

Minutes from the City Commission meeting called May 25, 2021 at 4:00 P.M.

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**TUESDAY, MAY 25, 2021
CITY COMMISSION MEETING – 4 P.M.**

Present: Mayor Jesse Nelson
Dan Russell, Mayor Pro Tem/Commissioner
Brandon Aldridge, Commissioner
Pat Perno, Commissioner
Jamie Warrick, Commissioner (via Video Conference)
Judy Tinder, Commissioner
Vickie Gainer, City Manager
Chief Ricky Ramie, Sergeant at Arms
Kevin Obos City Legal Counsel

Item #1. Call to order. Mayor Pro Tem Russell called the meeting to order at 4:00 P.M. and welcomed Commissioner Elect Jamie Warrick by virtual meeting.

Item #2. Invocation/Pledge of Allegiance. The invocation by Pastor Delvick J. McKay was followed by the Pledge of Allegiance, led by Mr. Sutton.

Item #3. Announcement regarding election results. The City Manager announced the certified election results of May 18th 2021.

Item #4. Motion to accept the May 18th 2021 election result totals from the Canvassing Board. Mayor Pro Tem Russell put the motion before the Commission to accept the May 18th 2021 election result totals from the Canvassing Board.

Motion by Commissioner Aldridge: To accept the May 18th 2021 election result totals from the Canvassing Board.

Second to the Motion: Commissioner Perno

On Vote:

Aldridge aye

Perno aye

Tinder aye

Mayor Pro Tem Russell aye

Motion passed: 4-0

Motion carries.

Mayor Pro Tem Russell congratulated the newly elected Mayor and Commissioners.

Item #5. Administering of the Oaths of Office

Administer Oath of Office to Mayor Jesse Nelson. Mr. Patrick Nelson, Principal at Montgomery Alabama, administered the Oath of office to Mayor Jesse Nelson.

Administer Oath of Office to Commissioner Jamie Warrick. City Attorney Kevin Obos administered the Oath of office to Commissioner Warrick, by virtual video conference.

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Administer Oath of Office to Commissioner Judy Tinder. City Attorney Kevin Obos administered the Oath of office to Commissioner Tinder.

Comments by incoming Mayor Jesse Nelson. Mayor Jesse Nelson made a few comments and encouraged everyone, especially the youth, by his example, to never let anyone tell them they cannot do something, that the time is not right, or they do not have enough time. He said UNITY is the root word of CommUNITY, and we are greater, together.

Comments by incoming Commissioner Jamie Warrick. Commissioner Warrick apologized for not being able to be here in person due to a death in the family. He made a few comments and confirmed his commitment to serving the community.

Comments by incoming Commissioner Tinder. Commissioner Tinder made a few comments and confirmed her commitment to serving the community.

Item #6. Recognition of outgoing Mayor Pro Tem Russell. Mayor Jesse Nelson presented the Key to the City of Lynn Haven Plaque to the outgoing Mayor Pro Tem Russell, thanking him for stepping in at a turbulent time to lead and serve the City and the community. Mayor Pro Tem Russell handed over the gavel and the commission to Mayor Jesse Nelson.

Mayor Jesse Nelson announced a 10 minute recess at 4.15 P.M.

Mayor Jesse Nelson reconvened the Commission meeting at 4.25 P.M.

Item #7. Mayor's Report Mayor Jesse Nelson provided an update on his activities during the week since the election. He attended the spring concert on Friday night and encouraged everyone to go out and enjoy our parks. He met with the City Manager twice, extensively, to get informed of how she is leading the City, plus he met with city staff at the bi-weekly leadership meeting, and he encouraged the Commissioners to make an effort to attend one of the leadership meetings to understand how the teams function and the work that they do.

