

CITY COMMISSION MEETING MINUTES
TUESDAY, JANUARY 26, 2021
SENIOR ACTIVITY CLUB FACILITY-905 PENNSYLVANIA AVE
5:00P.M.

Present: Dan Russell, Mayor Pro Tem/Commissioner
Judy Tinder, Commissioner
Brandon Aldridge, Commissioner
Pat Perno, Commissioner
Vickie Gainer, City Manager
Kevin Obos, City Legal Counsel
Ricky Ramie, Police Chief

Item #1. Call to Order: By Dan Russell, Mayor Pro Tem/Commissioner at 5:00p.m.

Item #2. Invocation/Pledge of Allegiance: Invocation by Commissioner Aldridge, followed by the Pledge of Allegiance.

Item #3 Mayor Pro Tem's Report:

Mayor Pro-Tem Russell thanked Commissioner Aldridge for covering for him at the last City Commission meeting. Mayor Pro-Tem Russell stated he had a conversation with the Assistant Dean of Faculty at FSU regarding the Saint Andrews Bay/Saint Joseph Bay Estuary Program, and part of the grant requirement is to have representation from different cities. Mayor Pro-Tem Russell stated the representative has to be an elected official. He said he was asked if he would like to serve, but he declined as he is not running for another term. He asked the commissioners if any of them were interested in serving. Commissioner Pat Perno agreed to accept to serve on the board for the program.

Item #4 Commissioner's Report:

Commissioner Tinder stated she has been dealing with some Code Enforcement issues and things of that nature. Commissioner Aldridge stated he has been addressing emails concerning the City moving forward. Commissioner Perno stated he has received emails ranging from parents inquiring about recreation sports to back flow preventer issues. He stated he directed some citizens to the City Manager regarding some issues that he knows she can take care of, and he thanked City Manager Gainer for her assistance. He attended the Rotary Club meeting last Wednesday and Garrett with the Bay County Economic Development Alliance (EDA) presented a program they are starting along with Gulf Coast that is a manufacturing co-op, so to speak, and this should be a great program for our area. He stated for the February 9th City Commission meeting, the Bay County EDA would like to present the program information to the commission. He stated this program provides on the job training that will give people a future with a company. He stated the program is coming to fruition, and is an excellent opportunity for our citizens to have this opportunity. Commissioner Perno thanked everyone for all they do.

Item #5 City Manager's Report:

City Manager Gainer stated she has a couple of updates, that we do not have an employee of the month, as that item was left on the agenda, but there will be an employee of the month next month. City Manager Gainer asked Deputy Finance Director Kiki Roman to come to the podium to provide answers for any questions regarding the financial update. Commissioner Tinder asked about on January 15th, that it appears two (2) checks were written to DAG Architecture for \$180,159, and \$359,000 to Florida Architect, and the last she knew, they were about 60% finished with the plans, and is that correct? City Manager Gainer stated they have 60% of the plans completed. Commissioner Tinder asked what the upfront quoted amount was when they were hired. Commissioner Tinder stated that is almost a half-million dollars and asked if that was approved. City Manager Gainer stated for Florida Architect, she is thinking it was a little over one million that was approved, and that was for the total design for the Police Department, The Chamber and City Hall. Then in November, they came back and the commission approved the design and demolition of the City Hall, and the Library. There was some additional cost, and there is different sets of PO's for those items. City Manager Gainer stated one of the reasons you will see two (2) checks written, is because FEMA reimbursement is separated out from other invoices. It is the same with DAG, you will see a check for the design for the ballfields, and then a check for the Sports Complex. Commissioner Tinder stated for clarification, Florida Architects quoted a little over a million for City Projects, such as the buildings here, and DAG is just dealing with ballfields. City Manager Gainer stated for DAG there are two (2) projects, the ballfields, and the Sports Complex. Ms. Roman stated they are not separate checks, they are separate invoices, and if you look at the check number, the invoices are included with that check number. City Manager Gainer stated she brings items before the City Commission dealing with Hurricane Michael. One is checks for Tetratex, and the other is a check for Crowder Gulf in the amount of \$68,449.39. City Manager Gainer stated the invoices were received in November, and auditing was completed from both sides. City Manager Gainer stated after all invoices were verified this is the amount owed. City Manager Gainer stated a workshop will be held on Thursday, January 28th at 4:30pm at the Senior Center to provide an update for the rebuild of all City projects, the architects will be present, as they have been working diligently to get to a point for the projects to be presented to the City Commission and have public input. City Manager Gainer invited all to attend.

