

TUESDAY, JANUARY 10TH, 2023
CITY COMMISSION MEETING – 9:00 A.M.

Present: Jesse Nelson, Mayor
Brandon Aldridge, Commissioner
Pat Perno, Mayor Pro Tem
Jamie Warrick, Commissioner
Judy Tinder, Commissioner
Vickie Gainer, City Manager
Chief Ramie, Sergeant at Arms
Kevin Obos, City Legal Counsel

Item # 1. Call to order.

Mayor Nelson called the meeting to order at 9:01 A.M.

Item # 2. Invocation and the Pledge of Allegiance.

By Pastor Tim Krisko.

Item # 3. Public Commentary.

Chief Ramie gave a personal and public apology to Ms. Vickie Cook and Commissioner Tinder.

Jodie Moore – Amhurst Street – said she appreciated the apology, but it is a little late – by about a month. She referred to the handout of the text messages from 2018 between Chief Ramie and former City Manager Michael White that she provided to the Commission. She said that Chief Ramie and Michael White had not denied them, and that if the Commission had called the emergency meeting as requested by Commissioner Tinder, they could have asked him directly, but they didn't have the courage. She feels although these texts were 5 years ago, she also said she believes there is no statute of limitations on morality. The paper from the attorney in Tallahassee that was solicited by Ms. Vickie Gainer is riddled with inaccuracies. It is up to the voters to decide what is acceptable to them. Nothing against the Chief of Police personally. As long as the Police Chief remains in office at Lynn Haven, she will do her best to avoid Lynn Haven and she will not be conducting her business in Lynn Haven if she can help it, and she hopes others follow suit.

John Latham – 8727 Thomas Drive – requests removal of Police Chief Ramie due to allegations of racism, homophobia, planting contraband on those deemed to be enemies. Power needs to be returned to the people. He had attended a political protest yesterday that was held outside the city limits for fear of reprisal from the city. He wants records released for the Gutterman photographers who were arrested outside Crawford Mosely and although LHPD were not the primary agency LHPD assisted. Mr. Gutterman has filed a suit against the city, and he would like an answer about what the city is doing in that regard. The school zone act as used to prevent Mr. Gutterman from shooting film in that area and that act has been ruled unconstitutional in the past and the police and lieutenant should know the case law around that issue.

Mr. Walker – He has never seen a city like Lynn Haven change so much. Everyone he speaks to says the same thing. He said the city brings in drones to fly over your house to spy on you so that they can enforce code enforcement rules, like Hitler did with the SS. He said we have state laws that tell you how to build, what to build, and how to keep it clean, and that doesn't need to be changed. He said that how we are living is being changed by them and they don't have any input to this.

Mrs. McElroy – Tallahassee and Port St Joe – She asked that the commission look at them when they speak. She went on to mention various statistics. She spoke about Chief Ramie's testimony in court. She feels he is the reason for lack of diversity in the police department and that his past statements indicate what he truly feels about women. She then asked what they would do if he

exhibited that hate to one of their family members. She said this was from the Book of Esther, that if they are silent, they consent. She will never consent to Rickie Ramie's actions.

Rita Miller – Mississippi Ave – She moved to Lynn Haven when she was 9 years old and feels she has a good idea of the growth of the city. She appreciates the growth and appreciates the direction of the city but does not appreciate when a position is taken and treated in a petty manner, this is not a high school SGA board. As Commissioners they should realize that their feelings are sometimes going to be hurt by what people say, and when that happens, they should not take their position to try to hurt someone else. She addressed Commissioner Tinder saying no one asked for her resignation when she went on her witch hunt for Vickie Gainer. Chief Ramie has always been kind to her, and she has not seen anything bad that he has done, and he is entitled to his opinion just like she is. Last time she checked it was only Jesus who walked on water, not Judy Tinder. She asked that Ms. Tinder please stop her petty attitudes.

Burnie Thompson – 847 Front Beach Road – He made a verbal public record request for any policy regarding the conduct expected of the city to which they hold police officers responsible. He said that the opinion they sought regarding the Chief Ramie issue was not done in good faith and the attorney they used is the attorney for the Florida police department and it is his job to defend the police department.

