

**WEDNESDAY, SEPT 15, 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 by Lynn Haven resident Senior Pastor Aldridge Young of 1st Mt Moriah Church & Pledge of Allegiance.

Public hearing opens at 5.32pm

Item #3B. Tentative Millage Rate for 2021 Tax Roll.

City Manager read the resolution #2021-09-369

Mayor opened the floor for comments. There were none.

Motion by Commissioner Aldridge: To approve Resolution #2021-09-369.

Second to the Motion Commissioner Warrick

On Vote:

Aldridge	aye
Warrick	aye
Perno	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Public hearing closes at 5.34pm

Public Hearing opens 5.34pm

Item #3A. Tentative General Fund & Enterprise Fund Budget for FY 2021-2022

City Manager read the resolution #2021-09-368

Mayor opened the floor for comments. There were none.

Motion by Commissioner Perno: To approve Resolution #2021-09-368.

Second to the Motion Commissioner Warrick

On Vote:

Perno	aye
Warrick	aye
Aldridge	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Public hearing closes at 5.36pm

Public Hearing begins 5.36pm

Item #4. Tentative Community Redevelopment Agency Budget for FY 2021-2022.

City Manager read the resolution #2021-09-367.

Mayor asked if there were any comments from the public.

Mr. Walker - 1106 Michigan Ave (can't hear you at the back of the room).

The word ex-officio here, does this mean the Commission is going to make the decision to accept

the CRA Boards budget?

Mayor advised correct.

Mr. Walker asked why, if the CRA casts its own votes about it, how can it be up to the Commission to ultimately decide?

City Manager explained because the CRA Board has passed it and now it is incorporated into the City's budget, so it needs to be adopted by the Commission too.

City Attorney explained the board met at 3pm before the Commission meeting to adopt the resolution. Ex-officio is used because the City Commission also sit as the CRA Board. If it were not the same members on both boards then the word ex-officio would not need to be used.

Motion by Commissioner Aldridge: To approve Resolution #2021-09-367.

Second to the Motion

Commissioner Perno

On Vote:

Aldridge aye

Perno aye

Warrick aye

Tinder aye

Nelson aye

Motion passed: 5-0

Public hearing closes at 5.40pm

Item #5. Public Commentary.

Bob Shultz - On his way to the meeting this evening along Pennsylvania Ave he nearly ran into the barricade because the road is blocked off. He accused the City of making no public notice about the road closure. He suggests putting a reflection light on either side for safety of the citizens.

Jody Moore - Amhurst Street - said that her emailing the Commission elicits no response although Mayor Nelson will respond back in short answers. She said they keep saying email the commission, but no-one answers when she does. Also, she asked what was being done about the traffic engineer being included in the budget? Also, at the pre-commission meeting about a citizen budget committee, she encouraged the commission to do this to gain back public trust. Regarding the signs that say historic Lynn Haven which are nice, but if they cost \$6k a piece (as she has heard) then that is very expensive and should not have been any more than \$1k per sign. She said if that was grant money it should have been spent in a more responsible way.

Ryan Scray - thanks all the Commission for voting yes on the Block party. He had Covid and is now recovered. Thanks City staff for making it work. Good turnout and a lot of people had a lot of fun, with good feedback and looking forward to the next one in springtime.

A citizen spoke about concrete canvas for lining ditches, confirming that it is available in the United States. He said he spoke to Concrete Canvas VP in Houston about the product and about the tax increase for the City trying to rectify the runoff problems and the VP told him he doesn't know why they increased the taxes because those things are paid for by the federal government. He said that this reminded him that all the storm runoff areas are Federal jurisdiction. He said he has sent emails to the EPA and army engineers regarding this problem so maybe they will step in and help. Presented a PDF with information about concrete canvas to the commission.

Gerri Parker - Rett Place - is there some kind of contingency plan if the CM is out for an extended period of time?

Item #6. Mayor's Report.

Mayor highlighted his activities over the period of time since the last meeting around community engagement, having met with the Rotary Club, attended the Lynn Haven block party, a few Mosely football games, and the 9/11 service on Saturday - thanks to the City Manager and staff for

coordinating the service.

The Mayor said he had met with a few residents over the past few weeks and has resolved many of their issues. Some of the biggest concerns were stormwater. He also spoke with Mr. Bolinger and his traffic issue concerns.

