

16

Page 1

**TUESDAY, MAY 11, 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
Chief Ricky Ramie, Sergeant at Arms
Kevin Obos City Legal Counsel

Item #1. Call to order. By Mayor Pro Tem Russell at 9:00 A.M.

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

Item #3. Mayor Pro Tem Russell's Report. Mayor Pro Tem Russell welcomed everyone to the meeting and thanked everyone for attending, stating that on a good note he had received a letter in the morning notifying him of a disabled military veteran resident who has written a book called "Life of an American Patriot" which is available for \$9.95 on Amazon.

Item #4. Commissioner's Report. Commissioner Tinder advised it has been very busy. Commissioner Aldridge advised that a truck driver had approached him personally wanting to tell him that he had had a delivery for Lynn Haven for "City Hall" and didn't know where to go. He said it was such a pleasure dealing with the employees at the City service center who helped him with his truck and finding his way. The Commissioner gave Kudos to the employees saying that it goes a long way to being kind. Commissioner Perno advised that over the last couple of weeks he had attended the St Joe estuary program by zoom on the same day as the TPO meeting. Regarding the TPO meeting, he went an hour early and had a conversation with the TPO about 390, and the good news is that there may be a stimulus program coming to them where the 390 widening build may be fast forwarded. There is also other construction happening with resurfacing near Cato Road before that, so do not get confused and think its about the 390. He advised they are trying to get the County to widen the road for cyclist at the same time. Thanked all the city employees for what they are doing.

Item #5. City Manager's Report.

City Manager advised she has two checks before her one for \$373 and one for \$32928. One for Crowder Gov and one for Tetrattech.

(A) Financial Update – Ms. Roman asked if there were questions. There were none.

Employee of the Month Ron LaMarre accepted the plaque from the City Manager. The Fire Chief said a few words about Inspector LaMarre who has been with the City for nearly 12 years, starting

Minutes from the City Commission meeting called May 11, 2021 at 8:00 A.M.

Page 2

as Chief Mechanic, stating he is always the first to put his hand up to help the City with special projects. The City Manager presented The Department of the Quarter plaque, as voted on by their peers, to the Directors of Stormwater. Chris Lightfoot and Bobby Baker came forward to accept the award. The City Manager spoke briefly about the building code official that was arrested and confirmed the City is working on using the County to assist with our permits and inspections in the meantime. Groundbreaking is happening on the 19th and the City Manager thanked Florida Architects for putting the event together. The City Manager confirmed the City is preparing for hurricane season to go over lessons learned, reiterating that sandbags are available ALL the time to residents as they need them. The City Manager confirmed that 4th July this year will have a parade and a nighttime celebration. Table Talk May 27th at 5.30pm at the Garden Club and the City Manager encouraged all to attend, stating it is a time for openness and transparency.

Blue lights around the City at night is for National Law Enforcement month celebration, to thank our Law Enforcement team for keeping the City of Lynn Haven residents safe at all times.

City was approved for \$5.2m for the project to improve W. 10th street as an infrastructure grant, which will help with the old pipes. We continually apply for grants, and we just found out that 2 more grants have made it through to the final selection round. Regarding the rebuild, the City Manager confirmed that the Commission already passed a number of projects and they are all coming in on budget. Right now, if we were to rebuild the entire city it will cost us about \$28m. We have close to \$21m in the bank and almost \$11m that we will receive from FEMA. We can begin the rebuild right now once the Chamber is approved. The City Manager advised we can apply for half the FEMA money and when used up we can get the other half. This is how the 428 projects work. FEMA separated the AME fees from the construction. We have about \$8.9m for all of our parks throughout the City. An example was given by the City Manager of bridge that we built internally and have \$1.1m left that we can spend on any project that is a 428 project.

Item #6. City Attorney's Report. Legal Counsel, Mr. Obos spoke with Jeff Carter this week who is handling our insurance claim and he is looking to come back to us for some sort of settlement authority. The issue is he wants to have an executive session as we need to have pending litigation not just threatened litigation. We are trying to find a way to get him some sort of settlement authority so if something happens it will have to come back to the commission.

Item # 7. Public Commentary.

Gary Keal, 808 Minnesota Ave – Understands the park at the corner of Illinois and 9th street has come under scrutiny after commission voted to name it after John D. Creamer. He was wondering why the website is showing a different name. He stated that he is opposed to it being named Oyster Bayou and asks the Commission to stand by their vote to leave it as the John D. Creamer park.

Ty Farris advised the name on the website was put there before the vote to change it and that they will remove it.