The Mayor said he wanted to talk about the Formation of Committees by Commission. He would like the Commission to consider creating an ad hoc Debt Reduction Committee. Not as a reflection of the job the City Manager is doing or to point fingers, just to function for 90 days and report back recommendations (if any) to the City and work with City Manager and Deputy Finance Director Kiki Roman with a budget to identify all of the debt of the City. The Committee will look for savings throughout the budget and make recommendations on debt reductions that can be paid off or refinanced. This ad hoc Committee comprising an appointee from each member of the Commission shall also include the City Manager and Deputy Finance Director for questions, input, and document research. Each member of this Commission Board is to bring one person's name each to the next meeting to establish this committee. The City Manager and Finance Director will coordinate the meeting dates, times, and place once the Committee has been established by this Commission. The Mayor respectfully asked that this Commission does not interfere in the work of the Committee. The Committee is to select one member of the Committee to give an update report at each Commission meeting. If there is not update, then a simple "no update" can be put into the agenda next to that item.

City Attorney Obos recommended a motion to direct staff to bring back a resolution to the next

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meeting along with the appointees names and vote on it then.

Motion by Commissioner Perno: to direct staff to bring back a resolution to the next Commission meeting to establish this Debt Reduction Committee, along with the appointees names, and vote on it then.

Second to the Motion: Commissioner Tinder

Commissioner Perno said this is just what the people have been asking for.

On Vote:

Perno	aye
Tinder	aye
Aldridge	aye
Warrick	aye
Mayor Jesse Nelson	aye

Motion passed: 5-0

The Mayor requested that a Charter Review Committee be appointed to operate for one year and then to bring back recommendations for the Commission to approve or not approve at the end of this year. He would like each member of the Commission to elect one person to be on this Committee. The members of this Committee must be a Lynn Haven residents and be able to meet at least once a month. Once several workshops have been performed and the revisions are agreed on by the Commission, the Commission will pass, by ordinance, whether or not these changes to the charter are approved.

Motion with discussion
by Commissioner Perno:

to direct staff to bring back a resolution to the next meeting to establish the Charter Review Committee, along with the appointees names, and vote on it then.

Commissioner Perno asked if the people selected can be the same people.
Mayor Nelson encouraged the election of different people.

Second to the Motion, for discussion: Commissioner Aldridge

Commissioner Tinder queried if there would be three people on the committee? The Commission clarified that there would be five (one person elected by each member of the Commission).

Ryan Scray – appreciates the suggestion and wanted to share that his community had asked the former commission to make this motion and they had not. In the meantime, he has taken action with other members of the community to form an informal meeting of the residents illustrating they are committed to this cause. He went on to list a number of things they have decided to focus on.

Jerry Parker of Rhett Place – thinks there should be more than five people on that committee – at

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least ten.

Member of Public (inaudible because microphone was not working) – Wants the Commission to consider the demographic of members selected to be on this committee to reflect the demographics of the residents.

Mr. Leon Miller (inaudible because microphone was not working) from 1508 Mississippi Avenue – it needs to be a diverse Committee and the Commission should pick one person each from across the community to serve on the committee otherwise you will lose control.

Former Mayor Sharon Sheffield of 1303 Maryland Avenue said that the Mayor has given his suggestion and while she understands the public commentary, she feels when a committee is too big, and names are called of people that some people want, it is wrong. She thinks each of the Commissioners has enough sense to select the person in the community that they want to give to the City Manager for the Mayor to serve on both of these Committees.

On Vote:

Perno	aye	
Aldridge	aye	
Warrick	aye	
Tinder	aye	
Mayor Jesse Nelson	aye	Motion passed: 5-0

The Mayor requested that an Infrastructure Tax Oversight Committee be formed with 3 – 5 people appointed by the Commission who shall serve a term of three years at the pleasure of the commissioner who appointed them and shall be removed by the same, with or without cause, subject to ratification by the Commission. No Committee member shall serve more than two consecutive terms. This Committee serves as an oversight for paving and infrastructure projects throughout the City performed with the half cents surtax refund. This Committee will review invoices and checks for the half cents surtax projects and meet every six months. At the next meeting, each Commission Member is to bring forth a name and application form of a person to serve on this Committee. There is a Committee application for this Committee that your nominee will have to fill out and turn in to City Manager Gainer to be placed in the Agenda Packet for the next meeting. The City staff will coordinate with the Committee's Chairperson once voted on by the Committee, the date, time, and place of the meetings.

