



City of
Panama City Beach

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

MINUTES of the **August 9, 2022** Special 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 August 9, 2022 special 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.

Councilman Phil Chester led the invocation and the Pledge of Allegiance.

Mayor Sheldon provided community announcements. Mayor Sheldon called for approval of the July 28, 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).**

Councilman Chester	Aye
Vice Mayor Casto	Aye
Councilman Jarman	Aye
Councilmember Coburn	Aye
Mayor Sheldon	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).**

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

PRESENTATIONS

On behalf of City Council, Mayor Sheldon presented Mr. Chris England with a plaque for coming to the aid of Police Officer Jessica Coupe during a traffic accident.

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 expressed his concern with Council awarding an exclusive contract to Mr. Russ Ramey, President of D-Bat, because Mr. Ramey sits as the City's Code Enforcement Magistrate. Mr. Thompson expressed concern that the City received a \$1.4 million grant to repair street lights, however, he felt that those street lights were given to Florida Power & Light.
2. Molly Allen – Ms. Allen inquired about Consent Agenda Item #3, the purchase of property interest - who would be purchasing the interest. As well as Consent Agenda Item #4, what type of design modifications are being proposed.

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

Mayor Sheldon asked Manager Whitman to respond to Ms. Allen's questions. Manager Whitman reported that the details were in the packet, however, Item #3 dealt with Property By the Sea enhancements and Item #4 dealt with a Dewberry Task Order for signage at Front Beach and West Park Drive, a pedestrian signal and working traffic light. Mayor Sheldon thanked Manager Whitman.

CONSENT AGENDA

RESOLUTION NO. 22-189, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH WESTECH ENGINEERING, LLC FOR THE PURCHASE OF THREE REPLACEMENT ROTARY DRUM SCREEN ASSEMBLIES FOR USE AT THE WASTEWATER TREATMENT PLANT, IN THE TOTAL AMOUNT OF \$321,123.00.

RESOLUTION NO. 22-199, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA; APPROVING AN AMOUNT OF \$1,287.27 TO BE LIENED ON PROPERTY LOCATED AT 131 CORAL DRIVE, FOR COSTS INCURRED BY THE CITY TO ABATE NUISANCES LOCATED UPON SUCH PROPERTY; AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO RECORD THE LIEN AND NOTIFY INTERESTED PARTIES OF SUCH LIEN; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

RESOLUTION NO. 22-200, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING OFFERS FOR PURCHASE OF PROPERTY INTERESTS FOR THE FRONT BEACH ROAD SEGMENT 4.1 PROJECT.

RESOLUTION NO. 22-201, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A TASK ORDER WITH DEWBERRY ENGINEERS, INC. FOR DESIGN MODIFICATIONS ASSOCIATED WITH THE FRONT BEACH ROAD SEGMENT 4.1 PROJECT, IN THE AMOUNT OF \$119,425.00.

RESOLUTION NO. 22-203, A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ADJUSTING THE PAY GRADE ASSIGNMENTS FOR CERTAIN POSITIONS; AND PROVIDING AN EFFECTIVE DATE.

REVISION OF THE MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. These items are to be removed from the Master Audit List. Staff recommends approval. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List.

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**

Chester seconded the motion. Mayor Sheldon asked Ms. Fasone to call the roll. The consent agenda was approved by a unanimous roll call vote (5-0).

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

REGULAR AGENDA- DISCUSSION/ACTION

ITEM 1. ORDINANCE NO. 1588, SMALL SCALE FUTURE LAND USE MAP AMENDMENT AT 800 AND 802 YOUNG STREET, FIRST READING.

Mayor Sheldon introduced City Attorney Amy Myers. Mrs. Myers read Ordinance 1588 by title only. Mayor Sheldon called for public comment on Item #1. Hearing and seeing no comments, Mayor Sheldon invited Director Leonard to comment.

Director Leonard reported that this was a small scale future land use map amendment from "Single Family" to "Tourist." Director Leonard added that the Planning Board considered this request at its July 13, 2022 meeting and recommended approval by a 3-1 vote. Mr. Leonard described the location. Mr. Leonard reported further that the rezoning request would be considered by the Planning Board at its August 10, 2022 meeting.

Mayor Sheldon noted this item was available to Council. Mayor Sheldon reported that he drove the area yesterday, it was a very small and narrow street, not built for commercial in his opinion, and there was no city sewer on the street. Mayor Sheldon added that the infrastructure was not in place for it to be considered commercial. Mayor Sheldon noted that he was not in favor of this request, it was already R-1 so three homes could be built on the property.

