

Minutes from the City Commission meeting called June 22, 2021 at 4:00 P.M.

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TUESDAY, JUNE 22 2021
CITY COMMISSION MEETING – 4 P.M.

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

Item #1. Call to order. Mayor Nelson called the meeting to order at 4. PM.

Item #2. Invocation/Pledge of Allegiance. The invocation by Pastor Doug Pennington was followed by the Pledge of Allegiance.

Item #3. Public Commentary.

Member of public spoke about the pledge, faith, and freedom of speech. She said she could not consent to what Chief Ramie did to Ellyn Fields. She felt that all the press mentioned and accepted that he was Police Chief of City of Lynn Haven when he divulged the news. That the City Manager is the only person that can step up and do something about it, and if she does not do her job then the Commission can do something about it by removing her from her job. That if they are silent then they consent. That we should all have freedom of speech, not abuse of power.

Gerrie Parker of Rhett Place said she sent an email to the Commission in moving public commentary to item 3. She feels it is not giving guidance but instruction. She felt that if she had an afterthought then she is not able to express then. She went on to say that this is the people's meeting, not the Commission's meeting. She said they should change it back, as we are not communist yet.

Arlene Harrison said she agreed with the previous speaker that it seems that the new translucent commission is doing everything they can to prevent commenting, especially the Mayor's report, CM report, and Attorney report. She went on to speak about the Farmer's Market and hopes that it will still be at Sheffield Park. Daily our City Workers clean HW77 which looks really good. Do they also clean up on private property on 77? The 5th wheel we have suddenly acquired, how much did we pay for it and what is its use? Problem hearing in this room - people up front can hear, but people at the back cannot.

Brian Dick of 3217 Country Club said we have had the 5th wheel for several years, but it was stored somewhere else for a while. This whole thing about Ms. Fields and the new Mayor, he could have put it out and someone could have reposted it. He thinks everyone should let it go and move on. He had congratulated Ms. Tinder by voicemail because it was the right thing to do. We have to stop this junior high stuff and get the City moving. When to speak and when not to speak, if you give your report and I do not have an opportunity to speak you can email. We are trying to nitpick this thing to death, and it has to stop.

Mr. Walker, Michigan Ave - a few years ago wrote to commissioners asking why they are stepping on the residents. He is getting tired of being told when he can do something. You want to be transparent, but you want to tell us when and how to speak and put a timer on it.

Item # 4. Mayor's Report.

The Mayor spoke about his activities during the week. He had numerous meetings with City Manager. He had also attended the Debt review committee meeting. The city prepared perfectly for the Tropical Storm Claudette. He completed the first of his Ethics training. He commended City Manager Gainer and Commissioner Aldridge for reopening direct line of communication with FEMA allowing the City to receive new funds. He has received an abundance of positive feedback about "A minute with the Mayor". The Mayor said he looks forward to the strategic planning workshop being held this Thursday to discuss the 1, 3 & 7 years of strategic planning for the City. He is also looking forward to the Grand opening of LH Bayou, and the celebration of July 4th, as well as the 3-On-3 Basketball tournament (noting that they still need additional sponsors for prizes and t-shirts on that day).

The Mayor said that regarding the Mayor Pro Tem selection, the City did not have anything in their codes or ordinances for it and the Attorney recommended electing a Mayor Pro Tem via the normal Commission voting process.

Motion by Commissioner Perno: To nominate Commissioner Aldridge as Mayor Pro Tem.

Second to the Motion Commissioner Aldridge

Mr. Walker, Michigan Ave - Said he thinks the Mayor is going in the wrong direction here. In previous times the senior member was selected for a year. He said the Mayor did not mention any timeline. Previously, it was on a rotational basis for one year starting from the senior commissioner.

Leon Miller said there is nothing in the Roberts Rules of Order when it comes to deciding about the Mayor Pro Tem, and he feels the Commission is on the right track. He said there is also nothing in the Roberts Rules of Order relating to someone seconding themselves after a motion to nominate them for a position.

Bob Schultz of Pennsylvania Ave said according to Roberts Rules you cannot second a motion for yourself being nominated for a position, so someone else should second it.

[Due to an emergency with one of the residents the Mayor called for a 5 minute recess at 4.25pm

The Mayor reconvened the meeting at 4.31pm.]

George Hines said the Mayor Pro Tem position does not need to be done now and can be done if or when there is a need for it.

Attorney Davis advised that a member is only prohibited from seconding themselves on a vote for an item that has a financial impact.

Commissioner Tinder said she did not have a problem with who is Mayor Pro Tem and hopes it never has to be used as the current Mayor will hopefully still be around for his whole term, but she feels it should be rotational.

Commissioner Perno said he wants to be a commissioner and does not aspire to be a Mayor Pro Tem. He understands what Commissioner Tinder means. Commissioner Perno asked if Commissioner Tinder would like to run a meeting? Commissioner Tinder said she would if she had to but would go and get someone else to do it if she could.

