

TUESDAY, APRIL 12, 2022  
CITY COMMISSION MEETING – 9:00 A.M.

**Present:** Jesse Nelson, Mayor  
Brandon Aldridge, Commissioner  
Pat Perno, Commissioner  
Jamie Warrick, Commissioner  
Judy Tinder, Commissioner  
Vickie Gainer, City Manager  
Police Chief Ricky Ramie, Sergeant at Arms  
Kevin Obos, City Legal Counsel

**Item #1. Call to order.**

Mayor Nelson called the meeting to order at 9:02 A.M.

**Item #2. Invocation by Senior Pastor Eric Schroeder of Radiant New Life Church; and the Pledge of Allegiance.**

**Item #3. Public Commentary.**

Christi Mcelroy - Port St Joe - Read about her perception of corruption in politics in Bay County, giving her opinion about her experience listening to the Lynn Haven court case in Tallahassee. She went on to say something about the Mayor's campaign being (*unintelligible*) and spoke further about her perception of people standing up for the right being targeted and arrested. She mentioned Kevin Obos and Mrs. Gainer and said the Commission should ask them about Michael Gordon being asked to inspect Mrs. Gainer's home.

Gerri Parker - Rett Place - She understood from last meeting that sidewalks are apparently done, but there is one at 1709 Scarlett that is not yet done - it is framed but not poured. She also went to the Margo Anderson hearing, and she was surprised no one from the City of Lynn Haven was there. She then queried the invoices from ECS asking were they submitted to the City of Lynn Haven and were they paid?

Mr. Walker - 1106 Michigan Ave - Said he found it interesting that someone has defined the word racism. Like the new supreme court justice cannot define a woman, this person cannot define racism. He said apparently, we are a "thing" although not sure what that is. He went on to speak about defending the word. He said he has sat with tribes in Africa. He was kicked out of restaurants in his uniform because he was trying to eat with a person of different race. He asked that we please stop this now - we are not racist. He asked that people please not honor that person who tries to get up and define what we are. We are Lynn Haven, we are not racist, and America is not racist.

Jodi Moore - Amhurst Place - said we are having technical problems again - strangely during Mrs. McIlroys speech the meeting was cut off. She said she had attended the Anderson and Finch hearings, and Mr. Forehand pled the 5<sup>th</sup> and would not testify, claiming immunity from prosecution. She said she wants to know if the city will continue to do business with his company.

Joe Brown - Every week we hear from our neighbors about the problems in Lynn Haven. This week we had one of our biggest events - the Easter egg hunt over the past weekend. He went on to mention names of staff who did a great job. He said that this event and our other events are big things to organize by our staff who often are volunteering at these events. He went on to thank them.

**Item #4. Mayor's Report.**

Spoke about events he had attended in the past two weeks - Wounded Warrior Retreat and thanked

the Lynn Haven First United Methodist and the Cope family for what they are doing to honor our veterans. Also attended the Vietnam Veterans Day held on the Tyndall Campus where he was able to thank those veterans for their service.

**A. Proclamation - Fair Housing Month.**

The Mayor read and signed the proclamation.

**Item # 5. Commissioners' Reports.**

Commissioner Aldridge - Firstly wants to agree with Joe Brown and thank the staff for what they do even when it is not part of their job description. Wished everyone a happy resurrection day.

Commissioner Perno - Sentiments are the same as Commissioner Aldridge. Wish everyone a happy Easter and Holy Ramadan. Want to say that decisions will be made today that we have thought long and hard about. Thanks for being here.

Commissioner Warrick - 23 April 11am will be at Wild Root if anyone wants to come talk to him as the Commissioner. Harvest One Realty off of 77 and 9<sup>th</sup> Street - are having a grand opening at 4pm today and he will be attending.

