

**MINUTES** of 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 February 11, 2021.

**Mayor Sheldon called the meeting to order at 6:00 PM**

**ROLL CALL**

MAYOR MARK SHELDON  
VICE MAYOR GEOFF MCCONNELL  
PHIL CHESTER  
MICHAEL JARMAN

Councilman Paul Casto was excused. Others present were City Manager Tony O'Rourke, City Attorneys Amy Myers and Cole Davis, City Clerk Lynne Fasone, Directors and members of the public and press.

Pastor Ramon Duvall from Beach Fellowship led the invocation. Councilman Phil Chester led the Pledge of Allegiance.

Mayor Sheldon provided community announcements. Mayor Sheldon called for approval of the November 12, 2020 meeting minutes. Councilman Chester so moved. Councilman Jarman seconded the motion. All were in favor by a roll call vote (4-0).

Councilman Chester	Aye
Vice Mayor McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

Mayor Sheldon called for approval, additions and/or deletions to the agenda. Mayor Sheldon recommended adding "City Manager Performance" to the agenda as a new Regular Item #1, moving the rest of the items back one. Vice Mayor McConnell moved to approve the agenda, as amended. Councilman Jarman seconded the motion. All were in favor of approval by a roll call vote (4-0).

Councilman Chester	Aye
Vice Mayor McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

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

Mayor Sheldon opened the floor for non-agenda public comments.

Bill Caravello, 407 Dolphin Street – Mr. Caravello reported that he had attended Monday's CRA meeting where the members had talked about Front Beach Road parking. Mr. Caravello asked Council to clarify the plans for parking on Front Beach Road, south side, at the Bid-a-Wee section.

Frank Sewell – Mr. Sewell reported he was speaking on behalf of a few businesses. Mr. Sewell asked Council to reconsider allowing bars and restaurants to remain open until 4:00 a.m., instead of 2:00 a.m. Mr. Sewell spoke about the benefits of allowing the bars and restaurants to remain open until 4:00 a.m.

Burnie Thompson – Mr. Thompson spoke about the TDC funds paid for concerts and music festivals. Mr. Thompson asked for an itemized list of how the funds were used.

Captain Gary Wayne Beck, 2601 Beach Street – Mr. Beck spoke about a broadcast he watched with Senator Dozier and free speech rights.

Mayor Sheldon called for further public comments. Hearing and seeing none, Mayor Sheldon closed public comments.

**PRESENTATIONS**

Councilman Chester presented the Boys & Girls Achievement Award to C.J. Anderson.

Councilman Chester presented a plaque to Director Shaeffer on behalf of Bridgette Cohen for her work anniversary with the City.

Chief Whitman introduced Lt. Boyer who presented a PowerPoint presentation on Body Worn Cameras.

**CONSENT AGENDA**

**RESOLUTION 21-79, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN EMERGENCY PURCHASE OF A REPLACEMENT PUMP FOR LIFT STATION 109 FROM JIM HOUSE & ASSOCIATES, INC. IN THE BASIC AMOUNT OF \$17,500.**

**RESOLUTION 21-89, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF A JOHN DEERE 50G COMPACT EXCAVATOR FOR THE STORMWATER DEPARTMENT FOR THE BASIC AMOUNT OF \$65,532.25 FROM BEARD EQUIPMENT COMPANY.**

Mayor Sheldon asked Ms. Fasone to read the consent agenda. Mayor Sheldon announced that the consent agenda was available. Councilman Chester moved to approve the consent agenda. Councilman Jarman seconded the motion. All were in favor of approval by a roll call vote (4-0).

Councilman Chester	Aye
Vice Mayor McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

**REGULAR AGENDA- DISCUSSION/ACTION**

**NEW ITEM 1. CITY MANAGER PERFORMANCE.**

Mayor Sheldon opened Item 1 up for public comment.

Burnie Thompson – Mr. Thompson inquired if anyone was aware that Mayor Sheldon was going to add this item to the agenda. Council members stated no.

Mayor Sheldon expressed concern with the City Manager’s performance, the City Manager not attending important meetings with community leaders and misstatements made by the City Manager pertaining to mutual aid, etc. Mayor Sheldon expressed concern with the City Manager not allowing City Council access to the Directors. Mayor Sheldon expressed concern with the City Manager’s handling of an employee theft matter. Mayor Sheldon reported that he had major concerns with Mr. O’Rourke’s ability to manage Panama City Beach. Mayor Sheldon added that the City was not getting results nor honesty

from Mr. O'Rourke and it was time for him to move on. Mayor Sheldon reported that Mr. O'Rourke's contract provides for termination with or without cause. Mayor Sheldon asked for a motion to terminate Mr. O'Rourke without cause.

Councilman Chester discussed Mr. O'Rourke's review being pulled, by him, from the agenda for months. Councilman Chester expressed concern that fairness across the board with respect to disciplinary items and supervisors. Councilman Chester reported that several things had bothered him for months now, for example, holding leadership meetings with the directors but not allowing them to attend the City Council meetings.