Commissioner Aldridge agreed, and said he only seconded the motion to avoid a time grid lock,

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and that he expects that the mayor is likely to be in the seat for every single meeting.

Motion by Commissioner Perno: To amend the motion waiting for a vote.
Second to the motion: Commissioner Aldridge

Amended motion:

Motion by Commissioner Perno: To rotate Mayor Pro Tem on an annual basis, beginning with Commissioner Aldridge.

Mayor Nelson asked the Attorney if he thinks we need a resolution. Attorney Davis said he did not think so and it looks like the motion the commission is making is okay.

Attorney Davis recommended using the motion to appoint Commissioner Aldridge for a year and then in the meantime we can work on a resolution.

Attorney Davis suggested separating the two issues and use this motion for now, and then work on how to deal with it in the future.

Commissioner Tinder said she thinks the resolution should be clear.

Commissioner Warrick recommended we wait and do the resolution.

Second to the Motion Commissioner Aldridge.

Gerrie Parker, Rett place - what is the rush, just put it on the agenda for next time.

On Vote:

Perno	aye	
Aldridge	aye	
Tinder	no	
Warrick	no	
Nelson	aye	Motion passed: 3-2

Mayor continued to say he is thankful for the support of the public, the City Manager, and the City workers for the work they do.

Item #5. Commissioners' Reports.

Commissioner Aldridge asked everyone to please keep Mr. Miller in their thoughts and prayers, and his heart goes out to him and his family. He thanked the City staff for the work they do in cleaning up the community. He also thanked Bobby and Chris as with the rain we have had we have had no flooding. He is thankful for the Senior Activity Center and the activity club and encouraged the seniors to attend.

Commissioner Perno said he had attended the TPO meeting with Commissioner Aldridge. He also had a workshop with St Joe Estuary program. He thanks all our City employees, and his heart goes out to Mr. Miller.

Commissioner Warrick said while campaigning he had received a list of items from the residents. He sent them to the City Manager who assisted in fixing the issues - thank you Ms. Gainer. He did his first ethics training today and they spoke about an hour and a half about the legalities of running meetings. He is looking forward to the strategy session on Thursday.

Commissioner Tinder was on a vacation for most of the two weeks. She received a lot of calls

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about the public commentary procedures. She said she has a problem with residents stating their address as it leaves them wide open if they say something that someone crazy did not like. She asked if we have considered about the Mill Bayou and hiring a traffic engineer? Commissioner Perno said he had spoken to Mr. Pope and the resurfacing that will happen at the Mill Bayou area and asked him specifically if there is a possibility of doing any widening at the same time. He agreed we could try to do something in that area. Commissioner Perno will request a meeting with City Manager and this person to see what can be done. There will be a capacity test on 389 in that area to see if we can get some funding on that.

Commissioner Tinder hopes we can address it with a traffic engineer. She asked City Manager if the strategic planning meeting is open to the public to listen but not participate. City Manager confirmed yes.

Item #6. City Manager's Report.

The City Manager said at the last commission meeting we named a block after Willie Mae Stanley and we will be putting that sign up on Monday, June 28th, at 10am starting on the corner of New York Ave and 9th Ave.

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

Commissioner Tinder thanked Ms. Roman for getting back with answers to her several questions.

The City Manager said the Fire Chief is picking up the new ladder truck soon.

She said there are now Patriotic Banners down 77 and Fl Ave.

The City Manager confirmed that the farmers markets will begin in July as it has always been, and it will be on the website. The vendors do not always have time to come to all of the markets, so they pick and choose.

The City Manager confirmed in relation to a Public Commentary question that the right of way on Highway 77 is where we clean, we do not clean on private property.

The City Manager confirmed in relation to a Public Commentary question that the 5th wheel belongs to the police dept and was purchased directly after Hurricane Michael, the cost of which was reimbursed due to it being an emergency measure.

Item #7. City Attorney's Report. Legal Counsel, Mr. Davis spoke about the City being in negotiations about the storm claims with the insurance carrier and Jeff Carter is representing the City and has asked if the City can give him the authority to proceed and sue the City's insurance Carrier for Hurricane Michael damages.

Motion by Commissioner Aldridge: To authorize Jeff Carter to represent the City and proceed to sue the City's previous insurance carrier for the Hurricane Michael damages.

Second to the Motion Commissioner Tinder (with discussion).

Commissioner Tinder asked if the City has \$23m in claims and we have only received a small amount. The City Manager confirmed yes.

On Vote:

Perno	aye
Tinder	aye
Warrick	aye
Aldridge	aye
Nelson	aye

Motion passed: 5-0

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Attorney Davis stated that there is a statute on public commentary for local government and it does not have any implications in moving the Public Commentary to item 3 instead of 7.

Commissioner Tinder asked why it was moved.

