



City of  
**Panama City Beach**

City Hall  
17007 PCB Parkway  
PCB, FL 32413  
[www.pcbfl.gov](http://www.pcbfl.gov)

**MINUTES of the July 28, 2022 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 July 28, 2022 regular meeting to order at 9:00 a.m.**

**ROLL CALL**

**MAYOR MARK SHELDON  
VICE MAYOR PAUL CASTO  
COUNCILMAN PHIL CHESTER  
COUNCILMEMBER MARY COBURN  
COUNCILMAN MICHAEL JARMAN**

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

**Pastor Ramon Duvall from the Beachside Fellowship Church led the invocation. Mayor Sheldon led the Pledge of Allegiance.**

**Mayor Sheldon provided community announcements. Mayor Sheldon called for approval of the July 14, 2022 regular meeting minutes. Councilman Jarman so moved. Vice Mayor Casto seconded the motion. The minutes were unanimously approved by a roll call vote (5-0).**

Mayor Sheldon	Aye
Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	Aye
Councilman Chester	Aye

**APPROVAL OF AGENDA**

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

Mayor Sheldon	Aye
Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	Aye
Councilman Chester	Aye

**PRESENTATIONS**

Mayor Sheldon made the following presentations on behalf of City Council:

1. Recognition of Officer Shy'Keya Wimberly; and
2. Recognition of Officer Bob Moss – State of Florida Drug Recognition Expert

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

Mayor Sheldon opened the floor for consent agenda and/or non-agenda business public comments, limited to three minutes each.

1. Burnie Thompson – Mr. Thompson commented that Council should answer questions during the public comment section. Mr. Thompson expressed concern about awarding contracts to Dewberry, Consent Agenda Item #1. Mr. Thompson asked if Mayor Sheldon had an interest in Councilman Chester’s GC Auto business.

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

**CONSENT AGENDA**

**RESOLUTION NO. 22-190, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A TASK ORDER WITH DEWBERRY, INC., FOR ENGINEERING DESIGN SERVICES RELATED TO UTILITY RELOCATIONS REQUIRED BY THE WIDENING OF PANAMA CITY BEACH PARKWAY, IN AN AMOUNT NOT TO EXCEED \$201,500.**

**RESOLUTION NO. 22-192, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING SUBORDINATION OF CITY UTILITY INTERESTS TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.**

**RESOLUTION NO. 22-193, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING SUBORDINATION OF CITY UTILITY INTERESTS TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.**

**RESOLUTION NO. 22-194, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A TASK ORDER WITH MCKIM & CREED, INC. FOR THE ENGINEERING SERVICES FOR UTILITIES RELOCATION ON SR 30A (US 98) FROM MANDY LANE TO EAST OF NAUTILUS STREET, IN THE AMOUNT NOT TO EXCEED \$138,550.**

**ACTION ITEM, APPROVING CITY MANAGER AND CITY CLERK TRAVEL TO 2022 FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE.**

Mayor Sheldon asked Ms. Fasone to read the consent agenda. Mayor Sheldon announced that the consent agenda was available to Council. **Vice Mayor Casto moved to approve the consent agenda. Councilman Jarman seconded the motion.** Councilmember Coburn inquired if she could remove Item #1 from the consent agenda to further discuss that item. Mayor Sheldon noted that it should have been removed prior. Councilmember Coburn noted that she would be voting no on the consent agenda. **The consent agenda was approved by a roll call vote (4-1).**

Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	No
Councilman Chester	Aye
Mayor Sheldon	Aye

## **REGULAR AGENDA- DISCUSSION/ACTION**

### **ITEM 1. RESOLUTION NO. 22-188, APPROVING EXCLUSIVE NEGOTIATING AGREEMENT WITH RHR VENTURES, LLC FOR DEVELOPMENT OF THE CITY'S 8 ACRES AT FRANK BROWN PARK.**

Mayor Sheldon introduced City Attorney Amy Myers. Mrs. Myers read Resolution 22-188 by title only. Mayor Sheldon called for public comment.

1. Burnie Thompson – Mr. Thompson expressed concern that RHR Ventures was related to the Mayor's non-profit company, Premier Travel Softball. Mr. Thompson inquired if St. Joe Company would be receiving 50% of the retail revenue from RHR Ventures. Mr. Thompson commented on the formation of RHR Ventures and stated that a box was checked noting a conflict of interest in the paperwork. Mr. Thompson asked that the conflict be identified.

