

AMENDED MINUTES MEMO

The Commission Meeting minutes of August 10th, 2021 reflected the incorrect statement by Commissioner Warrick under Item #5 in the 3rd paragraph and final sentence:

Amended to read: With the millage rate going down by 0.2 and the average house being \$125k, it would mean a decreased payment by about \$25 per year.

PASSED, APPROVED, AND ADOPTED this 24th day of August, 2021.

CITY OF LYNN HAVEN
FLORIDA

BY:



Mayor Jesse Nelson

ATTEST:



Vickie Gainer
City Manager

Vickie Gainer
City Manager

TUESDAY, AUG 10, 2021
CITY COMMISSION MEETING – 9:00 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 9:00 A.M.

Item #2. Invocation & Pledge of Allegiance. The invocation by Pastor Zach Sutton of Catalyst Church was followed by the Pledge of Allegiance.

Item #3. Public Commentary.

Mr. Walker - Feels the residents should be able to speak about anything they want during public commentary, without their right to freedom of speech being infringed upon.

Gerri Parker - Rhett Place - will email each commissioner about their opinions about public commentary being item 3 instead of 7 on the agenda. She would like a response from every Commissioner, which she will publish.

Jodi Moore - Amhurst Street - Stormwater issues - Suggested regarding stormwater studies, perhaps someone not from this area should come in and look at all the issues and see what the root cause of the water issues is actually. Secondly, people are very confused about the FEMA money not being used for stormwater etc. What does it go to? How much is coming in?

Kerry Fioramonti - 1207 Georgia Avenue - regarding Covid 19 statistics, she provided a history from June 25th onwards, asking when our local municipalities will break the silence on these statistics? She asked that the City please let the public know what is happening, as she feels there is not enough testing or vaccinating.

Christine McElroy - Woodward Avenue - Gave a speech about her perception of deplorable behavior by Chief Ramie during the previous election, saying she cannot believe he is still Police Chief, and frankly cannot believe Mrs. Gainer is still City Manager. She continued to speak about her opinion on Derwin White's involvement in Lynn Haven and her feelings about corruption in the City.

Item # 4. Mayor's Report.

Mayor Nelson thanks all the City employees for their diligent work. The basketball tournament turnout was great. Good to see other communities turn out to support the event.

Mayor also thanks the City employees for getting the City's water drinkable again after the lightning strike. Also, for the work assisting the residents during the stormwater flooding rain event.

The Mayor spoke about driving around after the storm and talking with residents affected by the flooding to see the aftereffects on them. He mentioned he is meeting with Chris Lightfoot (Assistant Public Works Director) and the City Manager tomorrow to further discuss the City's plan and funding going forward. After reading the Stantec presentation he felt residents can be assured there are plans in place for certain projects to be done inhouse to rectify the stormwater issues of the next few years. The commissioners will do all they can to communicate these plans to their constituents.

The Mayor thanks the City Manager for putting together a FAQ flyer about the recent assessment. He explained that it is not a new tax, but rather a way to collect fees to finally budget for the stormwater issues. He also reminded everyone about the deduction in Millage rates which will offset the increase in the stormwater fees.

Mayor Nelson reminded everyone that the stormwater masterplan is posted on the City website and includes pictures of jobs that have been completed already. He encourages all to look at it online.

The Mayor said he has spoken to teachers at Mosely high school on the first day of school and thanked them for the services they provide to our students and community.

Item #5. Commissioners' Reports.

Commissioner Aldridge - Agreed with the Mayors sentiments, and confirmed they are doing their best as a Board. He stated his personal opinion that he never ran to be a politician just to be a politician, rather he ran to get things done. He thanks City staff for the hard work and overtime especially during the recent rain and storm events. He thanks, Mr. Bollinger, for his role in taking care of our children.

Commissioner Perno - First day of school and wishing everyone a happy and safe school year. Being a Seminole, must make mention of the legendary Coach Bobby Bowden on his passing whose ministry was football. He thanks all who contacted him about the stormwater assessment and hopes he was helpful to them all. If anyone thinks they are being incorrectly assessed, he asked them to please contact a Commissioner or City Manager to rectify. He thanked all City employees for their work and residents for being here.

