

**TUESDAY, FEBRUARY 9, 2021
CITY COMMISSION MEETING – 9 A.M.**

Present:

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

Item #1. Call to order. By Mayor Pro Tem Russell at 9 A.M.

Item #2. Invocation/Pledge of Allegiance. Invocation by City Manager Gainer.

Item #3. Mayor Pro Tem's Report. Mayor Pro Tem Russell stated he was happy to see all the candidates running for office and he is available to speak with any who would like to.

Item #4. Commissioner's Report. Commissioner Aldridge reported his happiness with the progress in the City and reported a lot of positive public feedback on City employees. Commissioner Perno reported attending a TPO meeting with Commissioner Aldridge. He informed that several projects, in 2022-2026 budget were temporarily put on hold due to budgetary problems: widening of back beach road and widening of hwy 390 from 77 to 231. He stated that they voted no to put these on hold on behalf of the citizens of Lynn Haven. Commissioner Tinder inquired regarding the candidates running for office not being aware of the sign ordinances. City Manager Gainer informed, and Police Chief Ramie informed that if signs are picked up by Code Enforcement, they would be stored at the City yard for two weeks.

Item #5. City Manager's Report. City Manager Gainer announced that the PPDR program was complete. The last house was demolished last week. She mentioned two checks written to Crowder Gulf and TetraTech for approval for these services. She announced the employees of the month, Marla Clark and Kerry Odom. She announced the department of the quarter Facilities Maintenance and stated that we also received the Apple of my Eye award from the Bay County Chamber for the Senior Activity Club. She announced the upcoming February 23rd celebration for Black History month. She thanked Brian Blalock for applying for and receiving a \$100,000 grant for the City related to Covid-19. We hired the Integrity group to help us apply for several other grants for city projects and it's looking very hopeful that the 5.2 million dollar west 10th Street grant project will be approved. City Manager asked if there were any questions for Deputy finance director regarding payables, there were none.

Item #6. City Attorney's Report. Kevin Obos had no report.

Item # 7. Public Commentary. Ryan Scray stated he was here on behalf of another citizen

who could not be here. He wanted to discuss the changes to the Charter regarding the City Commission giving themselves pay increases without the public having input. He urged this change not being made and that the public has input regarding pay increases. Mr. Walker stated that the people need to have input into charter changes. He compared it to the constitution of the U.S. and went on to accuse of not adhering to the charter. He said they were informed that the City does not own the fuel depot and Blue Waters, LLC wanted to annex the property. He went on to quote the contract stating Blue Waters, owns it for 75 years with the intent to lease it to the City and now it is in litigation. He implored the Commission listen to the citizens regarding the charter.

CONSENT AGENDA:

Item # 8. Minutes: 1/26/21- regular meeting minutes

Item #9. Approval of the emergency communications agreement between Bay County and the City of Lynn Haven.

Item #10. Discussion regarding time extensions of RV's, trailers, and pods on private property for residents affected by Hurricane Michael, in accordance with Ordinance #1071.

Item #11. Approval to appoint Kenneth Murphy and Erik Nolte to the board of adjustment.

Motion by Commissioner Perno: To approve as presented.

Second to the Motion: Commissioner Aldridge

On Vote:

Perno	aye
Aldridge	aye
Tinder	aye
Mayor Pro Tem Russell	aye

Motion passed: 4-0

OLD BUSINESS:

Item #12. 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). Bobby Baker, Public Works Director spoke regarding the proposed changes given last meetings public input and the funds \$50,000, required to do so pending approval of the easement. Mayor Pro-tem asked if mobility fees had to be used for things like sidewalks, etc. Mr. Baker affirmed adding they are used for new construction projects of that sort. He said this is a much better plan for the citizen who asked for changes and all involved. Commissioner Tinder inquired what would happen if Publix moved and wondered if they would consider contributing. City Attorney Obos stated we could reach out and inquire if Publix would like to contribute. The citizen involved thanked the Commission and Mr. Baker for helping with the changes.

Motion by Commissioner Aldridge: To approve as presented.

Second to the Motion: Commissioner Perno

On Vote:

Aldridge	aye	
Perno	aye	
Tinder	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

PUBLIC HEARINGS (item #'s 13-16)

Item #13. Final reading of ordinance #1102 establishing procedures for special assessments. City Manager Gainer read the ordinance and City Attorney Obos stated that this puts assessment procedures in place in case the City decides to make special assessments in the future. Commissioner Tinder inquired if this was only for procedure purposes and if a vote would be required to actually begin any assessing. Mr. Obos affirmed. Further commission discussion continued with Mr. Walker inquiries about customers outside of Lynn Haven. Mayor Pro tem clarified that the unincorporated areas are people in the county. Incorporated area is citizens within the City limits. Mr. Obos interjected that if there are unincorporated customers that we may have provided services to, we are able to assess them if they are in the urban service area which is a five mile radius around the City assess as long as they are not within the limits of any other city.