2. Russ Ramey, President of RHR Ventures – Mr. Ramey reported that he formed the corporation that owns the D-Bats franchise. Mr. Ramey explained that D-Bats was a franchise out of Dallas, TX and had no ties to any other organizations, anywhere, other than D-Bats corporate. Mr. Ramey added that the corporation was its own corporation and had no conflicts or ties to any entity on the Beach.

Mayor Sheldon called for further public comment on Item #1. Hearing and seeing none, Mayor Sheldon closed public comment. Mayor Sheldon called for comments from the City Manager and/or City Attorney. Hearing and seeing none.

Mayor Sheldon addressed Mr. Thompson's statements: 1) there was no Premier Travel Softball non-profit. Mayor Sheldon reported that he was part of Florida Elite for children 10-Youth, and explained further that when a child ages up the parent removes itself from that association, a standard process. Mayor Sheldon inquired if the City Manager and/or Council knew of any reference to St. Joe receiving 50% of the revenues. The City Manager and Councilman Chester stated no. Mayor Sheldon stated that he was not in business with Mr. Ramey. Mayor Sheldon called for further comments from Council.

Councilmember Coburn inquired about the box checked by Mr. Ramey and if there was a conflict of interest. Attorney Myers reported that Mr. Ramey sits as the City's Hearing Officer for code enforcement complaints. Councilmember Coburn commented that she does think that this project satisfies St. Joe, however, it was the peoples' land and should not be used for commercial use. Councilmember Coburn discussed the Parks Master Plan not being considered to see the potential. Councilmember Coburn recommended that the corner was better suited for the community center and basketball courts, for these reasons she was voting no on this item.

Councilman Jarman invited Interim Parks and Rec Director Cheryl Joyner to the podium. Councilman Jarman inquired as to the most prolific sport in the City. Interim Director Joyner stated baseball and softball. Councilman Jarman explained because of that he did see a need for this project. Councilman Jarman reported further that the City would be building a new building at Frank Brown Park, with grant money, that would house basketball courts and community space. Councilmember Coburn discussed marketing basketball. Councilman Jarman discussed catering to the current baseball and softball need. Councilmember Coburn recommended creating more parking. Councilman Jarman concurred and added that he believed that was in the plan.

Further discussion regarding having a high level of softball and baseball users and a need for a company like D-Bats took place. Discussion regarding this being part of the initial plan to give D-Bats the exclusive right to move forward and prepare engineering and design plans took place.

Vice Mayor Casto expressed his support for the project and noted he would continue to look out for the City's best interest with respect to market value for the land, to ensure the company needed all 8 acres, and some sort of joint parking arrangement. Vice Mayor Casto added that he would keep an open mind and was excited to see what the company brings back to Council. Vice Mayor Casto noted that the City could use operating money to operate the Park.

Councilman Chester reported that he had talked with citizens on the Beach, coaches, and all of them were ecstatic about this project. Councilman Chester added that he would like to see the project move forward.

Councilmember Coburn added that she was in favor of this business, just not at this location, that it would be much better suited at Pier Park. Further discussion regarding parking and children and families crossing Rt 98 to get to the Park from Pier Park took place.

Mayor Sheldon expressed his support for the project. Mayor Sheldon reported that the pricing structure was up to the business owner and the lease needed to be fair and favorable to the City. Mayor Sheldon added that the City needed to find revenue. Mayor Sheldon added that he looked forward to discussing revenue and ad valorem tax next week during the budget discussions.

Mayor Sheldon noted this item was available to Council. **Councilman Jarman moved to approve Resolution 22-188. Vice Mayor Casto seconded the motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, **Resolution 22-188 was approved by a roll call vote (4-1).**

Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	No
Councilman Chester	Aye
Mayor Sheldon	Aye

**\*ITEM 2. RESOLUTION NO. 22-191, APPROVING A CHANGE ORDER FOR CRA FRONT BEACH ROAD, SEGMENT 3.**

Mayor Sheldon introduced City Attorney Amy Myers. Mrs. Myers read Resolution 22-191 by title only. Mayor Sheldon called for public comment. Hearing and seeing no comments, Mayor Sheldon closed public comments. Mayor Sheldon invited comment from Assistant City Manager Holly White.

Assistant Manager White reported that Courtney was available to answer any questions about the change order. Councilman Jarman stated he would like Courtney to give a brief explanation for the public.

Mr. Courtney Drummond, CRA Project Manager, explained the three major changes/costs associated with the change order including the City's responsibilities to correct localized flooding, underground/harden utilities and supply chain problems.