Mayor Nelson said it was because then the City Manager can do what she did do in responding about the 5th Wheel query that came up in public commentary. He said that he and the Commissioners can then also respond to the Public during the time they do their reports after the public commentary, thus preventing back and forth arguments. When it was at item 7 none of the Commission had an opportunity to address those questions.

CONSENT AGENDA:

Item #8. Minutes: 6/08/21- regular meeting minutes.

Item #9. Approval to replace Linda Mings with Gerri Parker on the Charter Review Committee.

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

Second to the Motion Commissioner Perno

On Vote:

Tinder aye

Perno aye

Aldridge aye

Warrick aye

Nelson aye

Motion passed: 5-0

OLD BUSINESS:

Public Hearing

Item #10. Final Reading (Public Hearing) Ordinance # 1113 – An ordinance of the city of Lynn Haven, Florida, amending the city’s code of ordinances regarding nuisances.

City Manager read the ordinance by title only.

Motion by Commissioner Aldridge: To approve Ordinance #1113

Second to the Motion Commissioner Perno

Commissioner Tinder asked Chief Ramie if the noise issue is because of the lack of ability of the Police Department to do anything about the noise nuisance and Chief Ramie said yes.

Betty Johnson Ross said she has on record more calls and she was told there was nothing the officers could do until 10 o'clock so we would have loud music all morning and all afternoon, so she is so glad to see that something has been done. She asked what exactly has been done in their neighborhood regarding the noises in some of the situations, and what is the reason for the noise nuisance in the community. Is there a particular time that something can be done?

Chief Ramie said the previous ordinance had no teeth. Now the City has a calibrated device showing what the noise is and for every hour of the day there is a decibel reading level allowed. So now it justifies a misdemeanor and there is no reason to give second warnings. If they have a notice to appear before and they have to go back their next trip will be in the back of the patrol car.

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Commissioner Tinder asked him to repeat the last sentence. Chief Ramie repeated the last sentence.

Commissioner Tinder asked if they would also get a \$500 fine, and Chief Ramie said that is what they are asking the Judge to sentence.

On Vote:

Aldridge	aye
Perno	aye
Tinder	aye
Warrick	aye
Nelson	aye

Motion passed: 5-0

NEW BUSINESS:

Item #11. Re-plat of Parkview Townhomes Phase 1.

Ms. Richard gave a presentation regarding the item.

Motion by Commissioner Aldridge: To approve Re-plat of Parkview Townhomes Phase 1.

Second to the Motion Commissioner Tinder

On Vote:

Aldridge	aye
Tinder	aye
Perno	aye
Warrick	aye
Nelson	aye

Motion passed: 5-0

Attorney Davis reminded Commissioners to not leave the building today until signing the Plat.

Item #12. Discussion and approval of commission workshops date and time.

Mayor said he would like to discuss having pre-meeting workshops to be better prepared for the Commission meetings.

Commissioner Aldridge said he did not feel it was necessary as with every agenda they get an agenda packet with all the information in it.

Commissioner Perno said if the Mayor thought it was something beneficial, he is all for it and if it is something that can be hashed out 30 minutes before the Commission meeting, even better but he is flexible. He said he has meetings with the City Manager, Attorney and Engineer if he has any questions about agenda items.

Commissioner Aldridge agreed.

Commissioner Warrick said there are some municipalities that do this, and he had spoken to some of them. He said he is not a fan of the sunshine law, and it is hard for the commissioners to have a conversation and having a sit down and an informal conversation about the items and how they feel about items. It would also help with information gathering to be able to make an informed decision. He feels it should be a couple days before the Commission meeting giving time to research things. He said the people he had spoken to had told him that at first it was difficult to iron everything out, but they persevered and are now benefitting from them.

Commissioner Tinder said she feels like they would be lining up the votes before the meeting.

Commissioner Warrick said one of the commonalities is when City's do this, they do not have public commentary at those workshops.

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Commissioner Aldridge said if we do then there should be a timeframe. So, they do not speak about the same things over and over again.

Commissioner Warrick said when they used to do this before they ended up being the same length but that was because they allowed having public commentary during the workshop, and not just at the commission meeting.

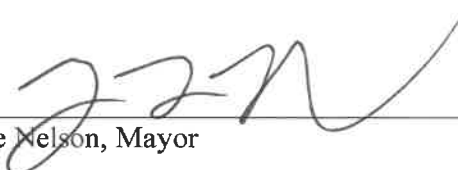
Mayor said this is something for the Commission to think about and not necessarily make a decision today.

Commissioner Warrick said it would also be an opportunity for them to add items to the agenda, and hopefully when we do the workshop, they will get a lot of feedback afterwards from the public, before the next Commission meeting instead of at the Commission meeting.

The Mayor thanked all for their feedback.

Item #13. Adjourn. There being no further City business, the meeting adjourned at 5.20 P.M.

APPROVED THIS 13th DAY OF JULY 2021.



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager

prepared by Cicelia J Holliday