

TUESDAY, JULY 13 2021
CITY COMMISSION MEETING – 9 A.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
Kevin Obos, City Legal Counsel

Item #1. Call to order. Mayor Nelson called the meeting to order at 9:11 AM.

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

Item #3. Public Commentary.

Ryan Scray - Thanks to everyone for the work they have done regarding flooding and stormwater. There has been no flooding this year so far.

Freddy Parham of 1503 Louisiana Avenue - Thanked all for being here this morning. He said he has water running down from street into his yard. Nothing has ever been done in twelve years. He said he also spoke to Mr. Lightfoot who came to look and then nothing got done. The more it rains the more it comes into the yard. Eventually it will get under the house if they do not have a drain system. There are three houses, 1505, 1501, 1503 that have the worst problem.

Bernie Thompson of 2017 Front Beach Road - Is a watchdog journalist. Wants to address statement made on first day about the Mayor's qualifications. He proceeded to play an audio recording of Mayor Nelson's statement about his graduate degrees. He said he had asked both the Mayor and Commissioner Warrick for copies of their degrees. Commissioner Warrick gave his, but the Mayor had said he has already addressed the issue. Mr. Thompson went on to say that leadership does not include gaslighting, that it is illegal to misrepresent a post graduate degree, and he thinks the Mayor is misrepresenting his doctorate degree, because it is not a doctorate in leadership, but rather in ministry.

Christy McElroy of Port St Joe, Florida - Said the Mayor did not stand up as a leader and say what Chief Ramie did was inappropriate. She said she felt the Mayor had been misled by Arthur Cullen, who has many skeletons in his closet. She said she would like the Mayor to think about it, that she is not going to go away, and she would like the Mayor to address it.

Item # 4. Mayor's Report.

The Mayor spoke about his activities during the week. He mentioned the hosting of Ms. Stanley's Block naming. Grand opening at the Bayou preserve was a great day and thanked the people that attended the opening. July 4th was a great day of celebration at the parade, ending with exciting fireworks, and looking forward to more events like that. Met with City Manager to get updates on our FEMA funding. Working on the 3 on 3 basketball return to school event on July 31st at Cain Griffin Park from 8am - 3pm and encourages all from ages 7 - 16 to get registered, on the City website. If you sign up as one person you will be put on a team on that day. First 100 students registered will be receiving a backpack with school supplies in it from Pastors United. He thanked Beef O'Brady's, Mega Sports, and other sponsors for helping out with the 3 on 3 event.

Item #5. Commissioners' Reports.

Commissioner Aldridge - It was a busy three weeks since last meeting, all the celebrations have

been great to attend. Otherwise, business as usual. Happy to see more positivity coming out of the public about the City.

Commissioner Perno - Enjoyed the Lynn Haven Bayou Park opening and dedication of Ms. Stanley's block, plus the July 4th were all amazing. Thanks everyone personally who dunked him at the July 4th celebration. One citizen in particular he has tried to assist, to get someone to reach out and talk to him about his situation. Mr. Robert Duncan understands the City Manager is working on it but as of last night no one had contacted Mr. Duncan. Someone needs to contact him and talk to him about that situation. Another resident is very happy about the stormwater fix on his ditch. Thanks to all employees and first responders.

Commissioner Warrick - Took family to the bayou preserve and it was a lot bigger than expected, with lots of activities available. Recommends everyone go check it out. At the Strategy workshop he learned quite a bit and got to meet the staff. We spoke about infrastructure and a lot has been updated. One of the things we spoke about was future maintenance and staff really understood this and are practicing it. After listening to this stormwater presentation with Stantec, hopefully we will have it under control for the future.

Commissioner Tinder - Had a few issues with residents over the past few weeks and City Manager has dealt with them. Yesterday there was an issue with a tree at Walgreens where a resident was almost killed due to visibility issues. There is an issue with someone feeding stray cats. It is a nice thought, but the concern of another citizen is the paper and cardboard that is being washed into the bay. An officer spoke to the person, and they seemed to understand and seem to have come to a resolution. July 4th was great fun. This is the first time the commission has ever ridden together on a float in the parade.

Mayor - Thanked the fire dept for their expedient response to the family whose house was on fire on 7th Street. The residents were very grateful to the quick response.

Item #6. City Manager's Report.