Motion by Commissioner Aldridge: To approve as presented.
Second to the Motion: Commissioner Perno

On Vote:

Aldridge	aye	
Perno	aye	
Tinder	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

Item #14. Final reading of Ordinance #1103 Amending chapter 26 of the Code of Ordinances authorizing special assessments of nuisance abatement liens on the tax roll.

City Manager read Ordinance 1103. This will permit the City to move property liens to the tax roll that the City has to spend money to improve ensuring future reimbursement. (Clean and lien)

Motion by Commissioner Perno: To approve as presented.
Second to the Motion: Commissioner Aldridge

On Vote:

Perno	aye	
Aldridge	aye	
Tinder	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

Item #15. Final reading of Ordinance #1104 modifying the Lynn Haven Police Officer's Retirement plan by raising the required distribution age and changing the date individual

member share accounts are established. Mayor Pro Tem Russell inquired with Police Chief if he and his department are in agreement with this. Chief Ramie affirmed.

Motion by Commissioner Perno: To approve as presented.

Second to the Motion: Commissioner Aldridge

On Vote:

Perno	aye
Aldridge	aye
Tinder	aye
Mayor Pro Tem Russell	aye

Motion passed: 4-0

Item #16. Final reading of Ordinance #1109 amending the City of Lynn Haven Charter.

City Manager Gainer read Ordinance #1109. Mr. Obos informed that this is approving proposed amendments to go on the referendum to be voted on by all citizens. He also informed that it is not changing any salaries for commissioners but merely taking out the referendum requirement for any salary changes for commissions in the future. Changing salaries would still require an Ordinance and advertisement and public input through the public hearing protocols for Ordinances. Commissioner Tinder stated she did not even know this was a paid position. She doesn't feel the Commission should be able to give themselves a raise. She feels the people won't have a say and that they should have a say. She said Mr. White stepped in and said hey let's double the pay. Mayor Pro Tem said the citizens have a response every time and encouraged citizens to speak to their commissioners and if they are not happy with their responses then vote them out of offices. Commissioner Perno inquired further. Mr. Obos stated public input is available at each public hearing. Commissioner Tinder feels we should have had a public workshop to discuss charter changes. Commissioner Aldridge verified current and proposed procedures asking benefit of change. Mr. Obos said if it's approved, they would come back with an Ordinance setting salary not just change it in a budget process with a City Manager. He stated the goal for these changes is to clean up and clarify processes, making them right moving forward. He also stated that these changes are not doing anything regarding eliminating a City Clerk position. He stated it was changed 20 years ago as then there was a City Manager position and a City Manager-clerk position with a lot of overlap that was eliminated then. Commissioner Tinder asked what citizens would see on the ballot.

Motion by Commissioner Aldridge: To approve the pronouns but leave the salaries on the referendum.

Second to the Motion: Commissioner Perno

Mr. Obos stated he would like to see the compensations set. Mayor Pro Tem asked if we add words to the Ordinance now would it need another first reading. Mr. Obos has not seen any commissioner compensations be set by ordinance or referendum and you all are getting one. Commissioner Tinder would like to see a committee formed where citizens could have input. Mr. Walker spoke stating that they are rushing something through without public opinions. He stated breach of charter happened regarding salaries being set 5 years ago by staff. He went on stating he feels a citizen committee should be formed not push anything through now. Ryan Scray stated

he feels salaries should be considered as a separate item. Arlene Harrison inquired if the proposed changes could be posted. Mayor pro Tem informed. Mr. Warrick stated he wishes a committee had been put together previously to address the Charter and stated that he feels we should not rush this now. Commissioner Aldridge stated he feels really only five folks in the town are concerned about the Charter. He said none of his constituents have brought it to his attention, but he is willing to wait regarding these changes.

Commissioner Aldridge withdrew his motion.
Commissioner Perno did not withdraw his second.

Commissioner Tinder inquired regarding several proposed charter changes.

On Vote:

Aldridge	aye	
Perno	aye	
Tinder	no	
Mayor Pro Tem Russell	aye	Motion passed: 3-1

NEW BUSINESS:

Public Hearing

Item #17. Discussion and possible approval of Resolution # 2021-02-350 stating the City's intent to use the uniform method of collecting non-ad valorem special assessments as provided by law. City Manager read resolution. Mr. Obos reemphasized we are not currently imposing an assessment with this resolution, but this will allow us to if we choose to do so. City Manager informed that she was directed to move forward with a rate study previously and that there will be a workshop in March, this will allow us to assess if we decide to take any of their recommendations. Commissioner Perno inquired regarding service area assessment. Mr. Obos informed.

Motion by Commissioner Aldridge: To approve as presented.

