

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 July 23, 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 Ramon Duvall of the Beachside Fellowship Church gave the invocation and Councilman Chester led the Pledge of Allegiance.

Mayor Sheldon read the Community Announcements.

The Minutes of the Regular Meetings of June 11 and June 25, and the Strategic Planning Workshop of June 18, 2020 were presented for approval.

**Councilman Jarman made the motion to approve the Minutes as written. 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

Mr. O'Rourke asked to remove Regular Item #4, **Ordinance 1534, Beach Safety Emergency Lanes**, as it needed more work. There were no objections.

**Councilman McConnell made the motion to approve the Agenda as amended. 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

**PRESENTATIONS**

**1 "NATIONAL KOREAN WAR VETERANS ARMISTICE DAY" PROCLAMATION AND PRESENTATION TO COMMANDER MARY LEMBERG OF VFW POST 10555.**

Councilman Chester invited Commander Lemberg to the podium as he read the Proclamation declaring July 27<sup>th</sup> as the 65<sup>th</sup> anniversary of "National Korean War Veterans Armistice Day". She accepted the Proclamation and announced the names of the Korean Veterans in the Post: Joseph Cowan, Charles Heyman Jr, Dana Johnson, Charles O'Connor, Robert Parks, Clifford Teeter, Jimmy Phelps, Al Gauthreaux, and Tom Pollard. Councilman Chester added Mr. Ben Graham.

**2 EMPLOYEE RECOGNITION.** Ms. Philput invited Mr. Brent Gust to the podium to accept his 5 year recognition award. She also announced the employees who were being recognized but could not attend the meeting: Captain Richard McClanahan for 25 years, Mr. Gabe Moschella and Ms. Melanie McCormick for ten years each, and Mr. Joshua Wurst and Mr. Bradley Taylor for five years each.

**3 LEGISLATIVE RECOGNITION. SENATOR GEORGE GAINER, REPRESENTATIVE JAY TRUMBULL, AND FLORIDIAN PARTNERS, LLC.** Mayor Sheldon presented plaques of appreciation to Senator Gainer, Representative Trumbull, and the members of Floridian Partners, LLC, for their critical work in securing the Bay Parkway funding for the 2020-2021 Florida Budget. The Floridian Partners present were Ms. Melissa Ramba, Mr. Jorge Chamizo, and Mr. Charlie Dudley.

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

Mayor Sheldon opened the floor for Public Comments.

1 Mr. Gary Beck. Mr. Beck spoke of the Constitution and the Bill of Rights, stolen inventions and BP funds, and media attacks.

2 Mr. Jeff Clarence, Vice President of Keep PCB Beautiful. Mr. Clarence spoke of the "Adopt a Beach Access" initiative. He spoke of garbage they removed last year as well as filling holes in the sand. He said St. Joe had donated a Kawasaki Mule to help but that they had been denied a beach permit because no unauthorized vehicular traffic was allowed on the sand. He said he had spoken with Deputy Chief Lindsey who recommended he speak with the Council and City Manager. Councilman Casto asked how many vehicles and Mr. Clarence replied only one for their cleanups on Wednesdays and Saturdays.

With nothing further, The Mayor closed the Public Comments section.

**AMENDED REGULAR AGENDA- DISCUSSION/ACTION**

**ITEM 1 NORTH GLADES COMMERCIAL PLAT APPROVAL, PUBLIC HEARING.**

Mayor Sheldon opened the Public Hearing at 9:22 A.M. Ms. Myers asked the Council members to give their Jennings Disclosures. Councilman Jarman knew the property location and had spoken to no one. Councilman McConnell knew the location and had spoken with no one. Councilman Chester knew the property location and had spoken with no one. Councilman Casto knew the location and had spoken with no one. Mayor Sheldon also knew the property location and had spoken with no one.

Mr. Sean McNeil, engineer, said the plat was a straightforward plat. Councilman Casto said the road would remain private and Mr. Shortt said the utilities would be dedicated to the City.

With nothing further, Mayor Sheldon closed the Public Hearing at 9:25 A.M.

Ms. Jenkins said the Hearing was properly noticed, and one drainage easement would be dedicated to the City. Mr. Leonard said the project was in City limits and was consistent with the Comp Plan and LDC. Ms. Myers said the title search had been done and it appeared the plat met the Florida Statutes. Mayor Sheldon asked if there were any questions and there were none.

**Councilman McConnell made the motion to approve the Plat. 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 2 ORDINANCE 1518, AMENDING MAXIMUM HEIGHT IN MILITARY OVERLAY DISTRICT, 2<sup>ND</sup> READING, PUBLIC HEARING.** Ms. Myers read Ordinance 1518 by title. Mayor Sheldon opened the Public Hearing at 9:27 A.M. and called for comments. There were none. He closed the Public Hearing at 9:27 A.M.