Mr. Beshearse – Louisiana Ave – He said that Chief Ramie's insults were certainly not acceptable and should not have been said. However, the text insult is a personal matter and should have remained that and not turned into a personal vendetta. They are simply allegations by a group of people that Commissioner Tinder continues to fuel. The most recent is the unlawful use of Michael Gordon's stamp and then that the City Manager unlawfully changed a bid sheet, and they wanted her removal. They use these methods to remove people from office that they do not approve of. The administrative review the city manager requested concluded that no further action be taken against Chief Ramie at this time. Chief Ramie's comments when he was Deputy Chief 4.5 years ago would have remained unharmed had they remained private. The real question should be is Chief Ramie doing a good job for the city and its citizens. In 2018 the city ranked 25th in terms of most safe cities in Florida, and since Chief Ramie's leadership it has improved reaching 7th in 2021, and the department has become accredited. His performance speaks for itself. He said that Chief Ramie has his support. He said that in the past he has been accused of being a planted speaker when speaking in support of the current officials. He said for the record that these are his thoughts and words, and he speaks for no other people.

Mrs. Miller – Said that once you become a public official your life becomes transparent, and if you don't want someone to say something about you don't become a public official. If they do say something about you forget it. She said she doesn't have anything ugly to say about anything. If she had something to say she will say it to your face and she will not go to the governor or others. She said she has known Chief Ramie a long time and he has always been there for the citizens of Lynn Haven. When her husband got sick here at this commission meeting, he was there for them wanting to know what he could do. He called the hospital, a couple others like Mr. Aldridge, Perno, the Mayor and Vickie were there. But she didn't see Judy Tinder there nor did she see Mr. Warrick there. She asked so why to people want to grind against somebody? So, let's look at the person now instead of what someone says. So, if you don't want to live a life of Christ, stay in the closet and don't let anyone know what you're doing.

Tom Bostick - 105 North Kimble – He asked how long will they allow this salacious soliloquy to continue to be promulgated by one of their own members? How long will they allow political attacks to continue against the City of Lynn Haven? Some people have a lot to say about Ricky Ramie, Vickie Gainer and Mayor Nelson, he has a lot to say about them too, but that is between them and him. He asked by a show of hands how many people live a perfect life every day? He said that if they don't want it in the public stay off social media, if they say it to their friends then the friends will post it. He said that Lynn Haven is the fastest growing city in Bay County, due to

good leadership. There will always be distraction but don't get distracted by the negative things. He said that if people don't have something positive to say, then they should keep quiet. If they have a past, they should be careful of the stones they throw, because someone will shatter their glass house one day.

Gerry Parker – Rett Place – She said that she doesn't fault the people that came up here for not knowing what has gone on. She has heard firsthand at the trial what has been going on and those texts are real and were discovery in defense. She continued to read from the Law Enforcements Code of Ethics for the International Chief of Police. She then continued to read from the City of Lynn Haven employee ethics. She said that Chief Ramie fell short of these ethics and that the City Manager shall be responsible to uphold the policy, and she now asks her to do her job.

Mr. Hines Jr – 1603 Rhode Island Avenue – He said that having been on the Charter Review Committee he went to every commissioner to ask them what they wanted. Commissioner Tinder reminded him two weeks ago that when he went to talk to her that she wanted to get rid of Chief Ramie and that she wanted to have an elected Police Chief. Her complaints about him should remain between them. He quoted a scripture from the bible “Judge not that ye be not judged” and “vengeance is mine saith the Lord”. Up to the commission to decide what you want to do with the internal politics.

Able Albritton - 1305 Texas Avenue – thanked all commissioners and City Manager and Attorney for what they do as it is a hard job and not easy to please everyone. He quoted from John Maxwell “A leader is one who knows the way, goes the way and shows the way”. When he reads that he thinks of Chief Ramie. He said he is not particularly close to Chief Ramie but has watched him as a young man growing up and he was involved in his church helping with the youth group etc. and it was people like Chief who looked after people during and after hurricane Michael. He doesn't condone what Chief said through text message but doesn't feel it speaks to his character and hopes they take that into account.

