

TUESDAY, JULY 27 2021
CITY COMMISSION MEETING – 5.30 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
Kevin Obos, City Legal Counsel

Item #1. Call to order. Mayor Nelson called the meeting to order at 5.30 P.M.

Item #2. Invocation/Pledge of Allegiance. The invocation by Pastor Darryl Hooks of Allen Chapel of AME Church was followed by the Pledge of Allegiance.

Commissioner Warrick asked if the proclamations could be presented before the public commentary. Mayor Nelson stated yes.

Mayor Nelson read and presented:

The proclamation of Mallie Jackson's (Big Mama) 100th birthday on August 4th.

The proclamation of the Academy of Dance and Performing Arts Dazzler team accomplishments at the Showstopper National Dance Championships.

Item #3. Public Commentary.

Ryan Scray-1703 Missouri Avenue gave kudos to Commissioner Warrick for pushing for the commission pre-meeting and felt the City Commission focused on talking through the agenda items without making motions. A big success was that the special events ordinance was updated to exclude private residential property, and that is a big win for Lynn Haven. Kudos to all the commissioners for agreeing to do the pre-meetings.

Cindy Shutt, 125 Landings Drive asked if the special events ordinance would include HOA having a block party on their own one-acre park. Mayor Nelson stated that she could ask those questions when the agenda item was being discussed.

Eric Markus stated regarding the special event ordinance, will private businesses be excluded from this ordinance. Mayor Nelson said that will be addressed when that agenda item is being discussed.

Item # 4. Mayor's Report.

Mayor Nelson stated he is looking forward to the 3 on 3 basketball tournament that will be held on this upcoming Saturday. He thanked everyone in the City, City Manager, City staff, and sponsors that have worked hard to bring this event together. He stated the event starts at 8:00am, for children ages seven to seventeen to come together and have a great day of celebrating going back to school.

Mayor Nelson attended the Kiddy car show hosted by Mr. Robert Stewart at Cain Griffin Park. The event was very well attended and a success. Free food was provided to everyone in the park. Some power wheels were given out to some of the children, and it was a very community family-oriented event. He thanked Mr. Stewart for having the event.

The Mayor attended the Debt Review Committee meeting and said they would be making a presentation at the final August Commission meeting with their findings and suggestions. The committee is working with staff to develop different solutions that could be viable as it relates to managing the City's debt.

Mayor Nelson attended the Charter Review Committee, and he is looking forward to what comes from the Charter Review committee over the next year as it relates to updating the City charter.

The Mayor advised there will be some upcoming announcements for the ‘Morning with the Mayor,’ and he will be hosting a Town Hall meeting in November. The information will be posted via flyers and on the City’s social media.

Item #5. Commissioners’ Reports.

Commissioner Aldridge – stated it has been business as usual for the past couple of weeks. He has received a ton of emails and phone calls pertaining to Ordinance #1115 and he is glad the ordinance was discussed and worked out for the citizens and for what they want.

Commissioner Perno – no report and thanked the citizens and all of the City employees, and the first responders.

Commissioner Warrick – stated he felt the pre-commission meeting went well, and he is glad the meeting happened and hopes they will continue in the future. He held a “Meet the Commissioner” on Saturday after the pre-commission meeting, and one person attended. Even if no one shows up he likes to have the option so people can always feel free to talk to him. Commissioner Warrick attended a kickball game and got to see Ryan Scray’s team lose again. He was surprised at how competitive and emotional the game is. He also responded to some emails and phone calls regarding the Special Event ordinance and hopes there will be a resolution the residents will be happy with.

Commissioner Tinder – stated she was very impressed with, enjoyed the pre-meeting as everyone was comfortable having conversation around the table, and it cut through a lot that would not be done at a regular commission meeting. She said a hats off to Jamie for a great idea with the pre-commission meetings. She stated over the past two weeks she has served lunch over ordinance #1115 with lots of conversation and will discuss when the agenda item comes up.

Item #6. City Manager’s Report.

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

City Manager Gainer stated the City has been in budget mode for about the past two months working with each department to fine tune items within the budget. The budget season will start in September, and she will keep the commission updated. She has spent a lot of time with the State and FEMA and things are coming along pretty well. The City did meet the deadline for April 19th for all 428 projects, and those projects are still where they were two weeks ago, now the money is there, and is coming through the departments so we can start on our buildings.

She reminded all that Table Talk is Thursday at 5:30pm and she will be talking about the first cornerstone for the City which is infrastructure, to hear feedback from our citizens about infrastructure needs of the City, and their suggestions, etc.