Commissioner Warrick - Stormwater - when talking with the department heads they spoke about infrastructure. One of the issues is that stormwater has not been budgeted and worked on for years. He feels if you kick the can down the road any more it will just get worse. The average house is assessed at \$125k so people will be paying about \$25 extra on average each year.

Commissioner Tinder - It has been a busy couple of weeks, with many calls about flooding. She feels it is a bad situation that needs to be fixed. She received a lot of assessment questions and posted the City Manager's FAQ flyer on her Facebook page and texted it to many of her residents. Yesterday she had spent time on the phone (and visiting the site) dealing with the dead end of Iowa road problem, and a potential solution has been discussed, so she is hoping to get the drainage problem fixed soon.

Item #6. City Manager's Report.

City Manager thanked the Commissioners for answering so many of the residents questions about the stormwater assessment during the week. She explained that the \$5.6m grant is restricted funds specifically applied to the revitalization of Florida Avenue being allocated \$4.5 million and with \$1.1m of that allocated to the sidewalks of Minnesota and Mosely drive.

City Manager spoke about the stormwater assessment, saying if anyone has any questions, please call her. She confirmed there is a stormwater masterplan. That the Commission requested the City do an engineering stormwater master study, which was done over a two year period. The Commission approved Panhandle Engineering to complete a stormwater masterplan, and that the Commission adopted the plan that was presented by the engineering firm. In the past couple years, the City has completed some of those projects. Some larger projects are still on the plan to fix as part of the masterplan. Stantec is the consultant firm that completed the rate study for the City and the City Manager also noted they are an independent firm from out of town. Stantec has taken this masterplan into account in their assessment. She said the City is excited to help residents that are struggling with stormwater issues.

The City Manager explained that some FEMA money is restricted to the rebuild of the City of Lynn Haven buildings. The money that was not restricted will be paid toward repaying the City's bond. She said the City is still waiting on feedback on negotiations with the insurance company. Yesterday the City got confirmation that we can start on the City Hall rebuild.

City Manager said it is important to understand that the boiled water notices are sometimes very limited in the neighborhood where the City will literally walk to residents homes and deliver notices about the shutdown. But when a water plant is hit, the way we get that boil water notices out are through PSA's via TV, Facebook, the City website, and if we have the contacts of HOA's we will send some HOAs representatives emails. So the City does its best to ensure the residents are informed. She confirmed that the City is working on a Tyler Notify module that in a few months will enable the City to communicate these types of things more effectively to the residents.

The City Manager reminded everyone that they would have received a card with their Utility Bill with Department Head contact details.

She mentioned the Farmers Market is progressing and if there are vendors who want to be a part, please ask them to register.

Table talk was a success, and she encourages residents to attend and share their concerns. The City Manager takes all of those lists of issues and then works on them and comes back to the next table talk session to update the residents.

The City Manager wants the residents to know we are moving forward as a City, and God has favor on our City, and they will see that in the next couple of months.

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

Item #7. City Attorney's Report.

Attorney mentioned that the stormwater assessment is not a tax. It is simply a fairer way to spread the burden of fixing the stormwater issues.

The Attorney addressed the Commission regarding public commentary stating that prior to 2013 the meetings were open meetings and according to Florida law the public were allowed to be present but really didn't have a right under Florida law to be heard. Historically everybody allowed public commentary, so it wasn't an issue. In 2013 the law changed, and the legislature specifically put forth a statute spelling out how public commentary could work moving forward. All the Commission is legally required to do is allow for public commentary for decision making items (action items). There is no requirement just to have general public comment for the good of the order for non-agenda items. That is not legally required. Again, the City has always historically done it and will continue to do so. The Commission has the right to take care of the decorum of the meeting, they can limit the amount of time to 3 minutes or 5 minutes, whatever. The Commission can also designate a specific period of time to receive that public comment whether its at the beginning of a meeting or the end of a meeting. In fact, the statute says it doesn't even have to be at the same meeting you take the action on as long as it's reasonably close in time. So, they could have a public commentary two days ago and then vote on it today. The law around this is well established in Florida and what the City here is doing and has always done is provide more opportunity, not less, by allowing general public comment in addition to commentary on action items.