Ryan Scray – Missouri Avenue – quoted from a film called The Patriot that he saw many years ago “Why do we trade one tyrant from 3000 miles away for 3000 tyrants 100 miles away?” read from something he had prepared ahead about change. He said he moved here 2 years ago and noticed the apathy immediately. He chose Lynn Haven to raise his daughter here and knows why he chose Lynn Haven and wondered why everyone else did. He feels many people in the city lack an understanding of civics. Thanked the Mayor and commission for advocating on behalf of the city to the State leaders at the legislative delegation last night. He was disappointed the meeting wasn't streamed live last night and he appreciates what Lynn Haven does with streaming of every single meeting, and uploaded recordings of previous meetings from 2016. This is the type of thing we should be focusing on as a community.

Joy Smith – Meadows Ave – She said she has been here about 8 years since the other City Manager and Mayor and she never saw anything like this, all negative from anyone, except you (pointing to Mr. Walker) and you (pointing to others in the public seating). The bible says be encouraged, stand fast unmovable. She continued to say she is a child of God, and the devil will not get the glory today. When someone does something wrong against us or our family we forgave. Anyone who is free from sin cast the first stone. She said the officials were chosen or this and anytime they do good they will be attacked. God Bless everyone.

Unknown woman – She said she has been a homeowner in the city for 20 years, she shops here, eats here, and most importantly she is a voter. She is grossly offended by the texts that have been sent around. The commission inaction speaks volumes to her, being a slap in the face to the LGBT community and people of color and ALL women and the people they serve.

July Payne – 3212 Pleasant Hill – She said regarding the text messages – didn't they all ever write something down that they didn't want someone to read? That is a lack of judgement in her opinion of someone in a leadership role and that is a concern that no one seems to be addressing that she

would like addressed.

Janet Thompson – Minnesota Avenue – She said she heard about the bible quite a bit in here today and she is a follower of Christ. The bible also says that “as a man thinks so is he”. She has seen the texts and more, and as a public servant who has taken certain oaths of behavior she has to wonder if that is what is going on inside one of our primary leaders that it is not possible it is not working out in other ways. She said that our thought life is private, and we can write down things we don’t want others to see but we don’t send them to other leaders. That the leaders in the bible were held accountable, and good people do really bad things sometimes. But to have allowed it to continue for four years and never do anything to make it right and only do so when it becomes public makes her wonder further. As part of the Bay County Mobile Response Team, they have a lot of options that are never used by the LHPD. She has heard Commissioner Tinder being held accountable for speaking about Chief Ramie but not holding Chief Ramie accountable.

John Bailey – former Bay County Sheriffs Officer at the Bay County Jail – he said that what he saw in those texts was coordination to arrest somebody, that Tommy Ford sits on the criminal justice training standards commission board and can do a probable cause hearing for anyone’s law enforcement credentials – that may make many of you uncomfortable, but it is up to you request if and allow them to determine if that is conduct that someone should carry out throughout the city. He went on to say that if you look into the Michael White saga there was also a contractor that owed him money. once regime changes and you guys are no longer up here imagine what the investigations will bring out. It is deliberate indifference. Every time someone is arrested it gives them probable cause to get in criminal procedure access to city phones.

Item # 4. Mayor’s Report.

The Mayor invited Mr. Dave Marsey to speak. Mr. Marsey explained that he serves the city for HR personnel matters. Has been for the past 5 years with the current City Manager. Has helped the city over the years with advice for range reasons and most times his advice has been to take no action, take action, request representation. It is true he represents the Florida Police Chief’s Association, but he does not represent Police Chiefs. His job is to determine when allegations meet requirements that impact that association, not to protect police chiefs. His role is to teach ethics and to conduct investigations about Police Chiefs. His main role is to mitigate risk and how to make sound personnel decisions. He continued to enumerate his many levels of experience. The procedure followed in this case was exactly the same as any other case raised against other city employees and followed the usual city employee issue procedure. We make decisions based on facts, not allegations, bias or emotions. There were several now former members of city government and vendors/contractors that have been charged with criminal charges, come of which are still under federal prosecution. The allegations against Chief Ramie were made by federal attorney in defense of a federal defendant in an ongoing federal corruption prosecution. He said that it cannot be overlooked that the attempts to discredit Chief Ramie occurred in court in front of the District Court Judge, US attorney, and FBI agent. The suggestion that there is rampant corruption that the US Attorney, FBI, and District Court Judge are corrupt for not taking a certain course of action is simply inconsistent. He has seen that allegations are often made in court to minimize the value of the evidence provided in a case or in an effort to dilute the jury pool. We have to be on guard for that. Under that umbrella he advised the City Manager to proceed as she did. As a threshold the allegations that were made were not based on firsthand information. On the first allegation that the former City Manager testified work was done on Chief Ramie’s boat and was billed to the city, Commissioner Tinder was not there so cannot say if it was accurate or not. However, there were no invoices sent to the city for the boat. So, it was either A-erroneous or B-an intentional false allegation. Regarding the fixing traffic tickets, one ticket was resolved before Chief Ramie became Assistant Chief, the second one resulted in full payment of the citation. So, it was either A-erroneous or B-intentionally false. Regarding the allegation about the Smith & Weston handgun & AR15 purportedly provided to Mr. White. The allegation about the AR15 is untrue. Mr. White went to the range and fired an AR15 rifle. He was never issued one. The handgun