Second to the Motion: Commissioner Perno

On Vote:

Aldridge	aye	
Perno	aye	
Tinder	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

Item #18. Discussion and possible approval of change order #1 relocating city underground utilities related to the Hwy 390 widening project. Utilities Director informed that the change order has ten moving parts resolving stormwater conflicts, fixing aging sewer and water lines. These items fall outside of DOT reimbursement. Mayor Pro Tem inquired regarding if these were missed original plans. Greg Kidwell stated we didn't know that the stormwater pipe was so large we would have to move water and sewer pipes out of the way due to the depth. We didn't know the original depth of utilities that were there and it would have not

had enough cover for them. Mayor pro tem stated so these were unforeseen problems? Mr. Kidwell affirmed. Commissioner Perno inquired if \$241,000 was total change. Mr. Kidwell affirmed. Mayor Pro Tem stated his frustration with DOT forcing the changes and the City having to pay for them. Commissioner Aldridge echoed Mayor Pro Tem. Mr. Warrick inquired if we asked FDOT if they could assist. Mr. Kidwell stated they do reimburse us if it is inside the FDOT corridor.

Motion by Commissioner Tinder: To approve as presented.
Second to the Motion: Commissioner Perno

On Vote:

Tinder	aye	
Perno	aye	
Aldridge	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

Item #19. Discussion and possible approval of Resolution #2021-02-351 authorizing approval and adoption of the City’s drinking water system asset management plan.

City Manager read Resolution. She stated the master plan was approved last meeting, but it was missing the resolution.

Motion by Commissioner Perno: To approve as presented.
Second to the Motion: Commissioner Aldridge

On Vote:

Perno	aye	
Aldridge	aye	
Tinder	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

Item #20. Discussion and possible approval of Resolution #2021-02-352 authorizing approval and adoption of the City’s wastewater system asset management plan.

City Manager read Resolution. She stated the master plan was approved last meeting, but it was missing the resolution.

Motion by Commissioner Perno: To approve as presented.
Second to the Motion: Commissioner Aldridge

On Vote:

Perno	aye	
Aldridge	aye	
Tinder	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

Item #21. First reading of Ordinance #1105 – Voluntary Annexation – Parcel # 11659-000-000; Diego’s. City Manager Gainer read Ordinance #1105.

Item # 22. First reading of Ordinance #1106 – Small Scale Future Land Use Map Amendment from Bay County Residential to City of Lynn Haven Commercial – Parcel # 11659-000-000. City Manager Gainer read Ordinance #1106.

Item #23. First Reading of Ordinance #1107– Voluntary Annexation – Parcel # 11573-008-000; Finch. City Manager Gainer read Ordinance #1107.

Item #24. First reading of Ordinance #1108 – Small Scale Future Land Use Map Amendment from Bay County Residential to City of Lynn Haven Mixed Use – Parcel # 11573-008-000. City Manager Gainer read Ordinance #1108.

Item #25. Discussion and possible approval of the application for Development Order for My Thai’s Asian Bistro – Parcel # 09184-000-000. Quasi-Judicial Public Hearing. Mr. Obos swore in Amanda Richard. Ms. Richard gave the details of this item. Mayor Pro Tem inquired regarding the land use designation she mentioned being take out restaurant. She informed it had to do with parking requirements for take outs. Commissioner Tinder inquired regarding their entrance.

Motion by Commissioner Aldridge: To approve as presented.

Second to the Motion: Commissioner Perno

On Vote:

Aldridge	aye	
Perno	aye	
Tinder	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

Item #26. Discussion and possible approval of an amended contract with GAC for Temporary Facilities. City Manager informed original contract was for two years. She stated we are getting reimbursed 90% from FEMA and the State picks up 5% every six months. This would amend the contract to renew every six months to come before the Commission for approval. Mayor Pro Tem stated that the City’s 5%portion for the temporary Police Dept and City Hall is \$1,200 per month, not the exorbitant amounts that others have accused. Commissioner Tinder inquired if the price is going up. City Manager informed no. Mr. Obos elaborated that it is the same amount quoted in the original Mr. Walker agreed with the Commission decision.

Motion by Commissioner Perno: To approve as presented.

Second to the Motion: Commissioner Tinder

On Vote:

Perno	aye	
Tinder	aye	
Aldridge	aye	
Mayor Pro Tem Russell	aye	Motion passed: 4-0

Minutes from the City Commission meeting called February 9, 2021 at 9 A.M.

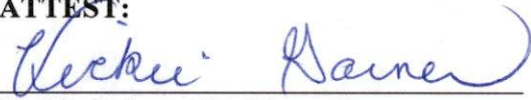
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Item #27. Adjourn. There was no further city business, meeting adjourned at 10:50 A.M.

APPROVED THIS 23 DAY OF Feb. 2020.


Dan Russell, Mayor Pro Tem

ATTEST:


Vickie Gainer, City Manager