Item #6 City Attorney's Report:

Mr. Obos provided an update for the Marina Island transfer of the right of way for the rails to trails project. There have been delays in getting the deed, as Marina Island is not turning over the deed to the City as agreed. Mr. Obos stated they have reached out to members of Marina Island and their legal counsel demanding the release of the deed to the City. If there is no resolution, then the next step will to be file a lawsuit. After Marina Island and their legal counsel were informed of an impending lawsuit, then Marina Island came up with a list of items from a few years ago, in which all items have been addressed except maybe one (1) to two (2) items. These couple of items are things that they gave up on doing, but they brought it up again. A meeting will be held with them to determine what items they feel need to be addressed. Mr.

Obos stated he is requesting permission from the Commission that if there is no resolution with the meeting, and if the matter cannot be resolved quickly, that he can proceed with filing a lawsuit.

Commissioner Aldridge stated he agrees, as the rails to trails project has been a long time coming, the community is excited about it, and this was before Hurricane Michael.

Motion by Commissioner Aldridge: To approve litigation if item cannot be resolved.
Second to the Motion: Commissioner Perno

There was no public commentary.

On Vote:	Aldridge	aye	
	Perno	aye	
	Tinder	aye	
	Russell	aye	Motion Carried 4 - 0

Item #7 Public Commentary:

Mr. Jamison Warrick stated that after reading through the charter, he asked if it is correct that the City Attorney advises for legal matters. Mayor Pro Tem Russell stated he is allowed to make comments, but not ask questions of the Commission. Mr. Warrick stated he still has concerns if the commission is paid by a 1099 or a W2. Mr. Warrick stated his concerns are that when he asked the commission about it, the commissioners all looked to the City Attorney for the answer. His understanding is that the City Attorney does not give directives, and that the City Attorney advises for legal reasons; however, the City Commission makes the final decision. He is concerned that the City Commission is allowing the City Attorney to direct them on how to do something, or are we taking that advice to make decision for themselves.

Ms. Anne Mahowald stated she was there for the new business for the discussion and approval of the Pedestrian sidewalks and footbridge on Petty Drive. Ms. Mahowald stated she understands the safety concerns for the pedestrians. She stated she has resided in her home for about forty (40) years, and her home faces the Publix shopping center. She has tried to keep some landscaping to act as a buffer from the trucks, lights, and noise. She stated City Manager Gainer had Bobby Baker from Public works to come out, and he stated the sidewalk would connect to her sidewalk. Ms. Holden stated it concerns her, as this sidewalk connection would be in her front yard. She would like to work with the City to see if the direction of the sidewalk could be changed, and keep the landscaping that is there to help her have some privacy.

There was no other public commentary.

CONSENT AGENDA

Item #8 Minutes 1/12/2021 – regular meeting minutes.

Item #9 Approval to appoint Joseph Ashbrook to the Planning Commission Board.

Item #10 Approval of the time extension for R.V.'s, trailers, and pods on private property for requesting residents affected by Hurricane Michael, in accordance with Ordinance #1071.

Item #11 Approval of the Residential Incentive Application for 701 W 8th St.

Item #12 Approval of the Residential Incentive Application for 705 West 8th St.

Commissioner Tinder asked if they were voting later on for the two (2) people that have requested extensions for their R.V.'s. City Manager Gainer stated it is part of the consent agenda.

Motion by Commissioner Aldridge: To approve the consent agenda.

Second to the Motion: Commissioner Perno

There was no public commentary.

On Vote:	Aldridge	aye
	Perno	aye
	Tinder	nay
	Russell	aye

Motion passed 3-1

NEW BUSINESS

Item #13 First Reading of Ordinance #1109 amending the City of Lynn Haven Charter.

City Manager read Ordinance #1109

Mayor Pro Tem Russell stated this is the first reading and no action is required, however, he asked if there was any public commentary on this item.