provision was true, but it was lawful, as long as someone is not a felon or otherwise unable to possess firearms. This is not unusual nor a violation of law. Regarding the allegation of Fixing of an arrest, the person arrested entered a plea to the charge and entered a pre-trial diversion program, so the allegation is unsupported. The issue of the text messages are certainly problematic. It is not a simple one and is very complex. As regards government employees (commissioners etc.) no government employee loses their first amendment rights when they pin on a badge or become a government employee. He said that he did not endorse Chief Ramie's comments, but the inquiry revealed he used his personal phone and not a city one. He did not make any of these comments during his term as Assistant Chief or Chief of Police. Since then, there has not been a single complaint about LGBTQ, racism, or misogyny on any basis on any other protected classification. Beside that could the city lawfully take action against an employee making such comments on a personal phone off duty, according to what we know today the city could not appropriately do that, despite the fact it was offensive. It is my understanding he attempted to reach out to apologize, but those efforts were not allowed by the recipients. I understand there has been documentation placed on his file and he has been coached and inappropriate and improper to terminate his employment. The city could have been liable for wrongful dismissal for dismissing Chief Ramie for exercising his right to free speech. The City Manager's actions were consistent with best practice, even in light of the content of the text messages that she does not condone. The US Attorney has also confirmed there was no issue of professional misconduct on behalf of Chief Ramie. All of this matter is fully known and in possession of both the FBI, US Attorney's office, the US District Court Chief Judge Mark Walker.

Commissioner Warrick – Said that one of the questions he asked, can we use the text messages that are out there during the investigation? Attorney answered that firstly, he hasn't seen the official evidentiary copies of the text messages yet, and he took Chief Ramie at face value when he said they were offensive. Regarding the text messages that are floating around on social media, he recommends we should wait until the official court records are open and no further action should be taken, to meet legal standards. Commissioner Warrick – Said he had contacted the court to verify, and they confirmed they are still sealed. Attorney said then that creates a problem for whomever disclosed them publicly. He said he did attempt to access those text messages and they were unavailable because Chief Ramie used his personal phone. Chief Ramie had expressed a willingness to allow those texts to be made available, but upon enquiry the carrier only keeps texts for 365 days. The Mayor said he does not condone that those comments made by Chief Ramie should be made especially by people in his position. However, he has met with Chief Ramie, and recognizes that he has attempted to apologize to those he offended, and we have heard his apology here today. Upon researching the allegations about the false arrest that happened at a time that he was not part of the city, he is confident the arrest was correctly handled. He has provided his input and opinion to the City Manager regarding appropriate discipline in this regard and supports her final decision. Mayor said he personally has faith in Chief Ramie and his commitment to the city and hopes we can move forward to make our city the best city in Bay County.

The Mayor continued with his report. He dressed as Santa and Stacie Houchins was elf for the seniors at Summers Landing Senior Assisted Living facility. He thanked all who contributed to the Santa for Seniors effort and looks forward to doing it again next year. Mayor worked with Bay County commissioners and EMS from Bay County and other community leaders to be part of a warming shelter during the big freeze recently over the holidays. They were able to serve 77 people, 3 of whom were under the age of 18 and 6 of them were over 65 (9 of which identified as veterans). Mayor has been working with one citizen specifically who has been having issues with AT&T for about a month now and they are still working to resolve that issue. Mayor attended the legislative delegation meeting last night with Commissioner Warrick, Commissioner Aldridge, and the City Manager, and he thanked the citizens of Lynn Haven that attended as well. They were able to petition for various issues like FPL rates and home rule and they will be following up with them via a detailed email and will continue to petition them.