**Councilman Casto made the motion to approve Ordinance 1518. 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 ORDINANCE 1535, CODE ENFORCEMENT AUTHORITY, 1<sup>ST</sup> READING.**

Ms. Myers read Ordinance 1535 by title. Mayor Sheldon opened the floor for comments.

Mr. Gary Beck spoke of the Code Enforcement lien on his home that is in the County. He elaborated.

With nothing further, the Mayor closed the floor for comments.

Ms. Myers said this Ordinance ratified the Emergency Ordinance recently adopted.

**Councilman Jarman made the motion to approve Ordinance 1535. 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 4 ORDINANCE 1534, BEACH SAFETY EMERGENCY LANES. Removed.**

**ITEM 5 RESOLUTION 20-138, CITY CLERK CONTRACT.** Ms. Myers read Resolution 20-138 by title. The Mayor opened the floor for comments.

Mr. Burnie Thompson. Mr. Thompson asked if this contract included the duties of the Civil Service Board. Ms. Myers replied that Ms. Fasone had reviewed the revised duties and accepted the changes. Mr. O'Rourke said he was thrilled Ms. Fasone could start September 8<sup>th</sup> and he felt she was fully capable of handling both jobs.

**Councilman McConnell made the motion to approve Resolution 20-138. 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

**ITEM 6 RESOLUTION 20-139, POLICE DEPARTMENT VEHICLE PURCHASE.** Ms. Myers read Resolution 20-139 by title. The Mayor called for public comment and there was none.

**Councilman Chester made the motion to approve Resolution 20-139. 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 7 DISCUSSION- REQUEST FOR PROPOSAL FOR POLICE BODY WORN CAMERAS.** Chief Whitman said these body cameras were for the protection of his officers as well as the general public. He said there would be training and the videos would be open to public record requests. Mayor Sheldon said these would be a key asset and asked for the Chief to look into dashboard cameras. Councilman McConnell said this would be good all around.

**Councilman Jarman made the motion to move forward. 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 8 RESOLUTION 20-140, CROSS CONNECTION PROGRAM UPDATE.** Ms. Myers read Resolution 20-140 by title. Mayor Sheldon opened the floor for comments. There were none.

Mr. Shortt explained the system had been in place since 1996, originally geared toward commercial properties to protect the City's system from backflows. However, FDEP now required connections for individual homeowners with irrigation systems. He displayed photos and explained that if the irrigation was not on the house meter, reclaimed water, or a well, the new system would be required. He continued that the

system would be tested when installed and retested every two years, paid by the homeowner. He said the cost would be approximately Two Thousand Dollars.

Mayor Sheldon asked how more subdivisions could go with the reclaimed water system. Mr. Shortt replied it was costly for across the road access and driveways. He said it was very expensive to retrofit, but he could get estimates.

Councilman Casto asked if the equipment could be installed in the meter box. Mr. Shortt explained that the test ports must be out of the water and elaborated.

Councilman McConnell asked about the DEP enforcement ramifications. Mr. Shortt explained that the County was currently under a Consent Order. Councilman McConnell asked about any grandfathering options. Mr. Shortt explained in detail and said the State of Florida was the only state who required such equipment. He said the City allowed up to two years for the homeowner to come into compliance. Councilman McConnell said he was concerned about the cost for the low-income areas. Ms. Myers said the two year period currently existed but DEP may change. Mayor Sheldon said it was a State mandate and a burden.

**Councilman McConnell made the motion to approve Resolution 20-140. 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 RESOLUTION 20-141, ECONOMIC DEVELOPMENT ADVISORY COMMITTEE CREATION.** Ms. Myers read Resolution 20-141 by title and said this Committee would have ten members with three ex-officio members from the Bay County School Board, Airport Authority Board and the Beaches Chamber. The Mayor called for public comment and there was none.

Mr. O'Rourke said the City was blessed with a tourist-based economy but with the event of the COVID, there was a clear need to enhance our economy. He spoke of working in partnership with diversified interests to strengthen the City. Councilman Chester asked about adding a member of the TDC as an ex-officio, and Mayor Sheldon agreed. There were no objections.

**Councilman McConnell made the motion to approve Resolution 20-141 amended adding the TDC member as an ex-officio. 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 10 APPOINTMENT OF COUNCIL LIAISON AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.** Mayor Sheldon opened the floor for public comment. There was none. The Council members announced their choices as follows: Councilman Jarman chose Mr. John Robbins and was waiting for his second to respond. Councilman McConnell chose Mr. Ben Lee and Mr. Garrett Wright. Councilman Chester chose Mr. Ethan Register and Mr. Peter Fischetti. Councilman Casto chose Mr. Bill Logsdon and Mr. Skip Stoltz. Mayor Sheldon chose Mr. Brandon Miller and Ms. Cindy Duncan.