Mr. Walker – Dislikes revisiting things, but the Mill Bayou thing is a concern to him. Years ago, he mentioned the issue will be big with one lane in and one lane out. He feels the City is running on fear, as it currently has 5 lawsuits against it. He said that if you run the government by fear you will, you got to listen to FDR "The only thing to fear is fear itself". He feels we should be using Imminent Domain or buy the property for pipeline road, as Imminent Domain was used for making

Minutes from the City Commission meeting called May 11, 2021 at 8:00 A.M.

Page 3

space for 390.

Mr. Scray – asked at last meeting, where Mill Bayou development was approved, for the Commission to think about making a motion to set up some sort of community citizen led initiative. He has since started a group LH Charter revisions to propose amendments to City Commission etc. There are about 9 members so far. They will be meeting on Saturday morning to discuss the charter. He would like the commission to make a motion about having a combined City and citizen group. Everyone is welcome to join on Saturday night.

Mayor Pro Tem asked City Manager to add to the next agenda for discussion and possible approval to start a committee to review a combined group.

Vicky Keal of 808 Minnesota Avenue stated that pertaining to the park, it is not just about the family wanting aggrandizement for Mr. Creamer. In his youth he was possibly Lynn Haven's first postman. He rowed a boat and used the point at that park to bring his fish ashore. He sold the land to the City for \$10 for a park 70 years ago. She stated they were gratified to hear the City was going to put an historical plaque in the park in his honor.

Mr. Dick – Stated he was a little confused with numbers they received for rebuild. Commissioner Tinder had said the sports park was going to cost \$40m, and yet we only got \$40m in insurance. Can we have some clarity? The City Manager confirmed she is unaware of where Commissioner Tinder's figures came from, and then went on to confirm what the actual figures received were, and what the rebuild will actually cost, stating that the City's figures show it is nowhere near that amount, so she is not sure where Commissioner Tinder's figure had come from.

CONSENT AGENDA:

Item #8. Minutes: 4/27/21--regular meeting minutes.

Item #9. Coronavirus Emergency Supplemental Funding (CESF) Covid criminal justice grant \$104,704.

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

Motion by Commissioner Perno: to approve all items on the Consent Agenda as presented.

Second to the Motion: Commissioner Aldridge

Before moving onto vote Mayor Pro Tem Russell wanted to say great job Police Department for going out and finding the money in grants for this funding of \$104,704.

On Vote:

Tinder	aye
Perno	aye
Aldridge	aye
Mayor Pro Tem Russell	aye

Motion passed: 4-0

Minutes from the City Commission meeting called May 11, 2021 at 8:00 A.M.

Page 4

OLD BUSINESS:

None.

NEW BUSINESS:

Item #11. Discussion and possible approval of Resolution 2021-05-356 to approve the 2020-2021 mid-year fiscal budget.

City Manager read the resolution by title only.

Mr. Walker said this question could have been answered at the workshop if he had known there was going to be a workshop this morning. His question is about the CRA budget. The CRA Board is an independent organization, and the City should have the CRA Board approving its budget. The CRA Board has no say in this, and yet I notice the changes, which I have no explanation for. The CRA budget is independent and the CRA Board should vote on it.

City Attorney confirmed he did speak with Ben about it, and this will be put before the CRA Board for ratifying.

Motion by Commissioner Aldridge: To approve the 2020-2021 mid-year fiscal budget

Second to the Motion: Commissioner Perno

On Vote:

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

Item #12. Discussion and possible approval of CEI inspection services for legislative paving phase 2.

Public Works Director spoke to the agenda report.

Motion by Commissioner Perno: To approve the Task Order for Dewberry Engineering not to exceed the amount \$100,125 for CEI Services Legislative Paving Phase 2

Second to the Motion: Commissioner Aldridge

On Vote:

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

Page 5

Item #13. Discussion and possible approval of 800MHz communication system interlocal agreement for the Police and Fire Departments.

City Attorney introduced and spoke to the agenda report.

Commissioner Perno asked if it is budgeted for. City Manager advised it will be budgeted in the next round.

Commissioner Tinder asked how much more it costs. City Manager advised that in the Commissioner's agenda pack it notes that the total number of radio units is 147 and the City will pay to Bay County the sum of \$505,357 for cost of radio units and the ratio of the number of radio units in the system plus necessary equipment and infrastructure.

Commissioner Perno asked what we were paying before. Fire Chief clarified about 5-10 years ago we had our own failing radio system. The County had let us move onto their system at the time if we agreed to go onto this system when it came up for renewal. So, before we had zero payment and now, we will have a \$200k per year maintenance, starting next year (first year is free), and it is a 7 Year loan?