There was no public commentary.

Mr. Obos stated charter amendments are approved as a referendum. The Supervisor of Elections has a deadline of February 12th to get an ordinance to him to allow for the advertisement requirements. The final reading of the ordinance will be at the February 9th meeting. Ms. Obos stated there are no major shifts in power; this ordinance is to clean up some obsolete language, to move forward so there will not be issues with vacancies, and other things that have occurred in the past few years. Commissioner Tinder asked about term limits, as she is in favor of them, as term limits are good to keep from having professional politicians. Commissioner Tinder asked why the word Clerk had been struck through, as the City Manager is also the Deputy Clerk, and asked was it being proposed that we no longer have a clerk, or that we do not have a clerk. Mr. Obos stated that change was to clean up a section from the last charter amendment (ordinance #711), which was about twenty (20) years ago that had a section for City Manager, and section for City Manager/Clerk. For this proposed amendment, a specific duty was added in section 26(k) where the City Manager is to act as a City Clerk when required by law; in case there is any statute that comes out that the City Clerk needs to do something, this way the Clerk position is covered. Commissioner Tinder asked about a change that indicates the Mayor will sign all

checks that the City Manager writes. Commissioner Tinder stated if the Mayor is not available, out of town, etc., is there a commissioner that can sign checks in the Mayor's absence. Mr. Obos in the Mayor's duty section there is a sentence that states in the absence, or disability of the Mayor, another member of the commission can sign checks. Commissioner Tinder asked the commission about adding any verbiage in this charter, that every four (4) years, address the charter by appointing a committee of five (5) to fifteen (15) residents, and have them bring their thoughts and suggestions to the commission. Commissioner Tinder stated that does not mean the commission has to accept or adopt the suggestions. It would be good to have something in place for the charter to be reviewed every so often. Mr. Obos stated he has seen it set up for charter reviews to occur every ten (10) to fifteen (15) years. This is something he would need direction from the commission to move on because it would need to be added to the title, and the same, with term limits. Mayor Pro Tem Russell stated the voters decide term limits every four (4) years. Mr. Obos stated as a city grows, then look at term limits, as in smaller cities it becomes more challenging for people to run to serve on a commission.

Mayor Pro Tem Russell asked if there is any public commentary.

Mr. Jamison Warrick stated he knew this was something long overdue, and he agrees there should be a timeline for the charter to be reviewed. He would also like to see the appointment of a committee as they can review the charter line by line, and this will give input from the residents; then the City Attorney could review their recommendations. Mr. Dan Messer stated one part of the charter that needs to be defined is the word resident. When a person is running for election for the City Commission, etc., the charter should specify that the person should be a permanent City of Lynn Haven resident. Commissioner Aldridge stated he understands the concerns of Commissioner Tinder and the citizens, however, there is a cut-off date to get this ordinance to the Supervisor of Elections, and there is a time crunch. The amendment is more about cleaning up pronouns, and titles, etc. Commissioner Aldridge stated if we are looking at a comprehensive change; that can wait until the next election. Those commissioners can review the charter and decide if any major changes are needed. Commissioner Tinder stated she agreed with the defining of resident, as with the past situation with a former commissioner having two (2) residences, and citizens were complaining to her daily. She has concerns that if this is rushed through, that a lot of people will vote no, and it's kind of a waste of time to do it this quickly, and she is not sure what it would cost to have another referendum. Mayor Pro Tem Russell stated his philosophy is fix what you can, and at this point, we cannot fix the charter with these requested items, and get it on the referendum. Mayor Pro Tem Russell stated to take the time to get this one fixed, and then the next commission can decide if they want a special election to make additional changes to the charter.

There was no further commentary.

Item #14 Discussion and Possible approval to accept the pedestrian crossing easement located off Petty Drive at the North East corner of Belaire Estates from Real Sub, LLC

Mr. Obos stated this item goes hand in hand with Item #15, which the Public Works Director will handle that part. This item is for creating a new pedestrian access from Belaire, across a large drainage easement onto the Publix property. The vast majority is on the City's right of way, and the smaller section on the Publix property at the last tenant space to create the boundary. Mr. Obos stated an easement agreement is needed from Publix, and Publix is

agreeable. Publix has the agreement, and to have the project ready, approval from the commission is needed. Once the signed easement agreement from Publix is received, we will have the authority to accept it. A commission vote is needed to accept the easement agreement so it can be recorded.