**Councilman McConnell made the motion to appoint Mayor Sheldon as the Council Liaison. 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

**Councilman McConnell made the motion to approve the slate of members. Second was by Councilman Jarman and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Jarman</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Mayor Sheldon</b>	<b>Aye</b>

**ITEM 11 COVID-19 ACTION AND DISCUSSION.** Mayor Sheldon opened the floor for comment and there was none.

Mr. O'Rourke spoke of the significant increase in numbers with Panama City having two thirds of all the cases for the County with many of the City employees living in Panama City. He explained the measures being taken to erode the pandemic.

Mayor Sheldon said he hoped the community would voluntarily wear masks. He said many big businesses were already mandating masks and he was only seeing the numbers rising. He said he was concerned about our senior citizens and having to make an unpopular decision. Councilman Chester spoke of his concerns about enforcement. Mayor Sheldon agreed that the problem would be enforcement and said data would drive the Council decision. Councilman Casto said 75% of our visitors were not wearing masks. He said it was a simple requirement for everyone to wear a mask when they entered a building. He said the City could not withstand another shutdown.

Discussion ensued concerning enforcement and fines for non-compliance. Councilman McConnell said mandating masks was appropriate but he felt the fines were egregious. He thought more \$25 and \$50. Mr. O'Rourke said the City had ordered Twenty Thousand masks which would be available. Councilman McConnell said he was concerned about people calling to report no masks and that possibly a special telephone line should be set up for such calls, to take the burden off 911. Councilman Casto said he was fine with adjusting the fines and that most people would do the right thing.

**Councilman Casto made the motion to approve changes to the draft Ordinance as discussed. Second was by Councilman Jarman.**

Ms. Myers said she would make those changes and asked Mr. Pickle to display the revised version on the monitor for review. Councilman McConnell said it was a big problem with employers letting their sick employees continue to work. Mayor Sheldon concurred, if sick go home. Councilman Jarman said masks protect the employees from the patrons.

**ITEM 12 DISCUSSION- ADMINISTRATIVE REORGANIZATION.** Mayor Sheldon opened the floor for comments.

Mr. Burnie Thompson commented that the City Clerk was a prominent position and not subordinate to the City Manager. He said the Clerk would need dedicated help. He spoke of the City Clerk duties as outlined in the Charter. With no further comments, the Mayor closed the floor.

Mr. O'Rourke said Mr. Thompson's concerns were valid. He said the Clerk would now have two responsibilities and he would only have oversight on the Civil Service duties. He spoke of the financial savings and that the new City Clerk had the skill to do both jobs. He said he was comfortable the combination would be successful. He added that he did not need an Executive Assistant, and the savings would be Twenty Thousand Dollars per year.

For the second position, this would be for the volunteer program and to supplement the work force. He said there would be no added staff. This new position would also be able to communicate more with the public on the CRA. He said some of the hours would be from one of our receptionists. He spoke of the net savings for both positions.

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

<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Jarman</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Mayor Sheldon</b>	<b>Aye</b>

**ITEM 13 DISCUSSION- FRANK BROWN PARK 8 ACRE DEVELOPMENT.** Mayor Sheldon called for public comment and there was none.

Mr. O'Rourke explained the plan to solicit opportunities to develop the eight acres, with the possibility of significant ground lease revenue. He said its use as a parking lot

could have a higher alternate use. He said this opportunity would generate additional revenue without raising taxes or user fees.

Councilman McConnell said he had reservations for the City using the space for anything other than recreation. He said he would be interested in seeing the proposals but felt it was a loss. Councilman Chester questioned where the parking would be available for tournaments. Councilman Jarman said possibly behind Frank Brown Park, but this matter was only a test.

**Councilman Casto made the motion to move forward. Second was by Councilman Jarman and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Jarman</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Mayor Sheldon</b>	<b>Aye</b>

**ITEM 14\* DISCUSSION- SOUTH THOMAS PARKING LOT DEVELOPMENT.** Mayor Sheldon opened the floor for comments. There were none.

Mr O'Rourke said the two acre lot met the needs of the CRA as well as afforded the opportunity for a small commercial development. He spoke of issuing a Request for Proposals to generate a revenue stream. Then the Council could decide on the best and highest use for the land. Councilman Chester said he favored a sunset clause after ten years, for the land to revert back to the City. he suggested possibly an amusement. Mr. O'Rourke said the land was a blank canvas and the responses would see what money could be generated.

