Community Redevelopment Area, in the annual amount of \$223,172.10."

ITEM 3 RESOLUTION 20-113, BID AWARD- LIFT STATION 21 REPAIRS. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Marshall Brothers Construction & Engineering Inc., for Lift Station 21 Repairs in the not to exceed amount of \$304,410."

ITEM 4 RATIFY EMERGENCY ORDER 20-02. "An Order and Declaration Regarding the Reopening of Amusements."

ITEM 5 APPROVAL OF ACCOUNTANT/BUDGET ANALYST JOB DESCRIPTION. "Staff recommends approval of the attached job description for an accountant/budget analyst."

ITEM 6 RESOLUTION 20-118, CHANGE ORDER #1, BAY PARKWAY PHASE 2 CONSTRUCTION. "A Resolution of the City of Panama City Beach, Florida, approving Change Order #1 to the Agreement for construction of Bay Parkway Phase 2 with C.W.Roberts Contracting, Inc., for additional asphalt and improvements to Nautilus Street in the amount of \$49,255.00; authorizing execution and providing an immediately effective date."

Ms. Smith read the Amended Consent Agenda by titles.

Councilman Casto made the motion to approve the Amended Consent Agenda. Second was by Councilman Jarman and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

REGULAR AGENDA- DISCUSSION/ACTION

ITEM 1 RESOLUTION 20-114, COVID-19 UPDATE SPECIAL EVENT AND ACTION PLAN AMENDMENT. Ms. Myers read Resolution 20-114 by title. Mayor Sheldon said he would recuse himself from voting because he was a promoter. He called for public comments and there were none. He called for online comments and there were none.

Mr. O'Rourke said there were several large events pending such as the Pepsi Gulf Coast Jam and the Pro Watercross. He suggested letting the promoters prepare a

plan for safety. He spoke of having patrons take personal responsibility, face masks optional or mandatory, health screenings, and portable restrooms. He wanted the City to be a partner, not a dictator. He also said before an event was approved, Staff would keep an eye on the declining rates for the COVID-19 and ensuring sufficient PPEs. He recommended another 30 days for the non-collection of debts on the water bills.

Councilman McConnell said it seemed a sensible process, not overbearing and recommended following the process Mr. O'Rourke outlined.

Councilman Chester asked about the Summer Concert Series. Mr. O'Rourke responded that until the Feds reduced the standards, he could not see how the City could hold the concerts and allow 28 square feet around each patron. Councilman Jarman agreed, that he did not see how it could be feasible and urged postponing until July 1st. Regarding the water bills, he also recommended using July 1st and then revisit later. Councilman Casto concurred.

Councilman Jarman made the motion to approve Resolution 20-114 with the July 1st date. Second was by Councilman Casto and the motion passed by unanimous roll call vote of those voting recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Recused

A copy of Mayor Sheldon's Memorandum for Voting Conflict is attached to and becomes an official part of these Minutes.

ITEM 2 ORDINANCE 1526, ADVISORY BOARD GOVERNANCE, FIRST READING. Ms. Myers read Ordinance 1526 by title and said this established the rules for all Advisory Committees. The Mayor called for comments, both in the audience and online, and there were none.

Mr. O'Rourke said this would engage the citizenry and obtain their support. Mayor Sheldon said this was a great step and thanked the people for their response and passion.

Councilman Jarman made the motion to approve Ordinance 1526. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

ITEM 3 RESOLUTION 20-115, FINANCIAL ADVISORY BOARD CREATION. Ms. Myers read Resolution 20-115 by title. The Mayor called for comments, both in the audience and online, and there were none.

Councilman McConnell made the motion to approve Resolution 20-115. Second was by Councilman Jarman and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

For the Appointments, the Council members chose:

Councilman Jarman- Fred Crispen
Councilman McConnell- Brad Thomas
Councilman Chester- Jason Morehouse
Councilman Casto- Katy Hewitt
Mayor Sheldon- Chuck Taylor

Councilman McConnell made the motion to approve these Appointments. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

ITEM 4 ORDINANCE 1523, GENERAL EMPLOYEES' PENSION PLAN AMENDMENT ON CHARTER OFFICER VESTING, FIRST READING. Ms. Myers read Ordinance 1523 by title. The Mayor called for comments, both in the audience and online, and there were none.