Motion by Commissioner Aldridge: To approve the as presented.

Second to the Motion: Commissioner Perno

Commissioner Tinder asked Ms. Mahowald about her concerns, if it was about people walking through the area. Ms. Mahowald stated what she is worried about, is according to Bobby, the sidewalk would connect to her sidewalk in her front yard. She stated there is some landscaping the blocks some of the noise, and lights. Commissioner Aldridge stated his understanding from Ms. Mahowald is that the landscape vegetation needs to stay as it provides her some privacy.

Mr. Bobby Baker, Public Works Director, stated there was some huge trees in that area, and Hurricane Michael took out most of the trees. The sidewalk is six (6) feet wide and can be shifted to prevent taking any additional landscape out. Mayor Pro Tem Russell asked about piggy backing on the project to add some landscaping. Mr. Baker stated it could be looked at, but the City has not been replacing trees, and there is no way to replace the size of trees that the hurricane took out. Mayor Pro Tem Russell stated he is the one that brought this project to the City as several citizens had contacted him about pedestrian traffic in this area being a safety concern. He was looking at ways to alleviate pedestrian traffic on the roads. Mayor Pro Tem Russell stated the original estimate was too high, and he appreciates everyone working to get the price down to where it can be affordable. Commissioner Tinder asked about the estimates for the project. Mayor Pro Tem Russell stated the original estimate was \$115,000, and the current estimate is down to \$45,000 by bringing some of the work in-house. Commissioner Tinder asked would this be setting a precedence for other businesses. Commissioner Perno stated he met with the City Manager to verify if he would need to abstain from voting, and since this has been in a planning phase prior to him being elected, he would not have to abstain from voting. Commissioner Perno stated his approval of this being done in the interest of public safety.

Citizen stated she lives in Belaire, and she has observed the same safety concerns, and it is very dangerous at the three (3) stop signs. She does not want to infringe on anyone else, however that curve is dangerous and with the amount of pedestrian traffic, safety is a concern for everyone, including the elderly and kids. She stated that addressing the 3-way stop may also help.

Ms. Arlene Harrison stated it is horrible at the stop signs, and it is a dicey situation. A walkway would be nice, that would not have to affect the woman's yard. Mayor Pro Tem Russell asked Chris Forehand, if the sidewalk could be shifted. Mr. Forehand stated it is possible, he will need to look at the sidewalk that is there to get a consensus and go from there.

A citizen stated they are not opposed to the bridge, as safety is a concern, and it will benefit the neighborhood. He suggested installing a speed bump or two (2) speedbumps.

Mr. Obos stated this item is for the Publix agreement only and does not change anything on the Publix side. The adjustment would be on the City right of way. Mr. Forehand stated it might change it by shifting the sidewalk.

There was discussion if this item should be tabled. Mr. Baker stated the shifting of the sidewalk would not affect the Publix easement.

On Vote:	Perno	aye	
	Aldridge	aye	
	Tinder	aye	
	Russell	aye	Motion passed 4-0

Item #15 Discussion and Possible approval to use mobility impact fees to construct the pedestrian crosswalk off Petty Drive at the North East corner of Belaire Estates (in Publix shopping Center.

Commissioner Tinder asked if the Belaire Estate wall is still there. Mr. Baker stated it is a wall sign, and it is still there. He stated the sidewalk will be about 30' to 40' off the wall sign on the Highway 77 side, and it will be right before you get to the sign. Commissioner Tinder stated she would like the item to be tabled until the information can be gathered and presented. Commissioner Perno stated cost could increase with the proposed changes.

Motion by Commissioner Aldridge: To table this item until the first meeting in February, as this will give time to review revised plans and any cost changes.

Second to the Motion: Commissioner Tinder

On Vote:	Aldridge	aye	
	Perno	aye	
	Tinder	aye	
	Russell	aye	Motion tabled 4-0

Item #16 Discussion and possible approval of the Water and Sewer Asset Management Plans.