Councilman Chester reported that he spoke with Staff about the request, drove the area and agreed with the Mayor, that the area was very small. Councilman Chester added that there were creeks and a lake in the area, and it would seem septic would be needed in the area. Councilman Chester noted that he was not in favor of the request.

Discussion regarding the road not being able to support short-term rentals and the existing full-time residential on the street took place.

Vice Mayor Casto inquired if new commercial development would be required to install sewer in the area. Director Leonard reported that Director Shaeffer may be able to answer that question better than he. Discussion regarding the right of way being very small. Director Shaeffer reported to support any intensity of development, sewer would need to be installed; sewer on one side and water on the other. Vice Mayor Casto reported that he did not see any reason not to approve the request, he was leaning toward following the Planning Board's recommendation.

Councilman Jarman inquired if anyone had heard from residents. Director Leonard reported that there may have been one resident attend the meeting and his Department did not receive many comments at all. Councilman Jarman inquired if Council was able to deny based on the width of the road. Mayor Sheldon discussed the Comp Plan.

Councilmember Coburn reported that she was fine with keeping it the way it currently was and that anything built on the property needed to be small scale. Discussion regarding what could possibly be built on the property took place.

Director Leonard reported that this was the plan amendment portion of the request, and the rezoning portion would be discussed and decided by the Planning Board at its meeting tomorrow.

Councilman Chester moved to not approve (to deny) Ordinance 1588. A brief discussion took place regarding waiting to see what recommendation the Planning Board makes tomorrow took place. **Councilmember Coburn seconded the motion to be able to vote on Councilman Chester’s motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, Mayor Sheldon asked the Clerk to call the roll. **The motion to deny Ordinance 1588 failed by a roll call vote of (2-3).**

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

Councilman Jarman moved to approve Ordinance 1588. Vice Mayor Casto seconded the motion. Mayor Sheldon called for further discussion. Hearing and seeing none, **the motion to approve Ordinance 1588 passed by a roll call vote of (3-2).**

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

ITEM 2. ORDINANCE NO. 1589, REZONING AT 800 AND 802 YOUNG STREET, FIRST READING.

Mayor Sheldon introduced City Attorney Amy Myers. Mrs. Myers read Ordinance 1589 by title only. Mayor Sheldon called for public comment on Item #2. Hearing and seeing no comments, Mayor Sheldon invited Director Leonard to comment.

Director Leonard reported this was the rezoning request on the small scale amendment that was just discussed. Director Leonard added that the Planning Board considered this request, going from R1C to CH, at its July 13, 2022. Director Leonard reported further that the Planning Board was scheduled to take it up again on its August 10th meeting, so by Council’s second reading Council would have a recommendation from the Planning Board. Director Leonard explained that since the Comp Plan would be “Tourist” the Planning Board’s choices were CL, CM or CH.

Mayor Sheldon inquired if R2 would be taken off the board. Director Leonard explained that it would unless the Comp Plan changed to “Multi-Family” from a “Tourist” request.

Mayor Sheldon noted this item was available to Council.

Councilman Chester stated that he was not in favor of this item. Councilman Jarman inquired if the life was still in the first request even if this rezoning was denied. Director Leonard stated yes.

Councilman Chester moved to deny Ordinance 1589. 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 1589 failed by a roll call vote of (4-1).

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

ITEM 3. ORDINANCE NO. 1590, SMALL SCALE FUTURE LAND USE MAP AMENDMENT AT 14602 FRONT BEACH ROAD AND 99 GULF BLVD. FIRST READING.

Mayor Sheldon introduced City Attorney Amy Myers. Mrs. Myers read Ordinance 1590 by title only. Mayor Sheldon called for public comment on Item #3. Hearing and seeing none, Mayor Sheldon closed public comment. Mayor Sheldon invited Director Leonard to comment.

Director Leonard explained this was a small scale plan amendment request, similar to the Item #1, going from "Single Family Residential" to "Tourist" at the Open Sands Shopping Center. Director Leonard reported that the Planning Board considered the request at its July 13, 2022 meeting and recommended approval 4-0. Director Leonard discussed the location and discussed a possible scribbler's error.

Mayor Sheldon noted this item was available to Council. Mayor Sheldon commented that this request made more sense to him and he was in favor. Councilman Jarman concurred. Vice Mayor Casto noted his support as well. **Councilman Jarman moved to approve Ordinance 1590. Councilman Chester seconded the motion. Mayor Sheldon called for further discussion. Hearing and seeing none, the motion to approve Ordinance 1590 passed by a unanimous roll call vote of (5-0).**

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

ITEM 4. ORDINANCE NO. 1591, REZONING AT 14602 FRONT BEACH ROAD AND 99 GULF BLVD., FIRST READING.