Commissioner Tinder - Met with resident Pat McCormick whose husband Don passed away and going through his things she found a report about the City of Lynn Haven dated 1951 which she copied gave copies to the other commissioners. It is interesting and takes you back in time. Received some history from Jack Hutchens too. A few residents contacted her. One call was about a home on Kentucky Ave that is being run by an outside generator - neighbors are tired of the noise and the numerous gas bottles piled up next to their fence. There is no Certificate of Occupancy for this address since the hurricane, no compliance. A homeowner on Pennsylvania Ave who has huge spaces in her roof. They pulled a leaking permit in 2019 and passed inspection by our building inspector, and she is now having to pay \$8k for repairs. She has paid the contractor over \$54k and the work is still not finished. Police Department told her that the construction company knows that as long as they show up every once and a while there is nothing that we can do to help. Cnr 10<sup>th</sup> and Carolina Road - residents have moved mini houses onto the property and are operating Airbnb with 3 rentals on the lot, that they have a website up for rentals. She received a call about a family of 8 that was given only one trash can and the rest of the rubbish next to the can was not picked up. She was told the city doesn't have enough cans for her to have two. Commissioner Tinder said she believes you can pay for an extra one, can't you? She went on to say she would like to address a few things she has heard and share her concerns about. The side deals and receiving money while in term. Not supposed to accept gifts or make promises and ask favors on behalf of anyone, or use powers of position so fix tickets or keep someone locked up etc. She sat in on the hearing of Anderson and Finch and the names being thrown around by people including the FBI was mind boggling. We need to be held accountable to the taxpayers.

**Item # 6. City Manager's Report.**

Mission BBQ presented the fund raiser check to Chief Ramie for the PD. City Manager thanked Mission BBQ for raising the funds.

**A.** Warrant list update - no questions for the Finance Director.

**B.** Stormwater Update

Chris Lightfoot started by addressing some of the public and Commissioner queries:

- Trash cans - we are down to very few trash cans that we are saving for the new homes. We are ordering new ones. Good issue to have because it means we are growing. Not allowing second can until budget approved.
- FEMA funded sidewalks are done completely, but we are still working on our own.

Mr. Lightfoot proceeded to give his stormwater update, as filed.

Said many residents are calling just to say that the ditches in front of their homes are working and draining well.

Reminded everyone that the goal of Stormwater department is “no structural flooding”, flooding in the road or in your garden is an inconvenience, but it is not structural.

[*Commissioner Perno asked some questions but did not speak into the microphone so was unintelligible*]. The Director said that the attorney is working on the list of properties that need to be reassessed for the stormwater assessment fee.

Commissioner Perno asked what about Jamie Carr - Director said that Mr. Carr is one of those that there will always be water there. If Mr. Carr would like a price and proposal on piping the ditch in we would provide him that, but he will need to bear the cost just like any other resident of Lynn Haven.

Mayor - Mr. Carr’s neighbor contacted him to say he was elated that the drainage works the city had done was really good.

Chris Lightfoot reiterated that the properties in that area were originally built by private contractors that were in compliance back at that time but building standards had changed since then.

Commissioner Warrick said that if residents see a drain that is blocked, please call the Public Works department who will gladly come out and clear it immediately - don’t leave it.

City Manager thanked everyone who came out to the Easter Egg hunt and all those who came to volunteer, especially the staff who worked a very long day.

The City Manager said that lastly, it is always fair to take the high road no matter what is said about you, so to God be the glory.

**Item # 7. City Attorney’s Report.**

Attorney spoke about the complication with incorrect coding of stormwater impact fee properties and the forms required to change the coding for the next assessment round.

**CONSENT AGENDA**

**Item # 8. Minutes dd 03/22/22 - Regular meeting minutes.**

**Item # 9. Approval to accept the Consent to Assignment of our contract with GAC for the Temporary Facilities contract to CWR Contracting Inc.**

**Item # 10. Approval to temporarily close State Road between 7am and 12pm on 7/4/2022 for Fourth of July Parade.**

**Item # 11. Approval to extend occupation of an RV at 1210 Indiana Avenue till December 22, while Rebuild Florida is repairing home from storm damage.**

**Item # 12. Approval to Authorize disposal by auction of surplus vehicles and equipment.**

**Item # 13. Approval to update the City’s agreement with Al Stopka, the City appointed Special Magistrate, in alignment with recent Code Enforcement revisions made early last year.**

**Item # 14. Approval of the renewal and amended contract of Debris Clearing and Removal for AshBritt.**

**Item # 15. Approval of the renewal contract of Debris Clearing and Removal for CrowderGulf Disaster Recovery & Debris Management.**

**Item # 16 Approval of the renewal contract of Debris Clearing and Removal for Ceres Environmental.**

**Item # 17. Approval of the renewal contract of Debris Clearing and Removal for DRC**

**Emergency Services.**

Commissioner Tinder - asked if Ashbritt's changed conditions on their contract to include CPI impacts the other contracts. City Manager answered no.