Vice Mayor Casto discussed upsizing pipes going west and capturing more drainage. Mr. Drummond agreed and added that yes, the upsizing would set the City up for success in the future. Vice Mayor Casto expressed support for the change order and added that he felt that it was a smart move now.

Mayor Sheldon noted this item was available to Council. **Councilman Chester moved to approve Resolution 22-191. Vice Mayor Casto seconded the motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, **Resolution 22-191 was approved by a unanimous roll call vote (5-0).**

Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	Aye
Councilman Chester	Aye
Mayor Sheldon	Aye

**ITEM 3. RESOLUTION NO. 22-195, APPROVING AN AGREEMENT WITH FLORIDA LEAGUE OF CITIES, INC. FOR WINDSTORM INSURANCE.**

Mayor Sheldon introduced City Attorney Amy Myers. Mrs. Myers read Resolution 22-195 by title only. Mayor Sheldon called for public comment on Item #3. Hearing and seeing none, Mayor Sheldon closed public comment.

City Manager Whitman reported that this item was put out to bid and the City received one bid from the Florida League of Cities.

Mayor Sheldon noted this item was available to Council. **Vice Mayor Casto moved to approve Resolution 22-195. Councilman Chester seconded the motion.** Mayor Sheldon called for further discussion from Council.

Councilmember Coburn inquired as to how this premium compares to premiums in previous years', as well as coverage. Manager Whitman invited HR Director Lori Philput to the podium. Director Philput discussed previous years' coverage, explained that this policy would eliminate coverage gaps. Director Philput reported that it was not truly an apples-to-apples comparison because this coverage was much better. Director Philput and Manager Whitman discussed the 2020 tornado at Frank Brown Park. Councilman Jarman agreed that the City was under insured during that event.

Mayor Sheldon called for additional discussion from Council. Hearing and seeing none, **all were unanimously in favor of approval of Resolution 22-195 by a roll call vote (5-0).**

Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	Aye
Councilman Chester	Aye
Mayor Sheldon	Aye

**ITEM 4. DISCUSSION ITEM / ACTION ITEM, APPOINTMENTS TO THE HALF-CENT SALES TAX OVERSIGHT COMMITTEE.**

Mayor Sheldon called for public comment. Hearing and seeing none, Mayor Sheldon closed public comment. Mayor Sheldon invited comment from Manager Whitman. Manager Whitman explained that Council had two appointments to fill and that the seats run with the terms of Councilmembers. Manager Whitman added that Vice Mayor Casto and Councilmember Coburn both had appointments.

Vice Mayor Casto stated that he would like to keep Mr. John Johnson on the committee and that Mr. Johnson was happy to serve another term. Mayor Sheldon called for discussion on the appointment of John Johnson. Hearing and seeing none, **Councilman Jarman moved to appoint Mr. Johnson to the committee. Councilman Chester seconded the motion.** Mayor Sheldon called for additional discussion from Council. Hearing and seeing none, **all were unanimously in favor of the appointment by a roll call vote (5-0).**

Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	Aye
Councilman Chester	Aye
Mayor Sheldon	Aye

Councilmember Coburn stated that she would like to appoint Mr. Bruce Biage, a resident of Palmetto Trace, to her seat. Mayor Sheldon called for discussion on the appointment of Bruce Biage. Hearing and seeing none, **Councilman Jarman moved to appoint Mr. Biage to the committee. Councilman Chester seconded the motion.** Mayor Sheldon called for additional discussion from Council. Hearing and seeing none, **all were unanimously in favor of the appointment by a roll call vote (5-0).**

Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	Aye
Councilman Chester	Aye
Mayor Sheldon	Aye

#### **ITEM 5. DISCUSSION / ACTION ITEM, CHAPTER 7 - BEACH COMMERCE.**

Mayor Sheldon called for public comment. Hearing and seeing none, Mayor Sheldon closed public comment. Mayor Sheldon invited comment from Manager Whitman. Manager Whitman explained that at the end of the last council meeting Council had asked Staff to bring back a discussion/action item regarding Chapter 7, commerce on the beach. Manager Whitman explained there were three ways to possibly handle this and asked Council for direction after discussion.

1. Leave Chapter 7-Beach Commerce alone. Manager Whitman provided a brief history on how/why Chapter 7-Beach Commerce was created in the 80's/90's; and
2. Open up the beach commerce to only upland owners on the beach, the licensed restaurants. Manager Whitman recommended that the upland owners who wished to participate should rake the beach, clean up the trash and/or any other restrictions that Council would like to add; and
3. Open up beach commerce to everybody. Manager Whitman added cons could be parking and blocking beach access during delivery, etc. and a pro would be that everyone would have the same fair right to beach commerce.