Motion (with discussion by the Commission)
by Commissioner Perno: to establish an Infrastructure Tax Oversight Committee as requested.

Commissioner Tinder said what concerns her is meeting only twice a year and felt it should be more often.

Commissioner Perno said there would be at least four times if you count the budget and mid-year budget meetings etc. so could still be quarterly.

City Attorney Obos said that this committee already exists under a bylaw so at the next meeting we

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could bring those back to look at for the next meeting and make a motion to change it at that time if needed.

Commissioner Perno queried if this Infrastructure Tax Oversight Committee did not fit in with the Budget?

City Attorney confirmed it is more to do with the spending of the Half Cent money to make sure it is spent on the items called for in the County referendum.

Commissioner Perno said but that is also a line item in our budget.

City Manager confirmed it is a line item in the budget and they can look through invoices when we have had these paving projects.

Second to the Motion:

Commissioner Tinder

On Vote:

Perno	aye
Aldridge	aye
Tinder	aye
Warrick	aye
Mayor Jesse Nelson	aye

Motion passed: 5-0

Mayor Nelson concluded his report with final remarks. On the campaign there was some misinformation given throughout the community that he needed to clarify.

1. His education – yes, he does have an EARNED Doctorate degree from New Orleans Baptist Theological Seminary, listing a number of other people who graduated from this institution. Confirming his degree is viable and accredited by the same accrediting agency that accredits Florida State University, University of Florida, University of Alabama, or any other university that is accredited by the Southern Association of Colleges and Schools. So, he has an earned Doctorate degree with an emphasis in leadership, hence a Doctorate of Leadership.
2. He confirmed he is a registered non-partisan because he believes we are bigger than Republican or Democrat stereotype.

Item #8. Commissioners' Reports. Commissioner Aldridge had nothing to report other than that it was a great groundbreaking event last week and the City Hall is going to make us all very, very proud. He thanked the residents, the commission, the city employees, and the new Mayor. Commissioner Perno thanked Dan Russell for his service to the city. He also thanked Commissioner Tinder, Commissioner Warrick, and the Mayor for committing themselves to this service, and thanked the city employees. Also, the Moseley Dolphins beat Tampa Jefferson today in baseball 5 to 1. They are playing tomorrow at noon against Archbishop McCarthy, and he wished them a wholehearted best at taking home the State trophy. Commissioner Warrick said he looks forward to serving the residents and appreciates Mr. Neves for setting up the AV facility for him to join the meeting virtually. Commissioner Tinder said that she met with the City Manager the day before for about an hour and had a productive meeting to resolve 7-8 situations. She said that they do not always see eye to eye, but they are both civil and both agreed to push through these next four years civilly. She said she had shared her concerns with the City Manager about a possible in-house Engineer, saying that

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when you have the same engineer representing the City and the company etc. then the City is putting themselves at risk. She said they also discussed without judgement, if the City Manager had taken any action or had any intention of taking action over Chief Ramie's actions during the election. She said the City Manager confirmed she did speak to him and after consulting with the City Attorney they had decided he had not broken the law.

Item #9. City Manager's Report. City Manager, Vickie Gainer, went on to explain the process of producing checks, saying that the commission had charged them almost a year ago that the Commission wanted to see any check written over \$25k so that they could question it and know who it was for and why. But before those checks are written those checks come to the warrant list that we look through and each check has documentation and so they will be seen by the Mayor, City Manager, and Commissioner Tinder, before they are written. So, when they come to the Commission meeting, if there are any other questions then those questions can be answered, but there is a checks and balance in place for the checks.

(A) Financial Update – Ms. Roman asked if there were questions.

Commissioner Tinder queried the check to the American Legion for \$616.07 asking what it was for? Ms. Roman asked if she was perhaps referring to an old warrant list and not to today's report? Commissioner Tinder confirmed yes and that she did not have a problem with the report at all. Ms. Roman asked if she could get back to her about the check.

