



City of
Panama City Beach

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

MINUTES of the **March 9, 2023** 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 March 9, 2023 regular meeting to order at 6:00 p.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.

Mayor Mark Sheldon led the invocation, the Pledge of Allegiance, and provided community announcements.

Mayor Sheldon called for approval of the February 23, 2023 regular meeting minutes. **Councilman Jarman so moved. Councilman Chester seconded the motion. The meeting minutes were unanimously approved by a roll call vote (5-0).**

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

APPROVAL OF AGENDA

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

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

PRESENTATION

On behalf of the entire City Council, Mayor Sheldon presented Ms. Avery Bell a special recognition on being selected the Boys and Girls Club March 2023 honoree.

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

Mayor Sheldon opened the floor to non-agenda business public comments, limited to three minutes each.

1. Casey Chellsen, 518 Lyndell Lane – Mr. Chellsen thanked Council and staff for all they do for PCB. Mr. Chellsen commented on the growing number coyote and bears in the community. Mr. Chellsen reported the coyotes and bears were taking the lives of residents' pets. Mr. Chellsen reported that coyote feces was toxic to pets and humans. Mr. Chellsen asked Council to do something to protect the pets. Mr. Chellsen urged Council to take action. Mr. Chellsen noted he lost a cat to a coyote.
2. Molly Allen, Lullwater Resident – Ms. Allen comments were in reference to the permit being looked at by the Corps of Engineers for the Outfall Project. Ms. Allen reported there were 49 responses who opposed the project and 33 people requested a public hearing. Ms. Allen noted she was opposed to the "session" type of hearing, a townhall, and instead was asking for an actual public hearing. Ms. Allen asked the City to prove it owned Lullwater Lake, she believed the neighborhood owns it. Ms. Allen noted she would be seeking legal counsel.

Mayor Sheldon called for additional public comments. Hearing and seeing none, Mayor Sheldon closed the public comment portion of the agenda.

CONSENT AGENDA

RESOLUTION NO. 23-128, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE AGREEMENT WITH FOSTER & FREEMAN USA, INC. RELATED TO THE PURCHASE OF ONE FORENSIC CRIME SCENE CAMERA FOR THE POLICE DEPARTMENT, IN THE TOTAL AMOUNT OF \$39,221.50.

RESOLUTION NO. 23-130, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF A TORO GROUNDSMASTER TRI DECK MOWER FROM JERRY PATE TURF & IRRIGATION, INC. FOR THE PARKS DEPARTMENT, IN THE TOTAL AMOUNT OF \$40,061.78; AND AGREEING TO BE BOUND BY THE TERMS OF THAT CERTAIN AGREEMENT BETWEEN THE CITY OF MESA, ARIZONA AND THE TORO COMPANY GOVERNING THAT PURCHASE.

RESOLUTION NO. 23-131, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF SEVEN IMPELLERS FOR THE WEST BAY PUMPING STATION FROM THE ESCHELMAN COMPANY, INC., IN THE BASIC AMOUNT OF \$53,858.

RESOLUTION NO. 23-132, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF THREE TRUCKS FROM ALAN JAY FLEET SALES, IN THE TOTAL AMOUNT OF \$164,398; AGREEING TO BE BOUND BY THE TERMS OF THAT CERTAIN AGREEMENT BETWEEN THE CITY OF TALLAHASSEE AND ALAN JAY FLEET SALES GOVERNING THAT PURCHASE; AND REPEALING RESOLUTION 22-180.

RESOLUTION NO. 23-133, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A LIGHTING AGREEMENT WITH FLORIDA POWER & LIGHT COMPANY FOR INSTALLATION AND MAINTENANCE OF LIGHTING FACILITIES ON PANAMA CITY BEACH PARKWAY BETWEEN MANDY LANE AND NAUTILUS STREET.

RESOLUTION NO. 23-134, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A CONTRIBUTION TO THE BAY COUNTY TRANSPORTATION PLANNING ORGANIZATION, IN THE TOTAL AMOUNT OF \$45,500.

RESOLUTION NO. 23-135, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A CHANGE ORDER TO THE CITY'S AGREEMENT WITH CWR CONTRACTING, INC., FOR THE FRONT BEACH ROAD SEGMENT 3 PROJECT, TO ADD \$112,142.80 AND FOURTEEN DAYS FOR PERFORMANCE OF THE WORK.

RESOLUTION NO. 23-137, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH STUART C. IRBY, CO., FOR THE PURCHASE OF PUMP CONTROLLER EQUIPMENT IN THE TOTAL AMOUNT OF \$83,572.64.

Mayor Sheldon asked the Clerk to read the Consent Agenda. Mayor Sheldon noted this item was available to Council. **Vice Mayor Casto moved to approve the Consent Agenda. Councilmember Coburn seconded the motion. All were unanimously in favor of approval of the Consent Agenda by a roll call vote (5-0).**

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

REGULAR AGENDA- DISCUSSION/ACTION ITEMS

ITEM 1. ORDINANCE NO. 1613, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO NOISE VARIANCES, SECOND READING / PUBLIC HEARING.