Mayor said that stormwater will be a priority to resolve. One of the things they will do is to communicate more about the strategy. At the first commission meeting of the month next month the stormwater team will give a report to the Commission.

After the last meeting the City Manager called all the directors together to address every single complaint listed by the residents at the meeting. Some will take time to fix, others were able to be fixed immediately. Thanks for the issues the residents raised at the last meeting. One of the things the city is working on is creating a water stringent development order aligned more to a 25year event rather than 100 year event. Mayor was part of a DOT meeting at the City Hall as a result of the City Manager setting this up with FDOT about the ditches and culverts, especially as a result of 390 construction. City Manager, staff and Mayor took many calls from Havenwood residents. They since spoke with owner of Havenwood complex and are working through those issues. Presentations were given to him by residents on Dundee and Mowat Highlands and they then had meetings with Panhandle Engineering and GCUC and asked them to revise their stormwater plans. They will be meeting at 1.30pm on 9/16/21 at Mowat highlands to deal with those revisions.

Regarding having a Budget Committee - Today we had a budget meeting and less than 5 people came to that meeting, and there were no comments by the public.

Regarding the Historic Lynn Haven Signs - they were purchased by the CRA not the City. So, feel free to follow up with CRA on those.

Regarding emailing the commission - Mayor said he tries to respond to all the emails he gets, and people may not agree with the response he gives, but he does respond.

- a. Fetal Alcohol Spectrum Disorder Awareness Month Proclamation.

The Mayor read and signed the proclamation.

Item #7. Commissioners' Report.

Commissioner Aldridge - not much else to report outside of the emails responded to. Thanks Mayor and staff who put the 9/11 service together. Happy with the way things are going with the budget and thanks the City Manager and staff who have worked on it.

Commissioner Perno - The City staff member who sang the National Anthem at the 9/11 service was amazing. Thanks to the City Manager and staff for organizing the service. Very good job on the budget, thanks to Ms. Roman and the City Manager. He spoke about a little issue he had with Code Enforcement and is now educated with the new Florida Statute around reporting code enforcement issues. He was on a webinar this afternoon with St Joe's estuary program which now has a board in place that ties the whole panhandle together with all the estuary programs. They will be a guiding force in our resilience in our waterways.

Commissioner Warrick - dealt with a number of concerns with residents about stormwater. Did some ethics training. The budget was well managed, we all got to sit with the City Manager and Ms. Roman and go through the budget line by line. Still feels a budget committee will be a good idea. Past City Manager was a rogue and having that committee then would have been important to keep good checks and balances. He would like to hear citizens input on that. He reiterated he has an informal meeting once a month (this month on the 28th) and encouraged residents to please come talk and share ideas.

Commissioner Tinder - have got a lot of answers to most of the residents' concerns. Still getting requests for speed bumps on 8th Street and so please think about it. She said she had asked what was happening with the sidewalk in front of Popeyes and Chris Lightfoot had explained it is a

CRA project. Regarding a budget advisory committee - she would like to sit and discuss this. At the pre-meeting she had brought up having an employee grievance committee. She feels the city is losing a lot of employees and feels they need a place to go to voice their concerns.

Item #8. City Manager's Report.

- A. Financial update. Commissioner Tinder thanked Ms. Roman for all the explanations to all her queries. Commissioner Perno thanked Ms. Roman for her time in the one on one budget meetings.
- B. Department Update - Synopsis of Sanitary Sewer Overflows (SSO) from a frontline staff member.

City Manager explained that this employee reached out to her and asked to speak about his job and she then introduced John Lane the Utility Maintenance Supervisor.

Mr. Lane spoke about the misconceptions around city sewers and his desire to give a different perspective from an operational point of view. He continued to provide an overview of what it is like to work in utilities maintenance.

1.6m gallons of wastewater every sunny day (influent).

SSO's (outside of catastrophic failures) never fail.

The millions of gallons reported recently only occurs when you have inflow and infiltration of water that should not go into a sewer system.

Sewer systems and water systems are completely different systems. Pumping water down before a storm will only pre-surge our other systems and cause an additional 2.4m gallons flooding into our streets. Lift station alarms are set to go off well before any overflow. Lift stations were never designed to handle stormwater. He continued to provide information around SSO scenarios caused by stormwater floods.