Mayor Pro Tem Russell clarified that our options are to spend millions on our own system including the required infra structure, or we could join part of their already formed process.

Motion by Commissioner Aldridge: To approve the 800MHz communications system interlocal agreement for the Police and Fire Departments.

Second to the Motion: Commissioner Tinder

On Vote:

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

Item #14. Discussion and possible approval of final acceptance of park construction and equipment and assignment of warranty for Lynn Haven Bayou Park & Preserve.

City Attorney spoke to the agenda report.

Mayor asked do we have a date when we will have an official opening? City Manager answered no.

Motion by Commissioner Aldridge: To approve the final acceptance of park construction and equipment and assignment of warranty for Lynn Haven Bayou Park & Preserve.

Second to the Motion: Commissioner Perno

On Vote:

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

Item #15. Discussion and possible approval of City of Lynn Haven sports complex – phase 2 recommendation for award on portion 2A - Civil.

City Manager spoke to the agenda report.

Commission Perno asked if this was DAG? City Commissioner confirmed no but that DAG are managing the project.

Commissioner Tinder asked when we first voted to start with phase 1 it was with the caveat that phase 1 be paid for before starting phase 2, is this done? City Manager confirmed the payment is ready to be made as soon as they approve the project to start, confirming that phase 1 for the sports complex ballfields was \$6.9M and we have \$8.9M set aside for it.

Motion by Commissioner Aldridge: To approve the City of Lynn Haven sports complex phase 2 recommendation for award on portion 2A - Civil

Second to the Motion: Commissioner Perno

On Vote:

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

Mayor Pro Tem Russell allowed Commissioner Tinder to ask how much phase 2 will be in total. Mayor Pro Tem Russell advised it is in her report and it is \$1,221,00 for the horizontal work and \$5,677,00 for the vertical work.

Item #16. Discussion and possible approval of City of Lynn Haven sports complex – phase 2 recommendation for award on portion 2B - Gymnasium.

City Manager spoke to the agenda report.

Commissioner Perno asked can we put a limit and say to use change orders. And can we say to not exceed a specific amount.

Mayor Pro Tem Russell confirmed yes.

Motion by Commissioner Perno: To approve this Project to not exceed \$5,677,000

Second to the Motion: Commissioner Aldridge

Commissioner Aldridge went on to explain to Commissioner Tinder how phases work and how the money is already obligated by the Federal Government to be spent as we build.

Commissioner Tinder agreed and voiced her concern about the City becoming millions of dollars in debt.

City Manager advised that she has asked them for a schedule so we can see when to expect those invoices for payment.

Minutes from the City Commission meeting called May 11, 2021 at 8:00 A.M.

Page 7

Commissioner Tinder asked will the City Manager bring that to the commission? City Manager said yes.

Mr. Scray asked who participated in the bid process to ensure all the correct procedures were used to obtain the correct bidder. City Manager explained the process the City had gone through to approve three external companies to manage the bid processes for these jobs to keep the City "hands off" the process.

Mr. Scray asked if there is a way we can see the evaluation? City Manager said yes, and it is in the agenda packages. The decision was determined based on DAG and low bid pricing. City Manager advised we do that in front of the public.

Mr. Scray asked where that is posted? City Manager advised that the City advertised in many different States not just our State or City.

Mr. Scray asked if anybody from the public can sit in the bid process. City Manager confirmed yes and added that all the bidders were also present and involved in the process.

On Vote:

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

Mayor Pro Tem Russell thanked DAG for the work they are doing. It is good to see fresh faces and fresh companies.

Item #17. Discussion and possible approval of City of Lynn Haven sports complex – proposal for phase 1 & 2 services during construction.

City Manager spoke to the agenda report.

Motion by Commissioner Approve: To approve the City of Lynn Haven sports complex – proposal for phase 1 & 2 services during construction.

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 termination of Gordon and Associates contract as building official / Inspector with the City and give the City Manager the authority to hire a building official and inspector as employees for the City.

Mayor Pro Tem Russell spoke to the agenda report. Mayor Pro Tem Russell confirmed Mr. Gordon was contracted and not an employee of the City. Mayor Pro Tem Russell was one of the people that voted yes on appointing him. Mayor Pro Tem Russell wanted it inhouse at the time, but could not due to the issues after Hurricane Michael. Mayor Pro Tem Russell still thinks it is better to

Minutes from the City Commission meeting called May 11, 2021 at 8:00 A.M.