Mayor Sheldon introduced City Attorney Myers. Mrs. Myers read Ordinance No. 1613 by title only. Mayor Sheldon opened the public hearing on Ordinance 1613. Hearing and seeing no comments, Mayor Sheldon closed the public hearing. Mayor Sheldon noted this item was available to Council. **Vice Mayor Casto moved to approve Ordinance 1613. Councilman Jarman seconded the motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, Mayor Sheldon asked the Clerk to call the roll. **Ordinance No. 1613 was adopted by a (5-0) roll call vote.**

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

ITEM 2. ORDINANCE NO. 1615, TEMPORARILY CLOSING A PORTION OF THE SANDY GULF BEACH, SECOND READING / PUBLIC HEARING.

Mayor Sheldon introduced City Attorney Myers. Mrs. Myers read Ordinance No. 1615 by title only. Mayor Sheldon opened the public hearing on Ordinance 1615. Hearing and seeing none, Mayor Sheldon closed the public hearing. Mayor Sheldon noted this item was available. **Councilman Jarman moved to approve Ordinance 1615. Councilman Chester seconded the motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, Mayor Sheldon asked the Clerk to call the roll. **Ordinance No. 1615 was adopted by a unanimous (5-0) roll call vote.**

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

ITEM 3. ORDINANCE NO. 1616, REVISING CHAPTER 7 RELATED TO BEACH, BOATS, AND WATER SAFETY, SECOND READING / PUBLIC HEARING.

Mayor Sheldon introduced City Attorney Myers. Mrs. Myers read Ordinance 1616 by title only. Mayor Sheldon opened the public hearing on Ordinance No. 1616.

1. Casey Chellsen, 518 Lyndell Lane – Mr. Chellsen expressed concern with the amendment prohibiting wood beach bonfires, switching only to propane. Mr. Chellsen commented that he had a beautiful experience with a wood beach bonfire and did not understand why wood wouldn't be allowed any longer. Mr. Chellsen commented that he did not think using wood was detrimental to the beach. Mr. Chellsen asked Council to keep wood beach bonfires as an option.
2. Anthony, Owner of Light Me Up Beach Bonfires– Anthony commented that he was the only bonfire vendor who uses wood on the Beach. Anthony commented that his business had been operating for 8 years, without incident. Anthony asked Council for the same opportunities as the propane vendors.

Mayor Sheldon called for further comments. Hearing and seeing none, Mayor Sheldon closed the public hearing. Mayor Sheldon invited Chief Morgan to the podium.

Mayor Sheldon asked Chief Morgan for his take on wood beach fires. Chief Morgan reported the data was correct, that there had been zero incidents with wood fires. Chief Morgan reported when winds were up, wood beach fires would not be permitted. Chief Morgan explained how wood beach fires were disposed of, the cooling aspect and the receptacle used to discard the wood and ash. Chief Morgan reported the Fire Department was able to regulate both wood and propane fires, whichever Council preferred.

Attorney Davis reported since first reading he had talked separately with each Councilmember, staff, and Mr. Anthony, at length. Mr. Davis reported one issues raised was the wood bonfires, so earlier today he provided Council with alternative language to allow wood fires. Mr. Davis explained:

- (a) The applicant must be a licensed bonfire vendor certified by the Fire Department to possess the requisite knowledge, skill, and resources to carefully conduct wood fires without creating a risk of injury to persons or property.
- (b) The Fire Department has certified that the permittee has equipment capable of cooling and disposing of any debris, coals, and ash within the time provided by section (a)(4) of this section.
- (c) At all times from the lighting of the fire to its extinguishment, the fire must be actively tended by the named permittee.
- (d) The named permittee shall keep a 2.5-gallon water-based fire extinguisher tagged in compliance with NFPA 10 standard for portable fire extinguishers on site at all times.
- (c) The fee for the issuance of the fire permit shall be fifty dollars (\$50.00) for a propane-fueled fire and seventy-five dollar (\$75.00) for an organic wood fueled fire or an amount otherwise set by resolution of the City Council.

Mr. Davis stated after speaking with Captain/Fire Inspector Legleiter and Mr. Anthony both were happy with the amendments to the wood fires. Mr. Davis added that both versions of Ordinance were in front of Council .

Mayor Sheldon noted he was a fan of moving forward with wood fires, with the amended language, and knowing that the fires are not dug into the sand.

Councilmember Coburn inquired as to how the wood fires were removed from the beach. Mr. Anthony explained the long process and noted Mr. Davis had a video if anyone would like to see it. Mayor Sheldon reviewed the process, so everyone understood the process. Discussion regarding taking everyone off the beach at the end of the day took place. Councilmember Coburn inquired if Mr. Anthony had staff attend the fire. Mr. Anthony stated yes, that he had 12 employees and they do stay with the fire. Brief discussion regarding propane fires took place. Discussion regarding the wood fire application took place.

All Councilmembers were good with keeping wood fires in the Code, as amended by Mr. Davis.