Commissioner Tinder - said when she toured the sewerage center it was the most interesting thing she had ever seen. Thinks they should have 24/7 door dash delivery. Hats off to all of them.

City Manager mentioned some good ideas came out of the most recent Table Talk session, and one of them was from a resident about doing a "Love Lynn Haven" video of residents saying why they love LH and what they see the future of LH being.

RFQ traffic engineering has been scheduled and is in final review. There is money in the budget for next year and it will likely go out to bid next week.

We did send out notices about closure of the street in Pennsylvania. We will put some flashing signs up with the fences. We did stress to the contractor that safety is our number one priority.

We did meet with FDOT and gained some ground there around flooding issues caused by their work. We have a weekly meeting with them now to address their sites specifically for stormwater flooding prevention issues.

We did meet one on one for about 2 hours each with the commissioners about the budget.

Thanks everyone for coming out to the 9/11 event.

Item #9. City Attorney's Report.

About 8 months ago the city agreed to participate in the opioid class action and there is a nationwide settlement, and they are at a point where the City needs to decide whether we want to opt into that settlement or opt out of it and try to pursue the litigation separately. If we opted in, we would bring back a resolution to the next meeting and nothing will come back until the 22/23 budget sometime, and it would trickle down to the State, then to the Counties, then to the Cities. Something like \$8000 per year, which the Fire Department say will be useful for spending on the anti-opioid drugs like Narcan they normally keep on hand to reverse the effects of an opioid overdose.

CONSENT AGENDA:

Item #10. Minutes of the regular 8/24/21 meeting.

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

Second to the Motion Commissioner Perno

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

OLD BUSINESS:

Item #11. Discussion only of Ordinance #1117 - Proposed Amendments to Section 4.02.01(B) of the Unified Land Development Code (1911 Historic Plat Overlay).

Mayor said he had received updated information from a resident on Friday with specific numbers to consider relating to this particular ordinance. Commissioner Tinder asked are those numbers from a gentlemen in the audience? Mayor said yes.

Commissioner Tinder recommends looking at this a little bit more and especially about what he is saying and would like to make a motion to table it. Mayor explained this item is only for discussion and we won't vote on it until the next meeting. City Attorney agreed saying she can table it at the next meeting again as that is the meeting it was originally tabled for. Commissioner Aldridge agrees with Commissioner Tinder and feels they should not rush the decision. Mayor said it can be discussed again at the next pre-commission meeting and include reviewing the resident's information. Commissioner Tinder feels it should be discussed where the residents can participate. Mayor said they do have an opportunity to discuss it at the meeting where it is voted on. Commissioner Tinder said she did not have a copy of the resident's document, and the City Manager said she would ensure a copy was sent to her.

Item #12. Discussion only of Development Order Application – North Bay Haven Charter Academy; Marine Science & Administrative Building; 1 Buccaneer Drive.

City Attorney - we have the initial application that died for lack of motion. Representative of the school came back with more information. Spoke with their attorney and agreed to reconsider with those contingencies. You can hear it on the next agenda if you like or it can be declined.

Warrick said he believes the planning board voted 6-1 to decline so feels it should go back to the planning board first. Commissioner Tinder agrees with Commissioner Warrick. Commissioner Aldridge is all for the school going ahead and is happy for it to go back through the planning Board. Commissioner Perno agreed to go before the Planning board too. Mayor stated that moving forward we are setting a precedent.

Public Hearing

Item #13. Second reading of amended 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 reiterated this is just City and public property.

Motion by Commissioner Perno: To approve Ordinance #1115.

Second to the Motion Commissioner Aldridge

On Vote:

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

NEW BUSINESS:

Item #14. Discussion and possible approval of donation of unbuildable parcel 11071-000-000 to the City by Mr. Atzberger.

City Attorney explained that the parcel is designated wasteland and wetland unusable area that the City can use for utilities etc. and the City needs to approve accepting the donation.

Motion by Commissioner Aldridge: To approve donation of parcel 11071-000-000 by Mr. Atzberger to the City of Lynn Haven.

Second to the Motion Commissioner Perno

On Vote:

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

Item #15. Small scale future land use map amendment - SSA 21-06 - 1220 Ohio Ave; mixed use to commercial; First reading Ordinance #1118.

City Manager read the ordinance by title only.

Ms. Richard explained the item.

Commissioner Perno - Lots 11 & 12 are more in residential than commercial, correct?