Motion by Commissioner Aldridge: To approve all items on the Consent Agenda as presented.

Second to the Motion Commissioner Perno

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

**OLD BUSINESS**

*Public Hearing - opened 9:47 am*

**Item # 18. Final Reading of Ordinance # 1127 - Application for Future Land Use Map Amendment - Albibi; Parcel #: 08922-060-000 & 089925-010-000; Industrial to Low Density Residential.**

City Manager read the Ordinance by title only.

Planning Director explained the item.

Commissioner Warrick - read out a list of his pros and cons about the land use ending saying that leaving it unchanged could end up adding MORE residential traffic than single family homes.

Motion by Commissioner Warrick: To deny Ordinance #1127.

Second to the Motion Commissioner Tinder

Commissioner Tinder - if the motion passes, we could add one more gas station out there.

Commissioner Aldridge said everyone knows where he stands with this so will let the chips lay where they fall.

Commissioner Warrick - look at what happened with the paper mill - you can see the impact when you lose a lot of jobs and the negative impact it has had, which is why the industrial park is so important.

Commissioner Perno - said he had met with Joe Tannehill after the pre-meeting on Friday and had toured the facility. What they do is unique, they have been there 40 years and intend to be there another 40. Would hate to see them get up and leave. Thinks it will be taken out of our hands in a few years so for now will protect the integrity of the industrial park. Most of the people he spoke to want to keep industrial.

Commissioner Aldridge said he had also spoken to Mr. Tannehill and his impression was that he didn't really care too much about this. It was more about the Marina Island.

Mayor said on his tour of the facility he had the opportunity to see them make the computer chips. Re: the paper mill - that is one of his customers so that will have an impact on him locally.

Comments from the public:

Cliff Myers - thanked everyone for listening. Hears the abuse the city has had in other areas but wanted to thank the Commission for the great job they do. Getting back to this ordinance, last meeting, a gentleman from across the bay wanted to ask them to turn their carpark lights down,

can't imagine what residents next door to the carpark would experience.

Mr. Walker - don't like putting our elected officials in a box, but what you are doing now you need to reflect on what MI are going to expect in the near future. You made a statement a while ago that you don't like to tell property owners what to do with their properties. You have a chance to do something, you could take the land and put the library there. That would have been an option and a benefit to the people, but now you are caught in a box and need to make a decision.

Commissioner Tinder - if we did change to low density, we would have a huge issue with our city noise ordinances and our police officers will likely be out there all the time. Would not like to live out behind Sally Mae and doesn't think anybody would.

On Vote:

Warrick	aye
Tinder	aye
Perno	aye
Aldridge	no
Nelson	aye

Motion passed: 4-1

*Public Hearing - closed 10:04 am*

**Item # 19. Discussion and possible approval to send a letter to the Florida Public Service Commission concerning FPL large increase of utility rates to residents.**

Commissioner Warrick spoke briefly to the item, explaining the petition. He doesn't think the rates are fair and reasonable. Seems as though the utility company is placing all the risk onto the residents and taking none themselves.

Commissioner Aldridge - how do we validate the statement that it is all for profit? When he went to Publix the other day a steak was \$12 more now than last year. Do we send Publix a letter to restrict their prices?

Mayor has no objection to the letters but agrees with Commissioner Aldridge's comment. Doesn't know of any business that takes all the risks. Walmart is one of the richest companies in the world and they do not do ANY customer any favors in prices. However, if we are looking at it that the PSC should not have increased their rates that is a different story.

Commissioner Warrick - agreed their business needs to be sustainable. When you look at the other businesses, they have competition to regulate their prices, FPL has no competition to naturally regulate their rates.

