



City of
Panama City Beach

City Hall
17007 PCB Parkway
PCB, FL 32413
www.pcbfl.gov

MINUTES of the **September 23, 2021** 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.

Mayor Mark Sheldon called the meeting to order at 9:00 a.m.

ROLL CALL

MAYOR MARK SHELDON
VICE MAYOR GEOFF MCCONNELL
COUNCILMAN PAUL CASTO
COUNCILMAN PHIL CHESTER
COUNCILMAN MICHAEL JARMAN

A quorum was present with all five council members. Others present were City Manager Drew Whitman, Assistant City Manager Holly White, City Attorney Cole Davis, City Clerk Lynne Fasone, Directors, staff, and members of the public and press.

Pastor Ramon Duvall with Beachside Fellowship led the invocation and Councilman Michael Jarman led the Pledge of Allegiance.

Mayor Sheldon provided community announcements. Mayor Sheldon called for approval of the June 10, June 24, and July 8, 2021, regular meeting minutes. Councilman Jarman so moved. Councilman Casto seconded the motion. All were in favor of approval by a roll call vote (5-0).

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

PRESENTATIONS

Mayor Sheldon called for presentations, including recognition of Gulf Coast State College Public Safety Hall of Fame Inductees. Manager Whitman invited Chief Talamantez, Chief Morgan and Councilman Jarman to the podium. Chief Talamantez recognized Cliff Oliver for being inducted into the Safety Hall of Fame and for 28 years of service. Chief Morgan recognized former Fire Chief John Daly for being inducted into the Safety Hall of Fame and for 32 years of service. City Manager Whitman recognized Councilman Jarman's grandmother who worked for the Bay County Sheriff's Office for many years and who was also inducted into the Safety Hall of Fame.

Councilman Jarman presented three employees with years of service awards.

Mayor Sheldon called for approval, additions and/or deletions to the agenda. Hearing and seeing none, Vice Mayor McConnell moved to approve the agenda. Councilman Casto seconded the motion. All were in favor of approval by a roll call vote (5-0).

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

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

Mayor Sheldon opened the floor for consent agenda and/or non-agenda business public comments.

Michelle Marie Carter, 22212 Inlet Beach – Ms. Carter noted that this was the 46th anniversary of Hurricane Eloise. Ms. Carter spoke against the outfall project and read an excerpt from a book entitled “The Gulf.”

Captain Gary Wayne Beck, Beach Street – Mr. Beck spoke about Barry Ross’ home and code enforcement issues. Mr. Beck reported that his home was without water and thanked former City Manager O’Rourke for turning his water back on. Mr. Beck commented on an FBI investigation involving Mr. O’Rourke.

Jason (inaudible), PCB –The gentleman spoke about Mr. O’Rourke’s termination and commented on the two former City Clerks being termination. The gentleman spoke against the outfall project.

Kurt Anderson, 217 Poinsettia Drive, PCB, FL 32413 – Mr. Anderson made a public records request regarding the Lullwater outfall Project for “all maps, diagrams, charts and descriptions pertaining to both initial phase as well as any and all currently planned or forecasted future phases for:

- a. all stormwater network, whether pipe or trench, being directly or indirectly into either or both of those inlets;
- b. identified headwaters or watershed to be fed into either or both those inlets;
- c. the entire land area identified as being served by any current or future stormwater system directed to either or both inlets.”

Mr. Anderson made the following statement: “I need to make a statement today, after this announcement I, as a representative of “Concerned Panama City Beach Residents” will be filing with the City Clerk a recall effort on Mayor Sheldon. Specifically, voters in the City of Panama City Beach exercise our authority under Florida Statute 100.361 to recall Mayor Mark Sheldon on the grounds of malfeasance.

1. Sheldon owns R&M Entertainment;
2. R&M presents the annual SandJam Music Festival in Panama City Beach;
3. On November 12, 2020, the City entered 5-year facilities use contract on City property with Mayor Sheldon through R&M;
4. Sheldon owns PCB Entertainment, LLC;
5. PCB Entertainment, LLC presents the annual Gulf Coast Jam Music Festival on City property;
6. The Tourist Development Council awards more than a million dollars annually to Sheldon’s companies to promote and sponsor Gulf Coast Jam and SandJam;
7. Sheldon has abstained from voting on agenda items 5 times because of conflicts arising from his private interests in these lucrative contracts. Florida Statute 112.313 paragraph 7 prohibits elected officers from maintaining or holding any employment or contractual relationship that creates a continuing or frequently reoccurring conflict between a private interest and the performance of their public duties. For the above stated reasons, Panama City Beach voters hereby recall Mark Sheldon from the office of Mayor.”

Burnie Thompson – Mr. Thompson commented that, pertaining to the outfall project, the \$21 million was HUD money and that State Representative Jay Trumbull held the checkbook for that. Mr. Thompson expressed concern that the beach front property in the application was designated as HUD property. Mr. Thompson spoke about the Association of PCB Boatmen endorsing the outfall project. Mr. Thompson

spoke about a high-end restaurant supposedly coming to Pier Park. Mr. Thompson stated he didn't know if enough signatures would be gathered for Mayor Sheldon's recall but that at the next meeting two more members would be facing recall.