The City Manager spoke about the groundbreaking event and looks forward to the ribbon cutting for the Preserve, and the groundbreaking of the fields and the sports complex.

The City Manager said Congrats to Greg Kidwell and his team for bringing home the Best Tasting Water in region 12 award, that includes Bay, Calhoun, Gulf, and Washington Counties.

The City Manager said that her Leadership team had met about hurricane and emergency preparedness and are doing extensive checks to ensure we have everything we need to be ready for any type of disaster. City Manager encouraged everyone to go to the Cain Griffin and Kinsaul parks to get their ten sandbags now and not wait till the storm is already coming. There is also sand available out at the sports complex.

City Manager also confirmed we are in high planning for July 4th to be celebrated on July 3rd and encouraged all to participate and consider putting a float in the parade.

In terms of the Building official and Inspectors positions, she thanks Bay County for filling in, and Mr. Emory Pitts who has been fantastic.

Public Works continues to repair sidewalks within our city and will come back later and repair those that were not damaged by the hurricane.

The City Manager reminded everyone about the Table Talk session on May 27th at 5.30pm encouraging all to attend.

The City Manager said that with the new Commission on board, she will arrange a strategic plan / Commission workshop to onboard the new commission with projects and protocols and other City matters. This session will be all day, to get the Commission acclimated to the city processes. The Commission will receive some more information about the date to join us to have real discussion and contribute to the formation of the City's Strategic goals.

Item #10. City Attorney's Report. Legal Counsel, Mr. Obos welcomed the new Commission. Then he said that regarding the comments Commissioner Tinder had made, saying he had discussions about the Chief of Police social media post on May 10th and the post was made while off duty and in no official capacity and from his home and his personal device. He posted as a private citizen rather than acting in his capacity as Chief of Police and that speech involved a matter of public concern and did not disrupt the police department activity or the City's ability to deliver any public service. He said that social media post is actually protected by the first amendment. Additionally, the post does not violate the Florida State or election statutes as both of those turn on the misuse and abuse of power when acting within your official job duty. Neither statute sanctions political expression of public employees speaking purely as private citizens in a non-official capacity, and the statutes actually go on to say that nothing contained in the statutes is deemed to prohibit a public employee from expressing his or her opinion on candidates or issues, so we needed to look at that. One of the things to look at when determining whether the employee is speaking as a private citizen is whether that speech or issue is ordinarily in the scope of the employees duties. Mr. Ramie's post was not made within the scope of his duties or within the course of official business and it did not reference police department policies, or City policies, and did not identify himself as speaking as the Chief of Police or the City but rather as a concerned voter and concerned citizen, and his speech related to a matter of political concern to the community. An employee's First amendment interests will always outweigh the City's interest in regulating an employee's speech so long as the speech does not detrimentally impact the public services being provided by the City or in this case the Police Department.

Item # 11. Public Commentary.

Ryan Scray – Believes in accountability and so he wants to apologize to the City Manager about the post he made about the agenda not being posted in time. He realizes he should have contacted the City directly and he learned that he was counting the days incorrectly. He went on to describe his view of the City and praised Community Services as the heart of the City.

Jodi Moore of 2129 Amhurst Street – as a woman that has several college degrees herself, she said she appreciates higher learning and perhaps the Mayor could update his page with his credentials. She welcomed the new Commission and read the results of the last election of April 2021 Mayoral race where Ellyn Fields was 1240 and Jesse Nelson was 1216 and Joe Brown was 901. She observed that Ellyn and Jesse were separated by 24 votes. She said that during the runoffs for May 18th as read earlier, Ellyn had 1454 and Jesse had 1481, which means that Dr. Nelson won by 27 votes. She went on to read Florida Statute around use and misuse of power.