Item # 5. Commissioners' Reports.

Commissioner Aldridge – Agrees that last night was a good productive meeting. Regarding Chief Ramie there is nothing to add or take away. He hopes everyone had a good holiday.

Commissioner Perno – thanked everyone who cared enough to be here. Thanked first responders. Attended the TPO meeting on Jan 4th and received an email from St Joe's Estuary program who have put out their first newsletter if anyone wants to search for it online.

Commissioner Warrick – Attended the wreaths across America last month and it was a great way to pay tribute to our veterans. Happy to have attended the legislative delegation, it went very well, and he intends to do it every year. Glad everyone is here and likes to have so many people at our meetings all the time and not just when there are controversial issues. Hopes to see them often. He saw multiple emails about Chief Ramie and responded to every one of them, saying he was concerned too, and he was happy to sit down and discuss with them, but only had one person take him up on that offer. So, he puts it out there now to them all to contact him if anyone wants to sit down and discuss anything with him. January 21st at 11.30am will be his Time with the Commissioner at Tacos way. He advised he had attended almost all the evidentiary hearings and has been actively involved in the allegations about Chief Ramie. He doesn't condone the comments in the text messages, but after multiple in-depth discussions with a variety of people, we as a commission cannot fire the Police Chief. Police Chief falls under the City Manager which is why he first approached the City Manager himself. He went on to say to Commissioner Tinder that he considers her his friend and she has supported him, and if the shoe was on the other foot he would have been upset too, but after all of this he still feels he would have handled it privately and approached the City Manager first. He asked Commissioner Tinder if she had taken an opportunity to talk to the City Manager or City Attorney about it. Commissioner Tinder said no. Commissioner Warrick asked if she would discuss it with them. Commissioner Tinder said she will discuss it in a group, not one-on-one, and if he would like to be there, she would be happy to discuss it.

Commissioner Tinder – In response to Mr. Hines comments – she did not want to get rid of the Police Chief. She simply wanted the Police Chief to be an elected official. She recalls at the time when she spoke with Chief Ramie when he first came aboard, and he told her to her face that “at least if you are elected you don't have to babysit your boss” (the City Manager). Commissioner Tinder said that he told her at the time that he spent all of his time playing taxi to the City Manager, and that it was him that convinced her to request that the position be made an elected position. She still feels it should be. She said she wanted to read something from her notes. She had no reason or motive to make up the information she was about to shared nor some of the comments. She proceeded to read.

Item # 6. City Manager's Report.

City Manager reminded all about MLK day at Sheffield Park.

Thanked all of Utilities and Public Works staff who went out during the freezing days to assist the citizens.

A. Smoke Testing update – Provided by the Director of Utilities per his brief report.

Commissioner Warrick – is there any way to implement this in the area he has discussed with utilities. Director answered yes we do have smoke testing equipment and will look at the 17th street area in house when all staff are back on board in the next two weeks.

Commissioner Tinder – one of the most informative things she's done is tour the sewer plant and everyone should do it. So, people understood how what they put in the sewer affects the plants. Utilities Director said it is possible to arrange tours and just needs to be coordinated. Mayor said it is something he and the City Manager have been discussing about all the city facilities.

B. Stormwater Update – Provided by Director of Public Works per his brief report.

Commissioner Warrick said he went and looked at the concrete canvas and it looked pretty phenomenal. City Manager said they are looking at trying to get more funding for that cement. Mayor said he had seen many ditches being cleared a number of times this past year so far, and this cementing will eliminate that. Mayor asked about the creek flowing at Mowat Highlands. Director explained the plan they have in place to take the place of Mowat Highlands pond which will assist with the current issues.

City Manager explained why the senior center was closed for a few days due to a senior member driving into the wall. We will have opening day on March 4th and right now we have 316 students signed up for softball and baseball. For flag football we have 350 kids so far this year. Many residents have been asking about rails to trails and we are starting on that on Jan 16th and will take about 8 months to get it done. We will have a grand opening for rails to trails, City Hall, and the ball fields. Hoping to have the grand opening for the city hall and the ballfields on the same day.