CONSENT AGENDA:

Item #8. Minutes: 7/27/21- regular meeting minutes.

Item #9. Two RV extension requests for 1602 Rhode Island Avenue and 352 Floyd Drive.

Motion by Commissioner Perno: To approve all Consent Agenda items as presented.
Second to the Motion Commissioner Aldridge

On Vote:

Perno aye
Aldridge aye
Warrick aye
Tinder aye
Nelson aye

Motion passed: 5-0

OLD BUSINESS:

Item #10. Further discussion, as tabled from the previous meeting, of Ordinance # 1115 - City of Lynn Haven Special Events Ordinance providing for the regulation of special events in the City of Lynn Haven.

Attorney said that as discussed at the workshop on Friday the ordinance will be similar but completely limited to public spaces and parks. All references to private residences/property will be removed and the process will start again with a first reading in 2 weeks.

NEW BUSINESS:

Quasi-Judicial Public Hearing

Attorney swore in any presenters or people who will testify, then asked if there were any ex parte communications - all stated they had none.

Item #11. Discussion and possible approval of Development Order Application - Lynn Haven Sports Park Phase 4, Football, Soccer & Lacrosse Fields.

Planning director explained the item.

Commissioner Aldridge - is there a reason there is football and soccer and no baseball field? City Manager confirmed the development order has already been done for the baseball fields.

Motion by Commissioner Aldridge: To approve Development Order Application - Lynn Haven Sports Park Phase 4, Football, Soccer & Lacrosse Fields.

Second to the Motion Commissioner Perno

Commissioner Tinder - do we have the funds to move forward with this project? City Manager confirmed yes, explaining that it is with FEMA proceeding through their process.

On Vote:

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

Quasi-Judicial Public Hearing

Attorney swore in any presenters or people who will testify, then asked if there were any ex parte communications - all stated they had none.

Item #12. Discussion and possible approval of Development Order Application – Sun 77 Development – Parcel # 11797-010-015.

The Planning Director explained the item. She said that the land mass is not TND, and apologized that was an error.

Commissioner Aldridge asked Jim Slonina to speak. Mr. Slonina provided more details.

Motion by Commissioner Perno: To approve Development Order Application – Sun 77 Development – Parcel # 11797-010-015.

Second to the Motion Commissioner Aldridge

On Vote:

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

Quasi-Judicial Public Hearing

Attorney swore in any presenters or people who will testify, then asked if there were any ex parte communications - all stated they had none.

Item #13. Discussion and possible approval of Development Order Application – North Bay Haven Charter Academy; Marine Science & Administrative Building; 1 Buccaneer Drive.

Planning Director explained the item in more detail, stating the Planning Commission recommended denial by 6-1 vote on grounds of existing concerns around school traffic and the school not doing anything to alleviate these issues.

Mr. Bollinger provided further information about the State of Florida's requirements around Charter school confirming that the school is currently at capacity so won't be taking in any more students. The proposed building is to replace modules that are set to be removed in 2022. This will not impact the traffic as there is not set to be more students, just about 10 new staff members.

Commissioner Tinder - has the school board had any discussion about alleviating any of that traffic. Mr. Bollinger said they are doing everything they can with extra buses and so within 45 - 60 mins they get all the students in and out. He doesn't believe the traffic is an issue created by the students.

Commissioner Tinder - with the Mill Bayou development, do you think that is contributing to the traffic issue? Mr. Bollinger stated he wouldn't know.

Commissioner Warrick wanted confirmation that there will be no more students. Mr. Bollinger confirmed.

Motion by Commissioner Aldridge: To approve Development Order Application – North Bay Haven Charter Academy; Marine Science & Administrative Building; 1 Buccaneer Drive.