City Manager advised that a check from Tetrattech had been received, and sometimes the checks come in after a meeting, so this check is for \$45,206. She reminded the Commission that all of this is reimbursable, and they give us the initial amount of 50% and then at the end of the project, they will give us balance of the money back.

Commissioner Tinder asked if Table Talk would be held at the Senior Center. City Manager Gainer stated Table Talk will be held at the Garden Club.

Item #7. City Attorney’s Report.

Legal Counsel, Mr. Obos had nothing to report.

CONSENT AGENDA:

Item #8. Minutes: 7/13/21- regular meeting minutes.

Item #9. Approval to give Mayor Nelson and the City Manager authority to negotiate a final settlement from the Insurance Carrier (PGIT) for the Hurricane Michael claim.

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

Second to the Motion Commissioner Perno

On Vote:

Perno	aye
Aldridge	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

OLD BUSINESS:

Item #10. Final Reading Ordinance # 1115 - City of Lynn Haven Special Events Ordinance providing for the regulation of special events in the City of Lynn Haven.

City Manager read the ordinance by title only.

City Attorney stated the workshop was held on Friday and as a result of that workshop, a few changes were proposed. Language was added that private residential property should not be considered an event venue, so this will not apply to private residential property.

The threshold for a small event was changed to 50-100 people, and if you have an event with less than 50 people, private property, not residential, that is excluded, but commercial property, public park, more than 50 would require a special event permit.

The word organized was eliminated and the words staging or promoting an event were added.

Commissioner Perno stated he echoes Ms. Shutts question and does this include the common area of a residential neighborhood, like a clubhouse and pool area. Mr. Obos stated it would be treated the same as a private business property. Only private "residential" property was excluded.

Commissioner Tinder stated an apartment complex is private property, and she doesn't agree with the HOA thing. She stated she thought on Friday the agreement was that the ordinance does not apply to private properties. Now the ordinance reads it does not apply to private **residential** property. Where does this leave people that have businesses who own the property the business is on? Mr. Obos said if you are going to limit the number of people to whatever the capacity of the business is then you never have to think about it. If you want to hold an event for 500 people and your restaurant capacity is 100 people, then you have to apply for a permit for the event.

Commissioner Tinder mentioned pop-up events, and asked if business is over capacity for an event, does that turn into a special event? Attorney Obos stated it will be depending on the capacity for the building, and if it spills out on to the sidewalk. Roberts Hall holds events that are well under their capacity, and they come out and we move our tables out on the sidewalk for them to use, where will that leave them? Letting them use other property increases their capacity so they should not be affected.

Commissioner Aldridge asked how allowing an event for people to have over capacity is safe. Surely it is against the fire code? Mr. Obos explained that would not be approved, the purpose of the permitting is to assist the event organizer to manage their capacity.

Motion by Commissioner Aldridge: To table Ordinance #1115 to next meeting.

Commissioner Aldridge said he feels they should not require permits for HOA or any private properties and should restrict the permit requirements to special events at City properties, parks, etc., and no one should have an issue with that. He would like the ordinance to address the public properties, scrap private and residential, and if the City starts having issues, the Board can come together and deliberate about that then.

Second to the Motion Commissioner Perno

Commissioner Tinder said she agreed with Commissioner Aldridge.

Commissioner Warrick said perhaps add language that if you want to get permits on private land then you can. Also, to educate the public to please feel free to contact the City if you need City services and they will be more than happy to walk you through that process.

Ryan Scray, Missouri Avenue - Stated an option may be for free permit for private property or HOA when City services are not needed. If City services are needed then the private property owner, or HOA could apply for a permit.

Jodi Moore, Amherst Street - Stated she does not think a permit for private residential property is necessary at all. If the event will be larger, they could approach the police department for traffic control, etc. She commended the commission for listening to the people on this item. Her understanding was that all private property would be excluded, and now in the ordinance it states private **residential**. Very glad the City is looking at safety issues and the City should not be afraid to act because they are afraid of being sued. There are safety issues at Bay Haven, Mill Bayou, and Mosely, look at all the safety issues for Lynn Haven, not just events.

Mr. Rob Brown appreciated and thanked the commission for tabling the item to allow more time for more deliberation. He stated he appreciates the commission and thanked them for responding to his emails and phone calls. He encourages everyone to go to YouTube and review the last three to five minutes of the workshop, where it does state residential property not just private property. He stated the intent of this City to do a background check to get a permit to rent a park seemed to be the case when Chief Ramie brought it up and stated that is what forty-five (45) days are for. So, the information of the applicant can be received to see basically who they are. If a private citizen has a special event, (and the mayor responded directly to this), will the citizen receive a background check from the police department and why is it going to take 45 days as Chief Ramie stated, and that seems to be a slippery slope.