Page 8

have it inhouse, as well as restarting the CILB Board. He said that the City has no control over State licenses other than forwarding onto the State, but we do have registered license authority, so we can deal with those complaints locally. The CILB Board will be in item 19 when we get to it.

Mayor Pro Tem Russell noted that the money paid by the City to Mr. Gordon's company from July 2019 to April 2021 was \$1,076,000 for his services, averaging to \$32k per month, making up to \$332k per year. A building official and inspector on the high side will be about 216k per year. He said the printout is there if anyone would like to look at it, saying that whether it saves money or not it needs to come back inhouse, so we have better control over it.

Commissioner Tinder said when we hired Michael Gordon, he came highly recommended. We were behind 300-400 cases to deal with. She said we did not make any attempt to have ECPI arrested, and they were blatant about all they did. Commissioner Tinder went on to say that she may be naïve but does not think Michael Gordon is guilty, and if Commissioner Aldridge is concerned about lawsuits, she thinks we are staring one in the face here.

Commissioner Tinder queried if we are voting on whether to fire him or not? Mayor Pro Tem Russell answered yes.

Mayor Pro Tem Russell responded that ECPI were contractually negligent but licensed to do the work and that Mr. Gordon was negligent in the work he did criminally. That if we do not fire him, he will be the one that needs to do the inspections, asking how can we do that while he is under investigation? He said that the City needs to move forward with buildings and inspections and so we are trying to find interim inspectors to move forward.

Commissioner Tinder asked do we currently have a lawsuit against us by our previous Building inspector? Mayor Pro Tem Russell said yes, but that was for something completely different.

Commissioner Tinder asked what about Al Wilson, and Mayor Pro Tem Russell advised that he was employed by the City prior to working for ECPI and his lawsuit was not related to his being an employee of the City.

Commissioner Tinder asked how we keep track of building inspectors going forward if we were to hire inhouse?

Mayor Pro Tem Russell said that firstly we can verify he is licensed. We currently do track our officials, however Mr. Gordon used employees that were not licensed.

Commissioner Tinder asked and you say he did not go back after his employees had done the work?

Mayor Pro Tem Russell said he does not know the police are investigating that.

Commissioner Tinder said it is her understanding the City has 15-16 lawsuits against it.

City Manager said no it is only 5-6.

Commissioner Aldridge agreed with Mayor Pro Tem that we need an inhouse building inspector as a growing City.

Motion by Commissioner Aldridge:

To approve the motion

Second to the Motion:
discussion)

Commissioner Perno (with

Minutes from the City Commission meeting called May 11, 2021 at 8:00 A.M.

Page 9

Commissioner Perno asked what are we going to do in the interim? City Manager confirmed we had reached out to the County and the State, who have agreed to assist. In the meantime, the City is searching for people who have their licenses and reaching out to them as an emergency imperative.

Ms. Richards said although she is not in the building department, immediately after the Hurricane she temporarily took over the management of the building dept. She can assure the commissioners there are certain things you cannot control when you contract work out. There is flood plain management coordination that helps keep the insurance payments down. The companies that the City contracted with did not provide those services for us. Members of the public have not been able to get in touch with or coordinate with the contractor. It is important to have a full building department.

Mr. Scray added addressing what you had in the past is difficult. It is done. In the meantime, it sounds budget-wise that we can hire two people inhouse. There are benefits of hiring inhouse regardless of what happens with the investigation and trial. Mr. Scray asked for amendment to the motion look at suspending the contract and hiring two new employees and hire someone temporarily for the next few weeks.

Woody Newmans – certified building contractor said he always wished the Cities would team up with the County to a set of rules. At the moment the process is very different. It would help the builders out if we had some consistency with codes between the counties and the cities.

Gerry Parker said she was one of the ones that complained about EPCI. She said she started coming to commission meetings after the hurricane and was under the impression Michael Gordon was inhouse. The city of Lynn Haven's new inspector came out and did NOT get on her roof. After she explained what it was about, he still did not get on her roof. Michael Gordon was the only one who did get up on her roof. When will his contract be up? Would he have been rehired if it were not for the investigation? City Manager said she could not answer that.

Fire Chief said he has been in the city for almost 28 years. He said that Prior to these contractors the City always had an inhouse inspector and has had issues every time the City contracts the job. Regardless of what happens he feels the City needs to move to an inhouse situation.

Mr. Walker said all City's inhouse inspectors did not work out. In fact, one of the lawsuits against the City was an inhouse inspector. Mr. Wilson did most or all of your inhouse and made residents lives miserable, and he apologized later stating that he was only was doing what he was directed to do. If the City is going to use outside contractors temporarily and go to Bay County, then really search well for an inhouse one.