There being no second from the floor, the motion dies.

Item #14. First Reading of Ordinance #1117 – Proposed Amendments to Section 4.02.01(B) of the Unified Land Development Code (1911 Historic Plat Overlay) – By Title.

The City Manager read the Ordinance by title only. The Mayor asked the residents to please email Commissioners and the City Manager if they had any questions or concerns about the ordinance. The Mayor asked the Planning Director to provide more information and an explanation about the ordinance.

Item #15. Discussion and possible approval of Highway 390 Phase Two water and sewer utility relocation bid to L&R Contracting for the amount of \$988,939.90.

The Utilities Director explained the item.

Commissioner Aldridge - will this increase traffic on 390? Utilities Director confirmed it will disrupt traffic initially, and also at the next phase at Cato Road intersection.

Commissioner Aldridge - could this wait till summer? Utilities Director said he didn't think so, but it depends on FDOT, and they are moving forward whether we say yea or nay.

Commissioner Tinder - is this all coming from your budget? Utilities Director explained some of it from current budget but the balance from next year's budget.

Commissioner Aldridge - could you get FDOT to do a traffic study? Utilities Director - not sure.

Motion by Commissioner Tinder: To approve Highway 390 Phase Two water and sewer utility relocation bid to L&R Contracting for the amount of \$988,939.90.

Second to the Motion Commissioner Warrick

On Vote:

Tinder	aye
Warrick	aye
Aldridge	aye
Perno	aye
Nelson	aye

Motion passed: 5-0

Item #16. Discussion and possible approval of Highway 390 Phase Two (East) water and sewer utility relocation engineering construction services task order in the amount of \$49,750.

Utilities Director explained the item.

Commissioner Aldridge - so this is just construction oversight? Utilities Director confirmed discussion, oversight, and conflict resolution.

Commissioner Perno - What about private residences, are you going to be turning off utilities? Utilities Director once we get into the City proper there is a whole new level of FDEP where we have to submit plans and have water samples in place etc. and how we will minimize the impacts to the residents.

Commissioner Tinder - any idea how long the residents water supply will be disrupted? Utilities Director - yes it will be in stages to minimize disruption so scheduled to be a minimum of 48 hours disruption.

Motion by Commissioner Perno: To approve Highway 390 Phase Two (East) water and sewer utility relocation engineering construction services task order in the amount of \$49,750.

Second to the Motion Commissioner Warrick

On Vote:

Perno	aye
Warrick	aye
Tinder	aye
Aldridge	aye
Nelson	aye

Motion passed: 5-0

Item #17. Discussion and possible approval to alternate Mayor Pro Tem appointment every fiscal year.

Commissioner Aldridge spoke about the item, explaining the need to have a more structured approach to this issue so it is less politicized. As discussed previously it will roll over in the order of the Commission seats.

Commissioner Warrick - likes the way of ordering it as they will start with 1, 2, 3, and 4, so that Commissioner will already be in office for at least two years, unless you have a special election, giving them some experience before they become Mayor Pro Tem.

Motion by Commissioner Perno: To direct staff to make a resolution to approve alternating the rotation of Mayor Pro Tem appointment every fiscal year, in order of Commission Seat.

Second to the Motion Commissioner Warrick

Mr. Walker - Suggests they make a resolution and put it in the Charter that is currently being reviewed.

Gloria Kushins of Kentucky Avenue - asked the Commission why it isn't done by seniority on the commission?

Minutes from the City Commission meeting called August 10, 2021 at 9:00 A.M.

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On Vote:

Perno	aye
Warrick	aye
Tinder	aye
Aldridge	aye
Nelson	aye


Motion passed: 5-0

Item #18. Adjourn.

The Mayor reminded everyone about the Tom & Jerry Movie in the Park on Friday and encouraged all to attend.

Meeting Adjourned at 10.20 A.M.

APPROVED THIS 24th DAY OF August 2021.



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager

prepared by Cicelia J Holliday