Mayor Nelson stated in relation to background checks, he followed up with Mr. Brown's email and with Chief Ramie, and when we say due diligence, this is simply a Google search to see what type of events this person has hosted in the past, and if their events in the past have maybe exceeded what they are telling us on their current application for a permit. This is not necessarily a criminal background check. A simple Facebook review, which is what the City actually does now, so it is not putting out any tax dollars to run a criminal background check on anyone that is an applicant for using any of our City parks.

On Vote:

Tinder	aye
Perno	aye
Aldridge	aye
Warrick	aye
Nelson	aye

Motion passed: 5-0

Item #11. Final Reading Ordinance # 1116 - Fire Pension Ordinance Amendment.

City Manager read the ordinance by title only.

Motion by Commissioner Tinder:	To approve Ordinance #1116
Second to the Motion	Commissioner Perno

Discussion: None

On Vote:

Tinder	aye
Perno	aye
Aldridge	aye
Warrick	aye
Nelson	aye

Motion passed: 5-0

NEW BUSINESS:

Item #12. Discussion and possible approval of City Health Insurance Renewal with Abentras.

Ms. Jennifer Hodges, HR Director, stated it is time for the City’s insurance renewal. She introduced Mr. Owen Wingate, President of Abentras Benefits Administrators. Mr. Wingate thanked the commission for being able to provide insurance benefits for the City. He stated the insurance renewal date is October 1st, and 8.9% renewal rate was received from Florida Blue and that has been negotiated down to a 3.5% rate increase. He recommends renewing at the 3.5% and continuing with the 95% single employee plan.

The Florida Combined Life Dental Plan renewal included a 14% rate increase. He stated coverage with MetLife was obtained and they were able to get a 7% reduction in cost. He recommends moving to the MetLife dental plan.

The supplemental insurances, life, long and short-term disability, and the ancillary products are all locked in with a rate guarantee until next year.

There was discussion about MD Live. The MD Live program will continue as it is a great program, and he recommends that all employees be educated about using the program. Commissioner Warrick stated he commends the employees that use MD Live as it helps the City to save money, so kudos to those employees.

Motion by Commissioner Warrick: To approve Renewal of the City Health Insurance with Abentras.

Second to the motion Commissioner Perno

On Vote:

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

Item #13. Discussion and possible approval of Senior Center Agreement.

City Attorney Explained the item.

Motion by Commissioner Aldridge: To approve the Senior Center Agreement.

Second to Motion Commissioner Perno

Commissioner Tinder asked if there is something in the documents that if things become unacceptable, is there a clause that the City can terminate the lease. Mr. Obos stated there is a termination clause, it is a one-year notice to allow time for the Senior Club to find alternate space.

On Vote:

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

Item #14. Discussion and possible approval of Solar Tree Lease Agreement with Gulf Power at Sheffield Park.

The City Manager explained the item.

Motion by Commissioner Aldridge: To approve the Solar Tree lease agreement with Gulf Power at Sheffield Park.

Second to the motion Commissioner Perno

Commissioner Tinder asked about the ten-year limited warranty, what happens after that. The City Manager stated that it says in the agreement that they are responsible for the maintenance of it.

Ryan Scray, Missouri Avenue said he had reviewed Section 25 of the agreement (which he quoted) and asked for clarity if the City is paying for this electricity or not? Mr. Obos said that solar is just an alternate energy source, and we pay our power bill as per usual. They are not buying it back from us. Basically, anything that is plugged into it will be charged to the City.

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #15. Discussion and possible approval of Resolution #2021-07-360 authorizing the proposed assessment roll and mailing of notices of the Initial Stormwater Assessment.

Attorney explained the Resolution.

City Manager read the resolution by title.

Motion by Commissioner Aldridge: To approve Resolution #2021-07-360 authorizing the proposed assessment roll and mailing of notices of the Initial Stormwater Assessment.

Second to the motion Commissioner Tinder

Commissioner Tinder stated she was pleased with this proposal as the stormwater needs addressing. Discussion ensued. She asked the City Manager if we currently have a stormwater fund as a line item in the budget. City Manager confirmed the City does have a stormwater fund, but it doesn't generate enough to fund stormwater, so the City is always borrowing funds from water and sanitation to make stormwater work. Commissioner Tinder wanted confirmation that all funds from this effort will be just for stormwater. City Manager confirmed yes.