Mayor, understood, but Commissioner Warrick did not agree with the previous comment about only making enough money to sustain themselves when we live in the greatest country in the world where you are supposed to be making as much money as you want. He does not want FPL to think we are telling them their profit margin is too much. It must be clear our address is to the PSC about their process of monitoring rates.

Commissioner Warrick - the whole reason we have a PSC is to keep the utility companies in check. The people can shop elsewhere if they are unhappy with prices at other outlets, so that regulates their prices.

Commissioner Perno - asked the city attorney his opinion. Attorney advised that bear in mind the City's bill will also increase. Commissioner Perno - so as good stewards of the City we should write the letter to the PSC? Attorney agreed.

Commissioner Tinder - thinks it is a way for this commission to represent and advocate for the residents. Would like to have a site on the city website where residents can sign a petition. Thinks there is a huge difference between utilities and grocery because we have choices at grocery outlets and no choices with utility.

Commissioner Warrick - said he is already working on a website.

Commissioner Aldridge - said that the final sentence of the letter says something about city taxes potentially being raised - please be assured there is no plan to raise the taxes.

Motion by Commissioner Perno: To approve the item as presented to send the letters to each individual PSC member and set up a website to petition.

Second to the Motion Commissioner Tinder

On Vote:

Perno	aye
Tinder	aye
Warrick	aye
Aldridge	aye
Nelson	aye

Motion passed: 5-0

**Item # 20. Discussion and possible approval to award bid for the 1600 Block of Indiana Avenue Stormwater Improvements to American Sand and Asphalt Paving.**

Public Works Director explained the item.

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

Second to the Motion Commissioner Perno

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

**Item # 21. Discussion and possible approval to award bid for Hurricane Michael repairs and new building addition to BGN Contractors in the amount of \$827,947.62.**

Public Works Director explained the item.

Motion by Commissioner Warrick: To approve the item as presented.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Aldridge	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

**Item # 22. Discussion and possible approval to award the bid for 19th St & Montana Avenue drainage improvements project to Duggar Excavating, Inc. in the amount of \$413,874.**

Public Works Director explained the item.

Commissioner Tinder asked if this will be with FEMA funds. City Manager said yes.

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

Second to the Motion Commissioner Perno

On Vote:

Aldridge	aye
Perno	aye
Tinder	aye
Warrick	aye
Nelson	aye

Motion passed: 5-0

**Item # 23. Discussion and possible approval to award the bid for W 5th St Sidewalks project to BCL Civil Contractors in the amount of \$160,516.25.**

Public Works Director explained the item.

Commissioner Perno asked if this is both sides of the road. Public Works Director said yes.

Motion by Commissioner Warrick: To approve the item as presented.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Aldridge	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

**Item # 24. Discussion and possible approval of Resolution #2022-04-376: Fee Schedule Update.**

City Manager read the resolution by title only.

Planning Director explained the item.

Commissioner Tinder - queried the \$5 increase for flag football. Mr. Howard said the \$5 increase was to ensure the fees were the same across the board. Commissioner Tinder said she was appalled when she saw the check for umpires was more than \$149,000. Mr. Howard said he has mentioned about putting the umpiring out to bid. City Manager clarified that the amount she was referring to was for the umpire that did the Hurricane Michael litigation for us, and not the referees fee which is approx. \$2k per month, and a budget of \$50k for referees for everything across the board. They are not bid out because there are different umpires/referees for the different sports.

Mayor - our fees are about half of the fees other cities are charging for their recreation fees.

Commissioner Warrick - the rates for animal control are similar to other cities.

Motion by Commissioner Perno: To approve the item as presented.

Second to the Motion Commissioner Aldridge

On Vote:

Perno	aye
Aldridge	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

**Item # 25. Discussion and possible approval of Resolution #2022-04-377 authorizing nuisance abatement liens on demolished properties at 405 E. 5th Street, 1017 Michigan Avenue, and 1502 Virginia Avenue.**

City Manager read the Resolution by title only.

Economic Development Director explained the item.