Mayor Sheldon called for discussion from Council. Councilman Jarman reported that he was not in favor of option 3, for several reasons. Councilman Chester stated he was not in favor of option 3 because of the potential increase in trash, however, he did not have a problem with upland owners having an App, but they must keep the beach clean and no alcohol deliveries.

Vice Mayor Casto explained that times have changed, with the addition of Doordash, etc., so Council should take a look at updating Chapter 7 -Beach Commerce. Vice Mayor Casto asked Legal to look at the City's exposure that if Council goes with option 2.

Councilmember Coburn reported that she was opposed to this. Councilmember Coburn discussed residents/visitors getting up and getting their own food. Councilmember Coburn discussed enforcement and trash issues. Further discussion regarding current food delivery services to and around the City Pier took place.



Mayor Sheldon reported that he had had conversations with restaurants and business owners and most seemed to be in favor of the service, even if they did not have the staff to participate. Mayor Sheldon reported that he was not a fan of servers walking up and down the beach, beach chair to beach chair. Mayor Sheldon reported that he was not a fan of option 3, however, he was fine with upland owners being able to provide the service. Mayor Sheldon discussed the summer concert series recently adding food trucks as an amenity took place.

Councilman Jarman reported that he was against allowing upland owners delivering alcohol on the white sandy beach, as a delivery item. All Councilmembers concurred. Vice Mayor Casto inquired about the "extension of premises" provision in the Code. Attorney Davis explained that a legal opinion had consistently been provided to business owners that "extending its premises" to the white sandy beach for alcohol sales was in violation of the City's ordinance. Attorney Davis added that the State was aware of the City's Code. Further discussion regarding cleaning up Chapter 7-Beach Commerce took place.

Councilman Jarman stated he would like to see only the upland owner operate this type of business, in that an owner cannot lease the service out, and the owner was responsible for keeping the white sandy beach clean. Further discussion regarding Code Enforcement enforcing the restrictions took place. Discussion regarding charging an upland business owner an application fee to cover the City's costs of Code Enforcement took place.

**Manager Whitman reviewed Council's direction as: 1) the majority of Council preferred option 2, permitting an upland owner to participate; 2) with a restriction of no alcohol on the white sandy beach; 3) an upland owner must clean the beach every night; 4) an owner/operated shall have a kitchen approved by the State of Florida Health Department; and 5) some kind of fee structure. Councilmembers concurred and added that there must be a fee on the front end and the back end to cover the costs of enforcement.**

Vice Mayor Casto reviewed that Council was not stopping residents/visitors from using Doordash, etc. for food delivery to the condos. Councilmembers concurred.

Attorney Davis inquired if Council was not allowing servers on the white sandy beach. **Councilmembers concurred, no solicitation, no going beach chair to beach chair.**

Mayor Sheldon called for further discussion from Council. Hearing and seeing none.

#### **CITY MANAGER REPORT**

No report.

#### **CITY ATTORNEY REPORT**

Attorney Myers reported that Cliff Knauer does not appear as a corporate officer of the Dewberry corporation.

#### **COUNCIL COMMENTS** - Mayor Sheldon invited Council comments.

Councilman Jarman explained the design of a council meeting in that the "Public Comment" period was the time for the public to make their uninterrupted comments and the "Council Comment" period was Council's time to provide their comments. Councilman Jarman extended his congratulation to the two Police Officers recognized at today's meeting.

Vice Mayor Casto extended his congratulations to the two Officers who received the awards as well. Vice Mayor Casto asked the City Manager to look at ballfield use at Frank Brown with respect to not all of the fields being used. Vice Mayor Casto explained that some folks would like their teams to be able to practice on an unused field. Manager Whitman reported yes, he was looking at a "throwdown field" when fields were not in use.

Mayor Sheldon reported that he was very excited to see that the State was moving forward with the widening of Back Beach Road. Mayor Sheldon recommended that all the State widening plans be added to the City's website, even though the plans may not be 100% final. Mayor Sheldon thanked the DOT for keeping this project moving forward.

**With nothing further, Mayor Sheldon adjourned the meeting by unanimous consent at 10:09 a.m.**

**READ AND APPROVED** this 9<sup>th</sup> day of August, 2022.



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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.