Richard Walker, 1106 Michigan Avenue asked if this applies to when a development order is submitted, and will the developer pay for the stormwater. Mr. Obos confirmed yes and based on the methodology of the pervious and impervious surfaces, and a mitigation program has not been built into the model. It is something that can be put in place for future but won't be placed in the program this year. Mr. Walker said it was like a double tax then.

On Vote:

Perno	aye
Aldridge	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #16. Discussion and possible approval of Resolution #2021-07-361 approving to maintain the City's water fees at the same rate as the previous year, effective October 1, 2021.

City Manager read the resolution by title.

Motion by Commissioner Tinder: To approve Resolution #2021-07-361 approving to maintain the City's water fees at the same rate as the previous year, effective October 1, 2021.

Second to the motion Commissioner Perno

Ryan Scray asked why this was not being reduced. City Manager Gainer stated this was decided by resolution two years ago to set it at 4.5% and should be increased every year at 4.5%, but we made a decision not to do that.

On Vote:

Perno	aye
Aldridge	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #17. Discussion and possible approval of Resolution #2021-07-362 approving to maintain the City's solid waste collection fees at the same rate as the previous year, effective October 1, 2021.

City Manager read the resolution by title.

Motion by Commissioner Perno: To approve Resolution #2021-07-362 approving to maintain the City's solid waste collection fees at the same rate as the previous year, effective October 1, 2021.

Second to the motion Commissioner Warrick

DISCUSSION - none

On Vote:

Perno	aye
Aldridge	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #18. Discussion and possible approval of Resolution #2021-07-363 approving to maintain the City's wastewater system fees at the same rate as the previous year, effective October 1, 2021.

City Manager read the resolution by title.

Motion by Commissioner Perno To approve Resolution #2021-07-363 approving to maintain the City's wastewater system fees at the same rate as the previous year, effective October 1, 2021.

Second to the motion Commissioner Tinder

Commissioner Tinder stated it is imperative to keep the fees the same as last year to help residents.

On Vote:

Perno	aye
Aldridge	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #19. Discussion about putting an RFQ out for a transportation engineering firm.

City Manager explained the item.

Ms. Richard, City Planner, explained with the growth of the City and resultant traffic increases, why this is needed. She recommends a company (or a few) specializing specifically in traffic planning/engineering, considering we do not currently have anyone with those specialties.

Motion by Commissioner Aldridge: To approve the City Manager investigating putting out an RFQ for a transportation engineering firm.

Second to the motion Commissioner Warrick

Commissioner Tinder stated this has been needed for a long time, and it would have been nice to have had it when the Mill Bayou project was being proposed. Some small complexes have potential traffic concerns that could put 200 vehicles on the roads.

Commissioner Perno asked if this is setting a precedent for Development Orders for peak hours. Ms. Richard stated yes, there will be am/pm peak hour traffic studies.

Ryan Scray, Missouri Avenue, stated this is a good idea and the City should have more than one provider, have two to three firms, not just one firm. City Manager Gainer stated there are three engineering firms that the City uses.

On Vote:

Perno	aye
Aldridge	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #20. Discussion of the Pinnacle Housing Project.

Shay Catrett introduced Regional Vice President Mr. Tim Wheat, Pinnacle Housing. Mr. Wheat presented a slideshow for the Pinnacle Housing Project.

Commissioner Tinder asked should this be approved, when would it move forward? Mr. Wheat said he believes it will be late 2023.

Mr. Ray DeBuke stated he has built several of the Pinnacle Housing Projects, and that the ones in Lynn Haven are top notch. He has traveled the state to present affordable housing and he uses the Lynn Haven projects as an example.

Motion by Commissioner Perno: To authorize the City Manager to move forward in establishing an agreement with Pinnacle Housing.

Second to the motion Commissioner Warrick

Ms. Janise White, 1506 Mississippi Avenue, stated she has concerns about another complex because at the complex next to Publix there are no sidewalks. People are walking in the road, which is dangerous. For this project to move along, more sidewalks are needed.

Minutes from the City Commission meeting called July 27, 2021 at 5:30 P.M.

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On Vote:

Perno	aye
Aldridge	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #21. Adjourn. There being no further City business, the meeting adjourned at 7:08 P.M.

APPROVED THIS 10th DAY OF August 2021.



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager

prepared by Vicki Harrison