Councilman McConnell made the motion to approve Ordinance 1523. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

ITEM 5 RESOLUTION 20-116, CREATION OF STORMWATER SPECIAL REVENUE FUND. Ms. Myers read Resolution 20-116 by title. The Mayor called for comments, both in the audience and online, and there were none. Councilman Jarman said this was merely an auditing move.

Councilman Jarman made the motion to approve Resolution 20-116. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

ITEM 6 BAY PARKWAY FUTURE ALIGNMENT, SECTION 1A- DISCUSSION. Mayor Sheldon called for comments.

- 1 Mr. Tom Rossen. Mr. Rossen spoke of the numerous private properties and the lengthy process in a take. He said the cost analysis did not include legal costs nor damage to homes.
- 2 Mr. Larry Messenger. Mr. Messenger thanked Ms. Jenkins for the options. He spoke of the social costs to four-laning through the older community, destroying the environment and culture.

There were no further comments.

Councilman Chester said Option #1 was not an option as it would affect the community. Councilman McConnell said he thought this was premature and we should coordinate with the State and County as the City cannot handle the costs. Councilman Casto concurred with Councilman McConnell and questioned what the citizens would say. Mr. O'Rourke said by Fall, there should be more data in order to make an educated decision. Councilman Casto suggested tabling until the citizens survey was completed.

Ms. Jenkins said most of the roadway would be in the County and spoke of the Clara development. Councilman Casto asked about the wetlands and Ms. Jenkins replied that permits had been submitted to DEP for two lanes and mentioned the mitigation obstacle, but that staff would continue talking.

Councilman Chester said this would affect property values. **He made the motion to select Section A, Option 2. Second was by Councilman Jarman.**

Councilman Chester said the City should take a stand, reminding that the City had two representatives on the TPO and the property owners were left in limbo. Mayor Sheldon said he was not in favor of cutting the neighborhood in half. He said give the City a direction for peace of mind and alleviate the fear factor. Councilman Casto repeated to wait until the citizens survey was received and not vote today.

With no further comments, the motion passed by majority roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Nay
Councilman Jarman	Aye
Councilman Casto	Nay
Mayor Sheldon	Aye

ITEM 7 AIRPORT AUTHORITY BOARD APPOINTMENT. Mayor Sheldon called for audience comments and there were none. Mr. O'Rourke said the airport was a huge economic engine and asked the Council to consider recommending a Council member for the Board. Councilman Chester said this airport was a big part of the City and we needed a strong voice on board.

Councilman Chester made the motion to appoint Mayor Sheldon to the Airport Authority Board. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

ITEM 8 CITY RESIDENT BEACH PARKING PLAN. Mayor Sheldon said there was no place to park and a car was very important for the beachgoers. Councilman McConnell said he loved the idea of the pilot program but was concerned about cost. Councilman Jarman suggested the first place should be Richard Jackson Blvd. as Churchwell had a lot of surrounding commercial businesses. He suggested reserving half of the parking at Richard Jackson Blvd. and less than half at Churchwell. Mr. O'Rourke said the proposed eighty-five (85) places would be a good start but we should be cognizant of the business needs. Councilman Jarman said the number of spaces could be reduced if not used, and Councilman McConnell said the City would not be able to reduce the number. Councilman Casto suggested 25% and said Ms. Jenkins and Mr. Campbell were looking at other sites. Mayor Sheldon opened the floor for comments.

1 Mr. Michael Steinkirchner. Mr. Steinkirchner asked if the permits would be on a lottery basis or first come, first served.