Vice Mayor McConnell reported that this had been festering for several months now. Vice Mayor McConnell reported that he also asked for mutual aid Memorial Day weekend and was told by the City Manager that the Sherriff was not able to provide the aid. Vice Mayor McConnell added that this was the first time that he had heard that it was not asked for. Councilman Chester concurred. Vice Mayor McConnell added that that weekend put the City on the national news, and it gave the City a very black eye. Vice Mayor McConnell discussed his name being used by the City Manager to create rifts with members of staff and he being blocked from talking with members of the staff. Vice Mayor McConnell expressed concern that the City Manager had manipulate City Council agendas. Vice Mayor McConnell reported that he had to ask city attorneys to sit in on his meetings with the City Manager so he wouldn't be misrepresented. Vice Mayor McConnell expressed concern with the decline in culture, staff and the organization.

Councilman Jarman reported that his relationship with the City Manager had not been the same as expressed here. Councilman Jarman reported that this was concerning because this effects the ability of the Council and City Manager to run the city government. Councilman Jarman expressed concern with the City Manager not being transparent between the two parties. Councilman Jarman added what may have been able to be remedied can no longer be remedied, from what he was hearing. Councilman Jarman asked Council to learn from this. Councilman Jarman added that the City and Council have to have an effective form of government. Councilman Jarman asked if the relationship was repairable. Hearing and seeing no comments. Councilman Jarman added that respect and trust seemed to be violated. Councilman Jarman added this was difficult because he called Mr. O'Rourke a friend and now, he must choose between a friend and the effectiveness of the government. Councilman Jarman added the decision to address this will be easy to make.

Vice Mayor McConnell moved to remove the City Manager without cause. Councilman Chester

seconded the motion. All were in favor by a roll call vote (4-0).

Councilman Chester	Aye
Vice Mayor McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

Mayor Sheldon thanked Mr. O'Rourke. Mr. O'Rourke asked if he could make a statement. Mayor Sheldon concurred. Mr. O'Rourke stated that he thought he was being terminated because of a whistleblower complaint he filed yesterday for suspected acts of gross mismanagement, waste of public funds and neglect of duty. Mr. O'Rourke stated he looked forward to sharing these disclosures. Mr. O'Rourke stated it had been a pleasure working with Council, department directors and wished everyone luck.

**ITEM 2. ORDINANCE 1542, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO DEVELOPMENT APPLICATIONS, SECOND READING/PUBLIC HEARING AND ADOPTION.**

Mayor Sheldon introduced Mrs. Myers, City Attorney. Mrs. Myers read Ordinance 1542 by title only. Mayor Sheldon opened Item 2 up for public comment. Hearing and seeing no public comment, Mayor Sheldon closed public comments. Mayor Sheldon called for comments from Council. Hearing and seeing none, Vice Mayor McConnell moved to approve Ordinance 1542. Councilman Jarman seconded the motion. All were in favor by a roll call vote (4-0).

Councilman Chester	Aye
Vice Mayor McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

**\*ITEM 3. RESOLUTION 21-87, APPROVING HYATT RIGHT-OF-WAY PURCHASE.**

Mayor Sheldon introduced Mrs. Myers, City Attorney. Mrs. Myers read Resolution 21-87 by title only. Mayor Sheldon opened Item 3 up for public comment. Hearing and seeing no public comments, Mayor Sheldon closed public comments. Mayor Sheldon noted this item was available. Vice Mayor McConnell moved to approve Resolution 21-87. Councilman Jarman seconded the motion. Council members expressed their support. All were in favor by a roll call vote (4-0).

Councilman Chester	Aye
Vice Mayor McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

**ITEM 4. RESOLUTION 21-88, ADOPTING A LEGISLATIVE AND EXECUTIVE BRANCH AGENDA FOR 2021.**

Mayor Sheldon introduced Mrs. Myers, City Attorney. Mrs. Myers read Resolution 21-88 by title only. Mayor Sheldon opened Item 4 up for public comment.

Burnie Thompson – Mr. Thompson expressed concern that home rule was being targeted. Mr. Thompson noted he found it objectional to spend taxpayer money to hire a lobbyist.

Mayor Sheldon closed public comments. Mayor Sheldon noted this item was available to Council.

Vice Mayor McConnell noted he thought the legislative list (Exhibit to Resolution) was most appropriate and would help residents have a greater quality of life. Councilman Jarman, Mayor Sheldon and Councilman Chester agreed.

Councilman Chester moved to approve Resolution 21-88. Councilman Jarman seconded the motion. All were in favor by a roll call vote (4-0).