Mayor Sheldon introduced City Attorney Amy Myers. Mrs. Myers read Ordinance 1591 by title only. Mayor Sheldon called for public comment on Item #4. Hearing and seeing none, Mayor Sheldon closed public comment. Mayor Sheldon invited Director Leonard to comment.

Director Leonard explained this was the rezoning portion of the request just discussed on the same property. Director Leonard added that the Planning Board considered this request at its July 13, 2022 meeting and recommended approval going from R1C to CH; the current zoning on the front part of the property.

Mayor Sheldon noted this item was available to Council. **Councilman Jarman moved to approve Ordinance 1591. Councilman Chester seconded the motion. Mayor Sheldon called for further discussion. Hearing and seeing none, the motion to approve Ordinance 1591 passed by a unanimous roll call vote of (5-0).**

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

***ITEM 5. RESOLUTION NO. 22-204, DISKINS APPRAISAL REVIEW SERVICES AGREEMENT.**

Mayor Sheldon introduced City Attorney Amy Myers. Mrs. Myers read Resolution 22-204 by title only. Mrs. Myers reported this is intended primarily to support efforts of the Front Beach Road CRA project. Mayor Sheldon called for public comment on Item #5. Hearing and seeing none, Mayor Sheldon closed public comment.

Mayor Sheldon noted this item was available to Council. **Councilman Chester moved to approve Resolution 22-204. Vice Mayor Casto seconded the motion.** Mayor Sheldon called for further discussion. Hearing and seeing none, **the motion to approve Resolution 22-204 passed by a unanimous roll call vote of (5-0).**

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

ITEM 6. DISCUSSION / ACTION ITEM, SMOKING ON SANDY BEACH AND IN CITY PARKS.

Mayor Sheldon called for public comment on Item #6. Hearing and seeing none, Mayor Sheldon closed public comment. Mayor Sheldon reported that he asked that this item be added to the agenda. Mayor Sheldon commented that he thought that Council should be more proactive with respect to non-smoking on the beach and in city parks, since the State was taking a stand through the Governor's Office. Mayor Sheldon added that cigarette butts were a problem on the beach, difficult to clean up, and even though enforcement may be difficult, it was right to prohibit smoking in these areas. Mayor Sheldon reported that at the most recent budget workshop Council talked about adding a Code Enforcement Officer to assist with enforcement. Mayor Sheldon noted this item was available to Council.

Vice Mayor Casto reported that since the last meeting he walked the beach several times and the cigarette butts were a problem. Vice Mayor Casto added reported that he had talked with the beach cleaning services and they confirmed that the cigarette butts are very difficult to clean up from the beach. Vice Mayor Casto noted his support and asked Legal Staff if Council could legally prohibit smoking in these areas. Mrs. Myers reported that Council was permitted, under the recent State law, to prohibit smoking on the beach and in city parks, however, Council could not prohibit smoking of unfiltered cigars, but could prohibit vaping devices. Discussion regarding the unfiltered cigars exemption built into the law and the State legislation overwhelmingly passing the Bill took place. Councilman Jarman offered his support. Councilmember Coburn offered her support. Mrs. Myers asked if the direction from Council was to prohibit smoke on the beach and also in city parks. All Councilmembers stated yes, on the beach, parks and trails. Discussion regarding future signage took place. Vice Mayor Casto inquired about the fine/penalty that would be associated with this violation. Manager Whitman recommended that he work with each Councilmember and Legal Staff to arrive at a civil fine. Councilmembers asked Manager Whitman to move forward.

CITY MANAGER REPORT

Manager Whitman reported that he was proud of all city employees and wished to congratulate Ms. Lynne for being highlighted in the State of Florida Clerks Association magazine.


CITY ATTORNEY REPORT

No report.

COUNCIL COMMENTS - Mayor Sheldon invited comments from Council. Hearing and seeing none, Mayor Sheldon thanked everyone for their cooperation with moving the regular meeting to today so Council could attend the Florida League of Cities conference. Mayor Sheldon reported that Council's next meeting, the budget workshop, was scheduled for August 23rd at 9:00 a.m.


With nothing further, Mayor Sheldon adjourned the meeting by unanimous consent at 9:41 a.m.

READ AND APPROVED this 25th day of August, 2022.



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.