Mr. Greg Kidwell, Public Utilities Director stated this asset management plan is a comprehensive plan of what is actually in the ground. Mr. Kidwell stated this is a combination of capital improvement projects, along with a part of the State revolving fund loan agreement. We were able to save some points on the loan agreement by adopting these two (2) plans. Mr. Kidwell stated this does not commit us to funding all of this; this is saying we see this plan, and this is what we have. This can be utilized for budgeting, and rates, as it is a tool that staff can use for bringing our City further along with our water and sewer projects.

There was no public commentary.

Minutes from January 26, 2021 City Commission Meeting

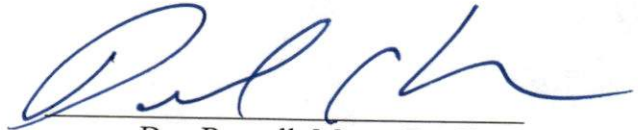
Motion by Commissioner Aldridge: To accept the item as presented.

Second to the Motion: Commissioner Perno

On Vote: Aldridge aye
Perno aye
Tinder aye
Russell aye

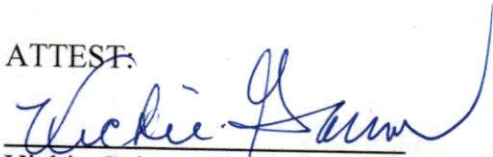
Motion passed 4-0

Item #17 Adjourn: There was no further business and the meeting adjourned at 5:55 pm.



Dan Russell, Mayor Pro Tem

ATTEST:



Vickie Gainer, City Manager

Prepared by Vicki Harrison

DAN RUSSELL
MAYOR PRO TEM

VICKIE GAINER
CITY MANAGER

KEVIN OBOS
LEGAL COUNSEL



COMMISSIONERS
BRANDON ALDRIDGE
PAT PERNO
JUDY TINDER

NOTICE

**CITY COMMISSION MEETING-TUESDAY JANUARY 26, 2021 -5 P.M.
CRA BOARD MEETING JANUARY 26, 2021 – 4:30 P.M.
SENIOR ACTIVITY CLUB FACILITY- 905 PENNSYLVANIA AVE
THE PUBLIC IS INVITED TO ATTEND**

Limited Seating Due to COVID-19 during Commission Meeting. For your convenience, this meeting is also viewable online. Please visit _____ and select the YouTube link to participate online.

AGENDA

1. Call to order
2. Invocation/Pledge of Allegiance
3. Mayor Pro Tem's Report
4. Commissioner's Report
5. City Manager's Report
 - A. Employee of the Month
 - B. Financial update-Deputy Finance Director
6. City Attorney's Report
7. Public Commentary

CONSENT AGENDA:

8. Minutes: 01/12/21 – regular meeting minutes
9. Approval to appoint Joseph Ashbrook to the Planning Commission Board.
10. Approval of the time extensions for RV's, trailers, and pods on private property for requesting residents affected by Hurricane Michael, in accordance with Ordinance #1071.
11. Approval of the Residential Incentive Application for 701 West 8th St.
12. Approval of the Residential Incentive Application for 705 West 8th St.

****MOTION NEEDED TO APPROVE CONSENT AGENDA**

OLD BUSINESS: NONE

NEW BUSINESS:

13. First reading of Ordinance #1109 amending the City of Lynn Haven Charter. (City Attorney) *No action necessary.*
14. Discussion and possible approval to accept the pedestrian crossing easement located off Petty Drive at the North East corner of Belaire Estates from Real Sub, LLC. (City Attorney)
15. Discussion and possible approval to use mobility impact fees to construct the pedestrian

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- crosswalk off Petty Drive at the North East corner of Belaire Estates (in Publix Shopping Center). **(Public Works)**
16. Discussion and possible approval of the Water and Sewer Asset Management Plans. **(Public Utilities)**
 17. Adjourn.

****IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. FLORIDA STATE STATUTE 286.0105.**

****IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTES, 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT CITY HALL NO LATER THAN 48 HOURS PRIOR TO THE PROCEEDING AT TELEPHONE 850-265-2121 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE) FOR ASSISTANCE.**