She continued to say that on May 10th Ricky Ramie posted Ellyn Fields 2017 police report on his personal FB page completely out of context. On the next day, WMMB ran a story entitled Lynn Haven Police Chief weighs in on Mayor's Election and the news clip shows the Chief sitting in what appears to be in his office at the Police Department wearing a polo shirt with Lynn Haven Police Department logo on it. In the piece he states, "the proof is in the arrest report if you are going to stop corruption and lawlessness you start in your home by not beating your husband and then running from the police".

She stated that violation of the relevant Florida Statute is a first degree misdemeanor punishable by a year in jail and a \$1k fine.

Mr. Bishop – said he was representing Bay County Republican party requesting Chief Police resignation – the Mayor asked that the member state his address – Mr. Bishop said yes 8132 South Lagoon Drive. He said he thinks he deliberately and cynically misrepresented a police report, and if your goal is to make the City the best, you cannot have the Chief of Police making these types of comments and that the City cannot use a mere technicality to justify a position.

George Hines of Rhode Island Ave – said he ran for election against Jamie Warrick and lost and has no qualms with that. He said he was disheartened when reading the paper last Wednesday when Ms. Tinder said that Dr Nelson could not be the Mayor because he had to run his church, yet Commissioner Tinder runs a business every day and yet she can be on the Commission. He said that the rest of them have jobs and can be on the Commission. The only difference he sees between them and Jesse Nelson is that he is African American. He hopes this is not the issue in Lynn Haven. He went on to say that during the forums when he was a candidate the Historical Society asked a question of all the candidates “if you are elected to office will Vickie Gainer make it through your first year in office” and two of the candidates said no. He hoped it is not a case of racism.

CONSENT AGENDA:

Item #12. Minutes: 5/11/21- regular meeting minutes.

Item #13. 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.

Permission to move a class A motorhome to property located at 1119 New York Avenue.

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

Second to the Motion
with discussion:

Commissioner Perno

Commissioner Perno wanted to confirm the motorhome on property 1119 New York Ave is the house that had a fire. City Manager confirmed yes.

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	aye
Mayor Jesse Nelson	aye

Motion passed: 5-0

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NEW BUSINESS:

Item #14. First Reading (By title only) Ordinance 1112 – Small scale future land use map amendment application – 1503 & 1507 Tennessee Ave; from mixed use to commercial.

The Mayor confirmed that being the first reading, no action was required, and invited City Manager Gainer to read the Ordinance by title only.

City Manager Gainer read the Ordinance by title only.

Item #15. First Reading (By title only) Ordinance 1113 – An ordinance of the City of Lynn Haven Florida, amending the City’s code of ordinances regarding nuisance;

The Mayor confirmed that being the first reading, no action was required, and invited City Manager Gainer to read the Ordinance by title only.

City Manager Gainer read the Ordinance by title only.

Item #16. Discussion and possible approval of Public Risk Management Intergovernmental Cooperative Agreement through the City’s Insurance Broker, Mr. Alan Clark of Stanford Insurance.

City Manager introduced and spoke to the agenda report.

Commissioner Tinder asked is this like a risk management that includes costs factor to loss, and is this something we can use with our hurricane loss?

City Attorney Obos advised no this would be a going forward insurance since we were dropped from the previous sone.

Commissioner Tinder asked of the \$5.5m that was stolen from the city, did the last insurance or will this insurance cover that?

City Manager Gainer advised that the previous insurer declined that claim.

City Attorney Obos confirmed it will be only for claims going forward.

Commissioner Tinder queried the cost?

City Manager Gainer said the cost was very similar averaging out about the same. Normally for insurance risk it runs anywhere from \$250K - \$300k per year. This will only be for a certain time and then we will go back out to market.

Motion by Commissioner Aldridge: To approve the Public Risk Management Intergovernmental Cooperative Agreement as presented.

Second to the Motion: Commissioner Perno

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	aye
Mayor Jesse Nelson	aye


Motion passed: 5-0

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Item #17. Adjourn. There being no further City business, the meeting adjourned at 5.26 P.M.

APPROVED THIS 8th DAY OF June 2021.



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager

prepared by Cicelia J Holliday