Mayor Pro Tem Russell confirmed we do use outside firms for inspections, the lawsuit is about them wanting us to reduce permit fees because they are doing their own inspections.

City Manager confirmed Bay County is pretty stretched as well so will not be able to help us long term.

Tyson Scott with Coast to Coast Services stated that we are 3 weeks out from hurricane season, and feels it is the right decision looking for inhouse inspectors. Put my name out there as a temporary provider until the City gets a permanent fix. He said they are offering to help and can start straight away.

Jennifer Hodges spoke to the commissioners about Mr. Gordon's case. The current contract with Gordon and Associates ends in September 2021, and in that contract is the ability for the Commission to immediately terminate if the contractor has been indicted for criminal charges, especially fraud or moral turpitude. As the gentleman mentioned, the Statute does require that every City and County to have a

Minutes from the City Commission meeting called May 11, 2021 at 8:00 A.M.

Page 10

building official and there is an option that allows for joint management of that function during such an emergency.

A member of the public said Mr. Gordon has an impeccable reputation, saying she could not help but think this is personal, based on a CO that was needed and the work that was required to get that CO. She said the City had a developer here who he is company E and then you have company B who is in the ABC's of corruption. It is a printed article and you all received it. He got a pass, but the truth will win out here and we will find out a lot of stuff. She believes there was poor handling in how he was picked up and how quickly everyone went to the press as if they really wanted to do some harm. But she is very curious about that CO and the hurdles that had to be jumped to get that CO. You have someone who admits his guilt, yet you continue to pay his insurance? She said she did not understand it.

Chief Ramie addressed the Commission saying that this investigation came to light when all the Calhoun County permits were being issued. These permits normally take about a 7-8 hour test, and they were getting them in 10 minutes. Investigator McClendon started an investigation due to the complaint by DBPR about Mr. Gordon. Chief Ramie said he can go back an entire year to show the Commission pictures that show Mr. Gordon sending unqualified employees in to do inspections. Addressing Commissioner Tinder, he said he can assure her that his biggest fear on the job is not being shot. His biggest fear is putting an innocent man in jail.

Motion amended by Commissioner Aldridge: To approve the motion to terminate Gordon & Associates Contract and to contract another company in the interim, until the City Manager hires a new inhouse Building Official and Inspector.

Second to the amended Motion:

Commissioner Perno

On Vote:

Aldridge	aye
Perno	aye
Tinder	no
Mayor Pro Tem Russell	aye

Motion passed: 3-1

Item #19. Discussion and possible approval to reestablish the Construction Industry Licensing Board (CILB) for the City.

Mayor Pro Tem Russell spoke to the agenda report stating that it is a volunteer, non-paid Board made up of residents and citizens of the city who are registered in the industry, who review complaints, and is strictly there to deal with complaints.

Commissioner Tinder asked do we currently have such a thing, and what would be the benefit of having one?

Mayor Pro Tem Russell answered to control the registered license holder in Lynn Haven.

Ms. Richards advised according to Unified Development Code it states that we already have one, but it stopped operating.

Mayor Pro Tem Russell stated that the item is to re-establish one.

Commissioner Tinder asked why it was discontinued?

Mayor Pro Tem Russel said he would assume it was discontinued when Al Wilson was terminated.

Minutes from the City Commission meeting called May 11, 2021 at 8:00 A.M.

Page 11

Motion by Commissioner Perno:
Second to the Motion:

To approve reestablishing the board
Commissioner Aldridge

Mr. Obos mentioned amending the code by ordinance if it is needed once he has had a look at the current code.

Mr. Scray asked once established how are the members made up?

Mayor Pro Tem Russell confirmed a citizen, building contractor, plumbing contractor and an electrical contractor.

Mr. Scray asked that anyone who wants to apply they would put in an application to be reviewed by the commission and they would decide who to appoint?

Fire chief confirmed it was formed by the building department.

Mr. Scray would like the formation of such an organization to come before the commission before being officially formed.

Ms. Parker asked if residents wanted to have their home re-inspected would they be re-imbursed by the City?

Mr. Obos said he would not recommend the City commit to re-imburement.

Mayor Pro Tem Russell said City could consider redoing inspections that required it at a cost to the City.

On Vote:

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

Item #20. Adjourn. There being no further City business, the meeting adjourned at 10.47 A.M.

APPROVED THIS 25th DAY OF May 2021.



Jesse Nelson, Mayor

ATTEST:


Vickie Gainer, City Manager