Mark Neitzel, Palmetto Trace PCB resident proper— Mr. Neitzel noted that he was not prepared to speak today, however, it seemed that some folks were unprepared and not knowledgeable about what was going on with the outfall project. Mr. Neitzel thanked staff for the efforts that all were putting into this endeavor. Mr. Neitzel spoke about the benefits of the outfall project. Mr. Neitzel thanked all city employees, police and fire employees, and utilities and stormwater employees for their efforts.

Molly Allen, Lullwater Lake resident- Ms. Allen commented on her questions in 2015 about Lullwater Lake and the BP Oil spill. Ms. Allen spoke against the outfall project. Ms. Allen spoke about the beach renourishment project. Ms. Allen spoke about copies of emails she received about her from an independent engineering firm.

Karen Mathson, PCB resident – Mrs. Mathson commented that this issue would be coming to Florida at some point; the future demise of single-family homes for high-density housing. Mrs. Mathson spoke about California Governor Gavin Newsom's Bill to replace single-family homes with high-density housing to fight California's housing crisis.

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

CONSENT AGENDA

RESOLUTION 21-225, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A NOISE VARIANCE FOR EARLY MORNING CONSTRUCTION ACTIVITY AT 16006 FRONT BEACH ROAD DURING THE PERIOD SEPTEMBER 23 THROUGH NOVEMBER 18, 2021.

RESOLUTION 21-226, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN ANNUAL AGREEMENT WITH ROBERTS AND ROBERTS, INC. FOR ASPHALT REPAIRS ARISING FROM UTILITY WORK, AT THE UNIT PRICES SPECIFIED IN THE BID PROPOSAL ADOPTED IN THE BODY OF THE RESOLUTION.

RESOLUTION 21-227, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING THE ENTRANCE INTO AN INTERLOCAL AGREEMENT WITH OTHER GOVERNMENTAL PARTICIPANTS FOR THE PURPOSE OF EXERCISING INVESTMENT POWER JOINTLY TO INVEST FUNDS IN CONCERT WITH OTHER PARTICIPANTS; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 21-228, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA AUTHORIZING AND DIRECTING EXECUTION AND DELIVERY OF A JOINDER TO AGREEMENT AND DECLARATION OF TRUST CREATING AND ESTABLISHING THE FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 21-229, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH JIM HOUSE AND ASSOCIATES, INC. FOR THE REPLACEMENT OF 2 PUMPS FOR LIFT STATION 81 IN THE TOTAL AMOUNT OF \$13,492.

***RESOLUTION 21-230, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AMOUNTS TO BE OFFERED TO LANDOWNERS ALONG FRONT BEACH ROAD FOR PURCHASE OF LICENSES FOR THE FRONT BEACH ROAD SEGMENT 4.1 PROJECT.**

***RESOLUTION 21-231, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH EMERALD COAST STRIPING, LLC FOR THE CRA CROSSWALKS SIGN AND PAVEMENT MARKINGS REHABILITATION PROJECT IN THE AMOUNT OF \$273,693.00.**

***RESOLUTION 21-232, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING A TASK ORDER WITH DEWBERRY ENGINEERS, INC. FOR ENGINEERING DESIGN FOR THE OFFSHORE OUTFALL PROJECT IN FRONT BEACH ROAD SEGMENT 4.1 IN THE AMOUNT OF \$45,400.**

***RESOLUTION 21-233, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING A TASK ORDER WITH DEWBERRY ENGINEERS, INC. FOR POWELL ADAMS ROAD AND FRONT BEACH ROAD INTERSECTION DESIGN PROJECT FOR FRONT BEACH ROAD SEGMENT 4.1 IN THE AMOUNT OF \$54,800.**

RESOLUTION 21-234, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ADOPTING A LEGISLATIVE AND EXECUTIVE BRANCH AGENDA FOR THE 2022 FLORIDA LEGISLATIVE SESSION.

RESOLUTION 21-235, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN EXTENSION OF THE CITY'S AGREEMENT WITH NEOGOV FOR ONLINE APPLICANT TRACKING SERVICES AND THE PURCHASE OF ADDITIONAL ONBOARDING SERVICES IN THE TOTAL ANNUAL AMOUNT OF \$20,131.95.

Mayor Sheldon asked Ms. Fasone to read the consent agenda. Mayor Sheldon announced that the consent agenda was available. **Councilman Jarman moved to approve the consent agenda. Councilman Casto seconded the motion. All were in favor of approval by a roll call vote (5-0).**

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

REGULAR AGENDA- DISCUSSION/ACTION

ITEM 1. ORDINANCE 1567, AMENDING CHAPTER 25 OF THE CITY CODE OF ORDINANCES, CODE ENFORCEMENT UPDATE, FIRST READING.