Councilman Jarman asked if the number of spaces available could be seen online. Mr. O'Rourke said yes but not be reserved online. He proposed 175 decals to start. Mr. Campbell clarified that the decal cost Thirty Dollars (\$30.00) and the parking fee would be One Dollar (\$1.00) per hour, max Six Dollars (\$6.00) per day.

Councilman Casto asked about golf cart parking in the CRA. Mr. Campbell said they would look at capacity during the year versus summer and see if needed. He added that they were keeping that in mind for public parking in future CRA segments.

Councilman McConnell made the motion to start with 25%. Second was by Councilman Jarman and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

ITEM 9 BEACH BIKE PARKING RACKS- DISCUSSION. The Mayor called for comments from the audience or online and there were none.

Mr. O'Rourke spoke of promoting safe and secure bike access at the top five high traffic beach accesses. If successful, the program will expand.

Councilman McConnell made the motion to approve the project. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Councilman Casto	Aye
Mayor Sheldon	Aye

CITY MANAGER REPORT

Mr. O'Rourke explained about creating an advisory Committee for public safety, to get ideas to improve overall security. Regarding the Circle K situation, all hotels, motels, restaurants and bars should be in partnership with the Police and Fire Departments as the City does not have enough resources. He said the safety committee would offer ideas for improvements. He spoke at length of other cities facing the violence. Mr. O'Rourke said he anticipated the employee survey results next week. The search for the new City Clerk was extended another week, as there was high quality candidates so far.

CITY ATTORNEY REPORT

None

COUNCIL COMMENTS

Councilman Casto thanked Chief Whitman for his officer's work this weekend as he knew they had been overloaded and overwhelmed. He also thanked the BCSO for their work. Councilman Chester thanked the Fire Department for their work. Councilman Jarman said the City made strides to address the situation, to create an environment of peace. Councilman McConnell thanked all the City staff for their work. Regarding the 5G network, the State Legislature has preempted any City authority. He also said he liked the new shade structure at Frank Brown Park playground.

Mayor Sheldon thanked the Police and Fire Departments for their efforts. Regarding the Circle K incident, Wal-Mart has stepped up, to be part of the team. He suggested Mr. Hamilton might be a good candidate for future Advisory Committees as well as Ms. Swab. He spoke of the great meeting with FDOT and encouraged the completion of the Census as some of their funding comes from the Census. He thanked the other Council members for their faith in appointing him to the Airport Authority.

With nothing further, the meeting was adjourned at 10:55 A.M.

** ACTION ITEMS NOTED WITH AN ASTERISK ARE TAKEN BOTH BY THE CITY COUNCIL AND THE PANAMA CITY BEACH REDEVELOPMENT AGENCY JOINTLY AND CONCURRENTLY.

READ AND APPROVED this 9th of July, 2020.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.



Mayor

ATTEST:


(Interim) _____
City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SHELDON MARK	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY OF PANAMA CITY BEACH CITY COUNCIL
MAILING ADDRESS 17007 PANAMA CITY BEACH PARKWAY	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY PANAMA CITY BEACH	COUNTY BAY
DATE ON WHICH VOTE OCCURRED MAY 28, 2020	NAME OF POLITICAL SUBDIVISION: CITY OF PANAMA CITY BEACH
MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MARK SHELDON, hereby disclose that on MAY 28, 20 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

RESOLUTION 20-114 OF THE CITY OF PANAMA CUTY BEACH WHICH ALLOWED THE PERMITTING OF SPECIAL EVENTS DURING THE COVID-19 PUBLIC HEALTH CRISIS. AS THE MANAGING MEMBER OF PCB ENTERTAINMENT, LLC AND R&M ENTERTAINMENT, LLC, I HOST SPECIAL EVENTS IN THE CITY OF PANAMA CITY BEACH. THE COUNCIL'S ACTION ON THAT DAY WOULD ENABLE MY EVENTS TO TAKE PLACE AND THUS WOULD INURE TO BY SPECIAL PRIVATE GAIN OR LOSS.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

JUNE 12, 2020

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.