- A. Financial Update** – Ms. Roman asked if there were questions. There were none.
- B. Employee of the month award** - Joe Footen thanked the Mayor and Commissioners for honoring employees, and presented the award to Jason Cobb, thanking him for his excellent work.
- C. Department of the quarter award** - City Manager presented this to the Customer Service Director on behalf of her Building Department team. City Manager thanked them for doing a fantastic job. The Customer Service Director gave the employees a huge thank you for their hard work and gave some statistics of the work they do, saying how proud she is of them.
- D. 2020 Firefighter commendation award** - Chief Delonjay was asked to present the Fire Fighter of the year commendation. American Legion presents these awards every year, but due to Covid were unable to this year. Craig Ingram consistently demonstrates excellence in his work and has volunteered for every single activity that is outside of the realm of his job. His all-round attitude is superb.
- E. 2020 Law Enforcement commendation award** - Chief Ramie said that this award is actually nominated by their peers. He then presented the 2020 Law Enforcement commendation to Michael Williams, who is also a Christian counsellor and chaplain.

City Manager thanked staff for the great jobs they do and thanked everyone for the 4th of July celebration which was wonderful.

City Manager said she had contacted Dr. Dunn's office last week about some of the FEMA projects that have stalled, to ensure those projects start to move forward. Our major projects are being held up at the phase of consulting with the tribes at this stage. We do meet FEMA along with Dr. Dunn's office every Friday and have seen a lot of movement.

The Farmers market - contact Communications department if you want to be part of it. It is set to begin July 22nd.

The Fire dept picked up the new ladder truck.

Our strategy planning session was held with the commissioners to ensure we are all on the same page and that we incorporate their vision. We identified five cornerstones, and during the Table Talk sessions we will cover those five cornerstones, so residents understand them. Table Talk is July 29th at 5:30pm so please join us as we discuss the first cornerstone “Building Strong Infrastructure for the Future”.

Bay County is holding an open house you are all invited to attend, where you can see if you are in the flood zone. It is Wednesday July 21st from 4pm at the planning room Bay County 11th street, the flyer is on the website.

Stormwater - We have been working on this for 2.5 years. Commission has given the go ahead to resolve many issues and we will continue to work on all of those issues. Thanks Public Works department for working with us to tackle these issues.

We have a check from Tetrattech for \$29,741 for their consulting for the City.

Item #7. City Attorney’s Report.

Legal Counsel, Mr. Obos confirmed about 2.5 weeks ago we finally signed the Publix contract, and we are awaiting the returned signed document for that easement so Public Works can go ahead.

Commissioner Warrick asked Mr. Obos to explain the sunshine law and how it applies to the advisory committees. Mr. Obos confirmed that the sunshine law does apply to the advisory committees, and they are all explained at the first meeting. Commissioner Warrick asked if they have to do the ethics training. City Manager confirmed not.

Commissioner Tinder - asked if those committees were open to the public. City Manager confirmed yes. Commissioner Tinder asked in terms of the sunshine law if those committee members cannot discuss that business outside of those meetings? City Manager confirmed correct. Commissioner Tinder asked if those dates are published on the website? City Manager confirmed yes.

Mayor Nelson said that the Chairman does allow questions from the public at those meetings.

CONSENT AGENDA:

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

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

Second to the Motion Commissioner Perno

On Vote:

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| Perno | aye |
| Aldridge | aye |
| Warrick | aye |
| Tinder | aye |
| Nelson | aye |

Motion passed: 5-0

OLD BUSINESS:

Public Hearing

Item #9. Final Reading (Public Hearing) Ordinance # 1114 – A request for a small scale future land use map amendment for parcel numbers 09680-000-000; 09679-000-000, & 09678-000-000, three (3) city lots.

City Manager read the ordinance by title only.

Planning Director explained the ordinance in more detail.

Motion by Commissioner Tinder: To approve Ordinance #1114
Second to the Motion Commissioner Perno

On Vote:

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| Tinder | aye |
| Perno | aye |
| Aldridge | aye |
| Warrick | aye |
| Nelson | aye |

Motion passed: 5-0

Item #10. Discussion and possible approval of work session times for the Commission.

Commissioner Warrick addressed the need to have effective communication before the commission meetings. He stated it would be good for information gathering and communication flow and would like to have a pre-commission meeting at 3:30pm on the Thursday prior to the commission meeting.

Motion by Commissioner Warrick: To have pre-commission meeting at 3.30pm on the Thursday prior to the commission meeting to go over the agenda items in preparation for the Commission meeting.

Second to the Motion Commissioner Tinder

Commissioner Tinder is concerned that if they have the pre-meeting, they will not be able to discuss the items after. City Manager said it should be okay to have a pre-meeting but with the caveat that you will be working with a DRAFT agenda which may change.

Commissioner Tinder likes the idea as they are all talkers and need to discuss these things. Since it will be open to the public it may benefit them to have this dialogue.

Commissioner Aldridge asked if they are talking about every single commission meeting. He does not see the point of meeting on a Thursday prior for an agenda like today's agenda, but if it is going to be a contention issue then perhaps. Another issue he has is that it may be someone trying to read the vote.