Mayor Sheldon introduced Mr. Davis, City Attorney. Mr. Davis read Ordinance 1567 by title only. Mayor Sheldon called for public comments. Hearing and seeing no comments, Mayor Sheldon closed public comments. Mayor Sheldon noted this item was available to Council. **Councilman Chester moved to approve Ordinance 1567. Councilman Casto seconded the motion. Hearing and seeing no further comments, all were in favor of approval by a roll call vote (5-0).**

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

ITEM 2. ORDINANCE 1566, AMENDING CITY ORDINANCE INCREASING WATER AND SEWER RATES, 2ND READING /PUBLIC HEARING AND ADOPTION.

Mayor Sheldon introduced Mr. Davis, City Attorney. Mr. Davis read Ordinance 1566 by title only. Mayor Sheldon opened the public hearing. Hearing and seeing no comments, Mayor Sheldon closed the public hearing. Director Schaeffer noted he was available to answer any questions. Mayor Sheldon noted this item was available to Council. **Councilman Chester moved to approve Ordinance 1566. Councilman Jarman seconded the motion. Hearing and seeing no further comments, all were in favor of approval by a roll call vote (5-0).**

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

ITEM 3. ORDINANCE 1570, NOISE ORDINANCE FINE MITIGATION, SECOND READING / PUBLIC HEARING AND ADOPTION.

Mayor Sheldon introduced Mr. Davis, City Attorney. Mr. Davis read Ordinance 1570 by title only. Mayor Sheldon opened the public hearing. Hearing and seeing no comments, Mayor Sheldon closed the public hearing. Mayor Sheldon noted this item was available to Council. **Councilman Casto moved to approve Ordinance 1570. Councilman Chester seconded the motion. Hearing and seeing no further comments, all were in favor of approval by a roll call vote (5-0).**

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

CITY MANAGER REPORT

City Manager Whitman congratulated and thanked the men and women who were inducted into the Safety Hall of Fame. City Manager Whitman thanked city staff who work so hard for the city 24/7, 365.

CITY ATTORNEY REPORT

No report.

COUNCIL COMMENTS

Councilman Casto reported that over the past week or two he had received several emails regarding the ocean outfall project. Councilman Casto reported that there appeared to be some misinformation out there that he would try to clarify. Councilman Casto recommended that people go to the City's website and read about the project. Councilman Casto reiterated that the natural outfalls were existing and had been there for thousands of years. Councilman Casto reiterated that the water was not sewage. Councilman Casto discussed the benefits of the disaster relief grant. Councilman Casto reported that over his years of service with the city this was the number one complaint of tourists. Councilman Casto reported that as Public Works Director he attained a Class A Wastewater Treatment License and Class A Water Treatment License, so he knew a little bit about water treatment. Councilman Casto reported that he had been in PCB for 50 years and that he and his grandkids swim in the Gulf. Councilman Casto added that this project would help our Gulf, not harm it. Councilman Casto asked everyone to do their research.

Councilman Casto discussed Myrtle Beach's outfalls and reported that all agencies would need to sign-off on this good project. Councilman Casto added that misinformation spreads fear. Councilman Casto commented that this project was not for the developers, it was about making PCB cleaner, and the city was able to do the project because of \$21 million grant. Councilman Casto invited everyone to talk with him about the project.

Councilman Chester concurred and thanked Councilman Casto for his comments.


Councilman Jarman noted that he would piggybacking on Councilman Casto's comments. Councilman Jarman reported that he did his due diligence as best he could. Councilman Jarman added that he personally made a trip to Myrtle Beach to fact check the information and met with engineers, directors, and a professor from Coastal Carolina University. Councilman Jarman reported that he had received one text message concerning the outfall project. Councilman Jarman personally invited everyone to contact him with questions. Councilman Jarman concurred with Councilman Casto and noted that he and his family live here on the beach and his concern was the beach. Councilman Jarman thanked Ms. Carter for staying through the meeting and asked Ms. Jenkins to answer her questions. Councilman Jarman added that everyone else was gone who asked questions. Councilman Jarman asked Manager Whitman to follow up with Molly. Councilman Jarman asked Director Leonard to follow up with Mrs. Mathson.

Vice Mayor McConnell complimented Councilman Casto on his fantastic, emotional plea on the Gulf. Vice Mayor McConnell thanked Councilman Jarman for his comments. Vice Mayor McConnell commented on the misinformation, such as a pipe being brought down from north bay, not being even close to being factual.

Mayor Sheldon thanked and concurred with Councilman Casto. Mayor Sheldon reported that he was excited about the outfall project and felt bad for the terrible comments that were being said about Ms. Jenkins. Mayor Sheldon added that anyone who thinks that he would harm the Gulf, the place where he lives and raises his family, was a lie. Mayor Sheldon added that he was proud of the progress the city had made and the projects moving the city forward.

With nothing further, Mayor Sheldon adjourned the meeting by unanimous consent at 10:01 a.m.

READ AND APPROVED this 9th day of December, 2021.



Mark Sheldon, Mayor
City of Panama City Beach, Florida

ATTEST:



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.