Ms. Richard confirmed yes but went on to show that it is actually surrounded by commercial and there is no low density residential land use being used in that area.

Item #16. Small scale future land use map amendment - SSA 21-07 - Florida Ave. Parcel #09178-010-000; mixed use to commercial; First reading Ordinance #1119.

City Manager read the ordinance by title only.

Ms. Richard explained the item, reiterating that she has since discovered that this is not where the applicant actually lives, as stated at the time of writing this report.

Commissioner Warrick - did this applicant appear at the planning board. Ms. Richard stated no and that the motion died at the meeting. She has received some letters from a lot of residents who live on that street.

Commissioner Tinder asked if the people who contacted her opposed the change. Ms. Richard said they did not, and she will include their letters in the next report for the next meeting.

Mayor encouraged any resident who would like to discuss issues around this land use to please make contact and come and talk with him or the Commissioners.

Commissioner Warrick - did the individual know the date and time of the planning board meeting?

Ms. Richard said yes.

Mr. Janke pointed out that this item was brought up to the CRA Board in June and the board decided to approve the new trade service establishment depending on the Planning Board changing the land use.

Quasi-Judicial Public Hearing

Item #17. Discussion and possible approval of Development order application - Aldi Inc., 2260 Highway 77.

City Attorney swore people in who wanted to talk or testify and asked if there were any ex-parte communications. There was none.

Ms. Richard explained the item. The stormwater pond is large enough to accommodate both his project and the properties to the North. It does need to be cleaned and scrubbed out of any undesirable vegetation so recommends approval only be granted contingent upon Aldi clearing out the pond. They have agreed that they would but want it to be contingent upon it in the motion. Mr. Holiday doesn't have the answer right now. Dewberry stated they would agree to any contingency the Commission requires. Commissioner Perno said that the City's requirements are probably going to be going up so they should probably be ahead of this. Bobby Baker confirmed it was designed under the City's current 25 year stormwater event requirement.

Commissioner Aldridge asked what would the extra work take, does it need to be larger? Bobby said when it was designed it was designed for the surrounding structures to be 100% impervious. Commissioner Warrick asked what Commissioner Perno's question was. Commissioner Perno (unintelligible due to microphone not being switched on, then after microphone switched on he continued what he was saying from) what our requirements are and they are for a 25 year rain event and we are talking about upping them in the near future to possibly a 50 or 100 year rain event requirement because of our flooding issues. Commissioner Warrick asked so they are looking at upping it to a 100 year? Mayor confirmed yes. Commissioner Perno said we cannot get out in from of an ordinance, as they are abiding by what is legally required right now. Ms. Richard went on to explain the stormwater pond still meets requirements as approved.

Motion by Commissioner Warrick: To approve Development order application - Aldi Inc., 2260 Highway 77 contingent upon them cleaning the pond first.

Second to the Motion Commissioner Aldridge

Ryan Scray - since you have a business there Commissioner Perno should you not refrain from voting?

Commissioner Perno and the City Attorney confirmed not.

On Vote:

Warrick	aye
Aldridge	aye
Perno	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Quasi-Judicial Public Hearing

Item #18. Discussion and possible approval of Development order application - Chase-Macy, 1503 Tennessee Ave.

City Attorney swore people in who wanted to talk or testify and also asked if there were any ex-parte communications. There was none.

Ms. Richard explained the item.

Motion by Commissioner Tinder: To approve Development order application - Chase-Macy, 1503 Tennessee Ave.

Second to the Motion Commissioner Perno

On Vote:

Tinder	aye
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Minutes from the City Commission meeting called September 15, 2021 at 5:30 P.M.

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

Public Hearing began at 7.07pm

Item #19. Discussion and possible approval of Comprehensive plan text amendment - ESR 21-01 - Adoption of property rights element; transmittal of Resolution 2021-09-366.

Ms. Richard explained the item. Explaining that the State has required this change, in this very specific language.

Motion by Commissioner Warrick: To approve Resolution 2021-09-366.
Second to the Motion Commissioner Tinder

On Vote:

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

Public hearing closed at 7.10pm

Item #20. Adjourn.

Adjourned at 07.10 P.M.

APPROVED THIS 28th DAY OF SEPTEMBER 2021.



Jesse Nelson, Mayor

ATTEST:


Vickie Gainer, City Manager

prepared by Cicelia J Holliday