Commissioner Warrick confirmed if it were a very light agenda, it would be at the Mayor's discretion to call off the pre-meeting.

Commissioner Warrick said how many times they come into Commission meetings and have in depth discussion and even though he does research prior, he ends up having new questions after discussion with the other commissioners.

Mayor Nelson asked Commissioner Warrick to confirm that he indicated there would be no public commentary at these pre-meetings, and Commissioner Warrick confirmed, saying he values the public comments, but this is a meeting for the Commission to discuss upcoming items.

Mayor Nelson asked with this not being something in the charter, is it possible for it to be a zoom? Attorney said with it being only a workshop and there will be no voting, they would still need a physical quorum in the room. Best practice is to have the workshop with no public commentary, but if you decide to vote on something you should allow the public to speak. Attorney would recommend a face to face meeting.

Mayor Nelson asked if they were to have it on a Thursday at 3:30pm and they get an item on Friday they would not be able to discuss it, so he proposes having it on a Friday.

Commissioner Aldridge feels the more he hears about this the more he feels they should not have the meetings. He feels they do have workshops when there are important things to discuss, so why change it? Commissioner Warrick asked if they have watched the Lake Wales meetings? Commissioner Aldridge said no.

Commissioner Warrick said he feels they need a way to communicate. It will not be easy to begin but will eventually become seamless.

Mayor Nelson asked would they be limited to just discussing the agenda itself? He feels they need more opportunities like the Strategy meeting where they can discuss informally other things of policy that they feel need to be addressed. That will stop them from being reactionary and be more proactive, saying that the pre-commission meeting should not be limited to just agenda items.

Commissioner Tinder does not think there is any problem discussing other things. With items for the commission meeting, they get the agenda on Friday and have the weekend to read and go look at the issues etc. but would like to discuss the details with other commissioners as well and allow the public three days to email them after the pre-meeting.

Commissioner Perno said having thought about it, the public has just as much time now to talk to them, and the agenda is published online in plenty of time. They get the packet, and they can read it and can discuss it at the meeting like they do now. He suggested they could have a quarterly town hall meeting where the public can have their own forum. Do they really need to talk about the agenda items at two meetings?

Commissioner Tinder feels that one more time to have a discussion and talk between themselves only helps them to do their jobs. Its not about tipping their cards.

More discussion followed.

Commissioner Aldridge said the public already does contact them regularly with their ideas. He understands what Commissioner Warrick wants, but does not want to be redundant and inefficient with their time.

Commissioner Tinder suggested they can do it for two months and see if they like it. She asked if the City Manager would prefer a Friday morning.

City Manager said Friday morning would be better.

Commissioner Perno said he would be happy to try it on a temporary basis to see how it goes.

Commissioner Warrick said they can tailor these meeting to how they want.

Amended motion by Commissioner Warrick: To hold pre-commission meetings at 8 am on Fridays prior to the Tuesday Commission meetings, in the Temp City Hall.

Second to the amended Motion Commissioner Tinder

Ryan Scray - Commission are wanting to come together to have colloquial discussion. It is their meeting and not for the public. This is that bridge where it is the Mayor's ability to accept or decline. It would also have been nice if there was a forum like this where he could have discussed his block party in more detail.

Commissioner Warrick asked is this something that will be online?

City Manager said it is a conversation between them as a team, and it could be posted online later.

Attorney said being a public meeting they would still need minutes taken and approved at the next meeting.

On Vote:

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| Warrick | aye |
| Tinder | aye |
| Perno | aye |
| Aldridge | aye |
| Nelson | aye |

Motion passed: 5-0

NEW BUSINESS:

Item #11. Discussion and possible approval to set the proposed millage rate and budget hearing dates for the purposes of submission of the Certificate of Taxable Value to the Property Appraiser’s Office pursuant to the TRIM Act.

Deputy Finance Director explained the item.

Motion by Commissioner Aldridge: To approve setting the millage rate and budget hearing dates for the purposes of submission of the Certificate of Taxable Value to the Property Appraiser’s Office pursuant to the TRIM Act.

Second to the motion Commissioner Perno

On Vote:

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| Aldridge | aye |
| Perno | aye |
| Tinder | aye |
| Warrick | aye |
| Nelson | aye |

Motion passed: 5-0

Quasi-Judicial Public Hearing

Being a Quasi-Judicial Public Hearing the City Attorney swore in, and checked for any ex-parte communications, all parties of interest.

Commissioners confirmed no ex-parte communications.

Item #12. Discussion and possible approval of a final PLAT for Parkview Townhomes Phase 2.

Planning Director Explained the item.