**Councilman Casto made the motion to move forward. 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>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Jarman</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Mayor Sheldon</b>	<b>Aye</b>

**ITEM 15 DISCUSSION- FOOD TRUCKS IN CITY LOT.** Mayor Sheldon opened the floor for comments and there were none.

Mr. O'Rourke said food trucks were widely popular but it would be important for them to move every day. He suggested maybe establishing something on a temporary basis to test the waters and suggested the lot at Ripley's. Mayor Sheldon said he did not think City land was the best place as our brick and mortar restaurants would be hurt. Mr. O'Rourke suggested a "food truck court concept" and try it for six months. Councilman McConnell said the food truck Ordinance would have to be revisited to remove the bathroom requirements, and he preferred the City to remain neutral. Mr. Leonard explained the current ordinance only allowed a food truck for seven days within thirty days on one site. The Ordinance would have to be amended for a longer period. Mr. O'Rourke said he would propose to bring the Ordinance back to Council, to be fair to the brick and mortar restaurants, and meet the demand by the private sector. There were no objections.

**ITEM 11 COVID-19 ACTION AND DISCUSSION (Continued).** Ms. Myers read the amended title of Emergency Ordinance 1536-E and the draft was displayed. She highlighted the changes for enforcement, cleaning, expansion for patrons, and a sunset date. Mayor Sheldon called for comments from the floor.

1 Mr. Rex Reid. Mr. Reid spoke of re-educating people and erroneous CDC numbers. He spoke of actions based on fear rather than following facts.

2 Ms. Colleen Swab. Ms. Swab asked how masks usage could be enforced.

3 Mr. Jeff Clingeu. Mr. Clingeu said ne could not tolerate a mask for medical reasons. He spoke of reasonable accommodations and said the fines would be a burden.

4 Mr. Burnie Thompson. Mr. Thompson said the new Ordinance would not be enforceable.

5 Mr. Gary Beck. Mr. Beck spoke of the fake media and fake news. He said the COVID was creating a division within the nation.

6 Ms. Debbie Ward. Ms. Ward spoke of the online comments, concerns about hotel lobbies and questions about enforcement.

With nothing further, the Mayor closed the comment section.

Mayor Sheldon spoke of the ADA exemption and it would be up to the individual businesses to refuse service if no mask. Councilman Jarman spoke of the debate about the efficiency of different masks. The Mayor said the signage would need to be modified. Councilman McConnell said he still had deep reservations on the enforcement side. He said he had received many emails the last week shifting toward requiring masks. Mayor Sheldon said his emails since last week had also gotten stronger. Councilman Chester said his emails had been in support of masks.

Discussion ensued concerning the 5 P.M. Monday effective date. Mayor Sheldon suggested a sunset date of August 13<sup>th</sup> and allow the Council to look at the issue at each future meeting. Ms. Myers said the regulations could be extended by Resolution. Ms. Myers read the revised Section 9 which included common spaces within hotels unless outside.

**Councilman Jarman made the motion to approve amended Emergency Ordinance 1536-E. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:**

<b>Councilman Chester</b>	<b>Aye</b>
<b>Councilman McConnell</b>	<b>Aye</b>
<b>Councilman Jarman</b>	<b>Aye</b>
<b>Councilman Casto</b>	<b>Aye</b>
<b>Mayor Sheldon</b>	<b>Aye</b>

#### **CITY MANAGER REPORT**

Mr. O'Rourke thanked retired Fire Chief Larry Couch for his thirty-two years of service to the City and community. He announced Deputy Fire Chief Ray Morgan would be serving as Interim Fire Chief. He said the Citizen Survey would go out to the community in a week and said the Census results were still a low 26%. He said a Budget Workshop was planned for August 20<sup>th</sup>, with a very conservative General Fund for next year. He said contingencies were being built into the budget if the economy improved. He said a Beach Service Workshop would be held September 1<sup>st</sup>. He announced that an Employee Council was being created.

#### **CITY ATTORNEY REPORT**

Ms. Myers said the City would receive a Three Hundred Forty-One Thousand Dollar check from the BP claim in two weeks.

#### **COUNCIL COMMENTS**

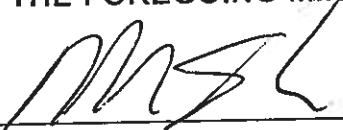
Councilman Casto had no comments. Councilman Chester said Mr. Chris Tilley from Pier Park would be here August 13<sup>th</sup>, and he reminded that Pier Park Drive was closed. Councilman Jarman had no comments. Councilman McConnell urged the community to complete the Census. Mayor Sheldon thanked the attorneys for the funding recapture. He also thanked Senator Gainer, Rep. Trumbull and the Floridian Partners for their work on the One Million Dollar appropriation for Bay Parkway. He said he would also like to see some "Coming Soon" signs allowed in the LDC to keep the community informed.

With nothing further, the meeting was adjourned at 11:30 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 28th of August, 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