Mayor Sheldon noted this item was available to Council. **Councilman Jarman moved to approve Ordinance No. 1616, with the language allowing wood fires, and to include all other amended language as detailed in Mr. Davis' email. Vice Mayor Casto seconded the motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, Mayor Sheldon asked the Clerk to call the roll. **Ordinance No. 1616 was adopted, as amended, by a unanimous (5-0) roll call vote.**

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

ITEM 4. RESOLUTION NO. 23-129, AUTHORIZING A BUDGET AMENDMENT TO APPROPRIATE FUNDING FOR SICK LEAVE PAYOUTS.

Mayor Sheldon introduced City Attorney Myers. Mrs. Myers read Resolution No. 23-129 by title only. Mayor Sheldon called for public comment on Item #4. Hearing and seeing none, Mayor Sheldon closed the public comment period. Mayor Sheldon noted this item was available to Council. **Vice Mayor Casto moved to approve Resolution 23-129. Councilman Chester seconded the motion. All were unanimously in favor of approval of Resolution 23-129 by a roll call vote (5-0).**

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

ITEM 5. RESOLUTION NO. 23-136, ACCEPTANCE AND EXECUTION OF A GRANT AGREEMENT FOR THE POLICE DEPARTMENT; AND AUTHORIZING A BUDGET AMENDMENT.

Mayor Sheldon introduced City Attorney Myers. Mrs. Myers read Resolution 23-136 by title only. Mayor Sheldon called for public comment on Item #5. Hearing and seeing none, Mayor Sheldon closed the public comment period. Mayor Sheldon thanked the Police Department for finding another grant for the City. Mayor Sheldon noted this item was available to Council. **Councilman Chester moved to approve Resolution No. 23-136. Councilman Jarman seconded the motion.** Mayor Sheldon called for further

discussion. Hearing and seeing none, Mayor Sheldon asked the Clerk to call the roll. **Resolution No. 23-136 was approved by a unanimous (5-0) roll call vote.**

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

ITEM 6. RESOLUTION NO. 23-138, APPROVING AN AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. FOR PREPARATION OF A WATER AND WASTEWATER UTILITY REVENUE SUFFICIENCY STUDY.

Mayor Sheldon introduced City Attorney Myers. Mrs. Myers read Resolution 23-138 by title only. Mayor Sheldon called for public comment on Item #6. Hearing and seeing none, Mayor Sheldon closed the public comment period. Mayor Sheldon noted this item was available to Council. **Councilman Chester moved to approve Resolution No. 23-138. Councilmember Coburn seconded the motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, Mayor Sheldon asked the Clerk to call the roll. **Resolution No. 23-138 was approved by a unanimous (5-0) roll call vote.**

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

ITEM 7. RESOLUTION NO. 23-139, APPROVING A TASK ORDER WITH MOTT MACDONALD FLORIDA, LLC, FOR THE LAGUNA BEACH AREA "C" SEPTIC TO SEWER PROJECT.

Mayor Sheldon introduced City Attorney Myers. Mrs. Myers read Resolution No. 23-139 by title only. Mayor Sheldon called for public comment on Item #7. Hearing and seeing none, Mayor Sheldon closed the public comment period. Mayor Sheldon noted this item was available to Council. **Councilman Chester moved to approve Resolution No. 23-139. Councilman Jarman seconded the motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, Mayor Sheldon asked the Clerk to call the roll. **Resolution No. 23-139 was approved by a unanimous (5-0) roll call vote.**

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

CITY MANAGER REPORT – No report.

CITY ATTORNEY REPORT - No report.

COUNCIL COMMENTS - Mayor Sheldon invited comments from Council.

Councilmember Coburn thanked Director Joyner for organizing a great event; "Spring into Sports."

Councilman Chester wished Mayor Sheldon a Happy Birthday.

Councilman Jarman reported the City does not have any type of animal control and recommended residents contact Bay County and/or the Florida Fish & Wildlife Commission.

Mayor Sheldon reported as a board, Council had two direct employees, the City Clerk and the City Manager. Mayor Sheldon reported reviews had been done on both and April was the two-year timeline for the City Manager and Ms. Lynne had been with us three years now. Mayor Sheldon reported they had received the cost of living increases with staff, but no merit raises. Mayor Sheldon recommended that Council look at merit increases for both of them. Mayor Sheldon added both do a fabulous job and both put the City first so he recommended that both receive a 4% per year merit increase; 8% for the past two years, based on their work ethic and their reviews. Mayor Sheldon further thanked City Manager Whitman, Attorney Davis, and Lobbyist Steve Southerland for putting together a packed week in DC. Mayor Sheldon reported there was no down time, they had face-to-face meetings with the City's Senators and Representatives and many other folks, and spent time at the White House. Mayor Sheldon thanked the team for putting the trip together and noted he was very hopeful.

With nothing further, Mayor Sheldon adjourned the meeting by unanimous consent at 6:32 p.m.

READ AND APPROVED this 23rd day of March, 2023.



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.