Councilman Chester	Aye
Vice Mayor McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

**ITEM 5. KUKLA RV PARK – LARGE SITE DEVELOPMENT CONDITIONAL USE, PUBLIC HEARING.**

Mayor Sheldon introduced Mrs. Myers, City Attorney. Mrs. Myers reported this was a quasi-judicial hearing and asked Council members to give their Jennings Disclosures. Mrs. Myers described the location, and noted she, Mel and the Applicant were available to answer questions. Mrs. Myers confirmed that notice of the public hearing had been properly made.

Councilman Chester reported that he knew where the property was located and had talked with Director Leonard about the matter.

Vice Mayor McConnell reported that he was aware of the location of the property and had not had any conversations about it.

Councilman Jarman reported that he was aware of the location of the property and had not had any conversations about it.

Mayor Sheldon reported that he was aware of where the property was located and had not had any conversations about it.

Mayor Sheldon asked the Applicant if he wished to speak. Hearing and seeing none. Mayor Sheldon asked Director Leonard for comments.

Director Leonard provided a brief updated on the property and zoning. Director Leonard reported the Planning Board recommended 6-0 approval to Council. Director Leonard entered into the record the Planning Board Order, Application, Staff Report, and general and specific conditions for evaluating a conditional use. Director Leonard noted that two people attended the community meeting on December 8 at 5:30 p.m. at the Lyndell Center.

Mayor Sheldon opened Item 5 up for public comment.

Casey Chelson at 518 Lyndell Lane – Mr. Chelson reported that he was one of five residents located next to the site. Mr. Chelson spoke against the large site development because of increased traffic, congestion, no lighting, possible campfires, and the possibility of allowing camping in the future. Mr. Chelson asked Council to vote against it the conditional use.

Mayor Sheldon closed public comments. Mayor Sheldon noted this item was available to Council.

Vice Mayor McConnell reported, unfortunately, state law precludes Council from voting against this because of traffic. Councilman Chester recommended Staff look at the lighting. Mayor Sheldon reported he was happy that there was a public meeting and that the Planning Board vetted the project. Mayor Sheldon noted he was in favor of the project. Discussion regarding access into the site being on Clara, which connects with Kukla took place.

Councilman Jarman asked if the Applicant wanted to have access on Lyndell in the future would that change need to go back to the Planning Board. Director Leonard reported yes, and the project still needed to be reviewed for site plan approval.

Councilman Chester moved to approve the large site development conditional use. Councilman Jarman seconded the motion. All were in favor by a roll call vote (4-0).

Councilman Chester	Aye
Vice Mayor McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

**ITEM 6. DISCUSSION ITEM – YOUTH SPORTS PLAN.**

Mayor Sheldon introduced Director Jim Ponek. Director Ponek reviewed his memo and PowerPoint presentation. Director Ponek reported that he and Staff thought they could make Flag Football happen this year in November, December and January. Council members thanked Director Ponek and Staff.

**ITEM 7. DISCUSSION ITEM – WATER SYSTEM RISK ANALYSIS.**

Mayor Sheldon introduced Director Mark Shaeffer. Director Shaeffer presented the attached PowerPoint on water system risk analysis, future areas of need, water redundancy and impact fees.

**\*ITEM 8. DISCUSSION ITEM – CROSSWALKS PRIORITIES AND BUDGET.**

Mayor Sheldon introduced Director David Campbell. Director Campbell presented the attached PowerPoint on crosswalks priorities and budget. Vice Mayor McConnell reported he was told that the state law “stop at crosswalks” signs and rapid flashing lights would be done this year. Director Campbell reported that the signage would be part of the design. Vice Mayor McConnell and Mayor Sheldon asked if both could be done this year and were budgeted this year. Director Campbell stated yes. Discussion regarding the funding took place. Mayor Sheldon thanked Director Campbell for his hard work.

**CITY MANAGER REPORT**

None.

**CITY ATTORNEY REPORT**

Mrs. Myers reminded Council that, in the absence of a City Manager, the Mayor serves as City Manager and performs all of those duties by Charter.

**COUNCIL COMMENTS**

City Council discussed holding a special meeting to address the City Manager vacancy. Council members decided to hold and announced that a **special meeting would take place on Tuesday, February 16, 2021 at 9:00 a.m. in the Chambers to address the City Manager vacancy.** Mrs. Myers asked Ms. Ward to post a notice on the City’s website.

Vice Mayor McConnell invited Lullwater residents to attend the **Town Meeting on the 17<sup>th</sup> at 6:00 p.m. at City Hall.**

Councilman Chester asked for clarification on Mr. Sewell’s comments regarding the bars and restaurants staying open until 4:00 a.m. Mrs. Myers reported that the time was set by ordinance and to amend the time would need to be done by ordinance, which probably could not be completed in time for March.

Mayor Sheldon wished Councilman Jarman a happy birthday.

With nothing further, Mayor Sheldon adjourned the meeting by unanimous consent at 7:44 p.m.

READ AND APPROVED this 22nd day of April, 2021.



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Mark Sheldon, Mayor  
City of Panama City Beach, Florida

ATTEST:



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Lynne Fasone, MMC  
City Clerk

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

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