Motion by Commissioner Warrick: To approve the item as presented.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Aldridge	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

**Item # 26. Discussion and possible approval to award RFP 21/22-05 Lift Station Rehabilitation Bid to Marshall Brothers, with a scope reduction (with the City purchasing materials direct) resulting in a bid reduction from \$466,090 to \$142,000.**

Public Utilities Director explained the item.

Motion by Commissioner Warrick: To approve the item as presented.

Second to the Motion Commissioner Tinder

On Vote:

Warrick	aye
Tinder	aye
Aldridge	aye
Perno	aye
Nelson	aye

Motion passed: 5-0

**Item # 27. Discussion and possible approval to award the bid for Sports Complex Phase 5 project: Concession Stand Improvements, for the Roof Demo and Rebuild of the Concession Stand at the Sports Complex, to Arco Construction in the amount of \$350,876.**

Parks and Grounds Director explained the item.

Warrick - Is this with FEMA money? City Manager said yes

Motion by Commissioner Warrick: To approve the item as presented.

Second to the Motion Commissioner Aldridge

On Vote:

Warrick	aye
Aldridge	aye
Tinder	aye
Perno	aye
Nelson	aye

Motion passed: 5-0

**Item # 28. First reading Ordinance 1133: Request for Annexation - Parcel # 12860-010-000; Havat Properties, LLC. (First Reading by Title Only).**

City Manager read the Ordinance by title only.

**Item # 29. First reading Ordinance 1134: Request for Small Scale Future Land Use Map Amendment – Parcel # 12860-010-000; Havat properties, LLC; From Bay County Residential to City of Lynn Haven Mixed Use (First Reading by Title Only).**

City Manager read the Ordinance by title only.

**Item # 30. Discussion and possible approval of Resolution #2022-04-378 to approve the**



**Lynn Haven Rails To Trails project agreement with FDOT.**

City Manager read the Resolution by title only.

Economic Development Director explained the item.

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

Second to the Motion

Commissioner Perno

Walker - where does rails to trails start? Economic Development Director explained the route again.

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

**Item # 31. Discussion about policies around Airbnb properties.**

Commissioner Tinder spoke about the property at cnr 10 and Carolina, running a business out of their home as an Airbnb, and feels they should have a business license, just like other businesses. Neighbors have complained about the noise and car honking etc. There should be some sort of regulation around it. The person who complained told her that they think they are running the utilities from the main house. They have put up a fence so we cannot see into the property.

Attorney - they are regulated but it is by the State. They will need a license from the state and once that happens, we can get a business tax receipt from them. We can also ask to see their state license. This may not be a scenario where we are prevented from doing anything. Accessory structures is a code enforcement issue, and we can get an investigative warrant if we suspect something is going on. Commissioner Tinder said that apparently code enforcement has already been there, and they have since put another structure up.

Attorney - license or no license if they have more than one accessory structure, they can be issued a code violation too

Mayor - who do we direct the citizens to call re state licenses? Attorney - we can direct them to the State, but the city can still regulate for building and fire safety, and noise complaints and accessory structures.

Attorney - if they have a license from the State, we can require them to get a city license.

Commissioner Warrick - there is a website for the state where you can put the address in to see if there is a license, if there isn't one you are directed to do a query.

Commissioner Tinder said there is an address in Alabama where there were 7 cars that pulled up and it was like a party house.

Mayor - Attorney said as a city we cannot regulate the licensing we can still regulate the code violations in terms of noise and safety.

Attorney - the vacation rentals, if it is a sleeping quarter and not an actual dwelling, we can license that and prohibit that, but if they are full suites they need to be regulated by the state.

Commissioner Aldridge - Airbnb is generally for a single home rental, but what they are doing is building a mini resort and yet it is zoned as single family. How can we allow that type of activity in a single dwelling zoning?

Attorney will get with code enforcement and planning director to investigate and resolve it.

**Item # 32. Adjourn.**

There being no further business the meeting adjourned at 10:59 A.M.

APPROVED THIS 26<sup>th</sup> DAY OF APRIL 2022.

  
\_\_\_\_\_  
Jesse Nelson, Mayor

ATTEST:  
  
\_\_\_\_\_  
Vickie Gainer, City Manager

prepared by  
Cicelia J. Holliday