Motion by Commissioner Tinder: To approve the final PLAT for Parkview Townhomes Phase 2.

Second to Motion Commissioner Warrick

Commissioner Perno asked if this was the land use that they changed from cul de sacs to Hammerheads? Planning Director confirmed yes, it was phase 1 they looked at the Hammerheads because the Hammerheads had not been allowed. Commissioner Perno asked so now the Hammerheads are going to become the connecting road? Planning Director confirmed yes.

On Vote:

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| Tinder | aye |
| Warrick | aye |
| Perno | aye |
| Aldridge | aye |
| Nelson | aye |

Motion passed: 5-0

Item #13. Discussion and possible approval of the rejection of Bids for Legislative Paving Phase II.

The Public Works Director explained the item.

All five bids came in extremely high. The City wants to reduce the scope, value engineer some of the roadways with the money they have. Therefore, they are asking commission to reject the current bids to allow the City to do this.

Commissioner Warrick asked how do they come up with the price, is it by mile? Director confirmed yes.

Commissioner Warrick said he understands this is a recommendation by the FDOT that the bids are too high. Director said they agree it is.

Commissioner Warrick asked them to just make sure they do their due diligence.

City Manager advised that the City also has to stay within budget. In all City policies we have a right to reject bids if not within our budget.

Attorney confirmed the City had a right to reject bids if out of its budget.

Commissioner Tinder asked what were the bids high to low?

City Manager answered \$2.7 at the lowest all the way up to \$5.1.

Commissioner Tinder asked what they paid last year. Director answered they have about \$1.7m to work with (\$2m for everything if you include the engineering and CEI services).

Commissioner Tinder asked would they be compromising the quality of the work? Director said no, there is some portions of road needing to come out as they fell within another grant.

Commissioner Tinder asked if they rebid will they let them know what the budget is? Attorney confirmed a new RFP will go out with the new scope. Director said that DOT said to just show them all the changes to make sure they are happy with it, then it can be re-bid.

Motion by Commissioner Perno: To approve the rejection of all Bids for Legislative Paving Phase II and rebid within 60 days.

Second to the motion Commissioner Aldridge

Ted Sharpie with Phoenix Construction - said they are the apparent low bidder, and as part of the bid process they had to fill out a multi-page form of unit prices, being told that due to the City wanting to possibly reduce the scope in case the numbers did come in out at budget then the scope could be cut down to fit the City's budget. He does not understand why they are not doing that now and they are just going to throw everything out. He does not think they will get the work any cheaper than they are now.

On Vote:

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| Perno | aye |
| Aldridge | aye |
| Warrick | aye |
| Tinder | aye |
| Nelson | aye |

Motion passed: 5-0

Item #14. First Reading by title only Ordinance # 1115 - City of Lynn Haven Special Events Ordinance providing for the regulation of special events in the City of Lynn Haven.

Attorney explained the ordinance and the reason for it.

Commissioner Tinder said she did not read that this meant on private property too. She thought it was only for City property. Attorney answered it is also for private property if you have an over capacity event and affect parking and traffic etc. The City property is also addressed separately in the ordinance.

City Manager explained it is a means of providing protection for the residents and allows the City to control any out of control situations.

City Manager read the ordinance by title only.

Commissioner Warrick said he read over it, and it is pretty similar to other Cities.

Ryan Scray said section 42.63 the word "organize" - He couldn't possibly have presented his block party without organizing it. Suggests changing the word.

Attorney said you will not be getting a code violation for doing the upfront work. Only if you

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actually hold the event.

Attorney suggested the word organize can also be deleted, and the Commission can think about it and make that decision at the next meeting.

Jodi Moore of Amhurst Street - Who specifically issues the permit and who makes the decision about the permit?

Attorney said the City Manager or an appointed delegate.

Commissioner Tinder asked was there something in there about the commission being called in for larger events?

City Manager confirmed yes, if the person is not happy with the decision, they can bring it to the commission. City Manager confirmed this is about large events and will not affect any of the typical meetings residents hold.

Attorney said if the City Manager decides to deny the event, then she will do so in writing explaining why. Then it can be brought before the commission meeting.

Commissioner Tinder asked do you think the bigger events of 500+ should be voted on by commission as a standard?

Attorney said the 45 days' notice allowed for the City Manager to potentially do a report to the Commission about it.

Item #15. First Reading by title only Ordinance # 1116 - Fire Pension Ordinance Amendment.

City Manager read the ordinance by title only.

Fire Chief Delonjay explained the ordinance and the reason for it.

Item #16. Adjourn. There being no further City business, the meeting adjourned at 10.55 A.M.

APPROVED THIS 27th DAY OF July 2021.



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager

prepared by Cicelia J Holliday