City Manager went on to say to Commissioner Tinder – “I apologize. I didn’t say it or do it and wasn’t City Manager at the time. I do not condone that type to speech. For those that think I haven’t done anything about it, I did do what I would do for any other employee. We are not perfect, but we will get better”.

Commissioner Tinder asked about pickle ball – City Manager said it has been approved and signed off. Public Works should start on it in the next couple of months.

Commissioner Tinder - Any closer to having a final date on the new city hall building – City Manager said the electrical boxes are about 18-20 months out and that is the only thing that is putting that building behind. Fortunately, we had ordered many of them ahead of time for the City Hall building so substantial completion is scheduled for March sometime at which time we can move in. There will be some information coming out about the brick paver program as well. The gym was caught up in the electrical box supply delay and that has pushed us back to April.

C. Warrant list update – Commissioner Tinder asked about the \$51,594 for attorney fees. Attorney explained it was for the piece of property purchased by Public Works.

Item # 7. City Attorney’s Report.

City Attorney updated that there is a new law that allows us to do public advertising on the Bay County online website. City Manager would like to opt in and save the city some money. He will be bringing that forward as a resolution soon.

CONSENT AGENDA

Item #8. Minutes dd 12/13/22 - Regular meeting minutes.

Item #9. Approval to submit the grant application for the Safe Routes to School program to include additional sidewalks in and around Lynn Haven Elementary School.

Motion by Commissioner Warrick: to approve the consent agenda

Second to the Motion Commissioner Tinder

On Vote:

Warrick	aye
Tinder	aye
Perno	aye
Aldridge	aye
Nelson	aye

Motion passed: 5-0

NEW BUSINESS

Item #10. Discussion and possible approval of a Development Order Amendment Request; Chase-Macv, Inc; 1503 Tennessee Ave.

Commissioner Tinder asked with the breakdown of the milled asphalt, if something were to go

wrong would it be up to the owner not the city to compensate? Attorney said yes.

Motion by Commissioner Aldridge: to approve the Development Order Amendment Request; Chase-Macy, Inc; 1503 Tennessee Ave.

Second to the Motion

Commissioner Tinder

Commissioner Warrick asked if this is the one with the milled asphalt. Planning Director confirmed yes. He said he went and looked at it and doesn't agree that it is a good idea.

The Mayor invited the Panhandle representative, Mr. Jim Slonina of Panhandle Engineering to speak – Mr. Slonina said the city does not restrict milled asphalt or other surfaces and says it specifies it must be a durable dust free surface. He explained other places that is using other surfaces. City uses it on its parking lot in much thinner amounts. The thickness of the milled asphalt will be key and from a technical perspective it meets the city's requirements for dust free and durable.

Commissioner Tinder asked if they approved the milled asphalt and it starts to break down is it an option for the owner to go over it with regular asphalt at a later date? Mr. Slonina said they can top it with another mix or level it and they have other options. And it is totally their responsibility to maintain it. It is more eco-friendly than regular asphalt.

Commissioner Warrick asked is there a code for this? Attorney said the issue is the plans that were submitted and agreed were not complied with. Planning Director said our code says it should be a hard and dust free surface. Infrastructure Director said while it is a hard dust free surface his concern is will it rut out. Commissioner Warrick interrupted saying his concern is does it meet code? Infrastructure Director said it does because the code just says it must be hard and dust free. Infrastructure Director said it will tear up quicker than regular asphalt. Mayor said going back to what the attorney said about the plans submitted, why was it changed because that puts the commission in a quagmire. Mr. Slonina answered that when plans were done for this that portion of 390 was not being done yet and the product was not available. Cannot answer why it was changed, but feels it complies. Applicant Jeff Tillman said that they looked at crushed asphalt because it gave a softer and better look, and the availability of the milled asphalt which is the finest of the asphalt, and it is used in many other places.

Commissioner Warrick asked when they made the decision to use milled asphalt. Mr. Tillman said he started out wanting to use milled but doesn't think it was understood correctly by the engineer, it was an oversight leaving out the word milled.

Commissioner Warrick explained the difficulty the commission has with people wanting to change things after the fact and still wanting a Certificate of Occupancy.

Commissioner Aldridge explained it falls back on us because the city needs to be clearer and actually say asphalt specifically, but this is also a hard dust free surface, so it complies with code.

Commissioner Warrick – but there should still be better communication with the City before the fact.

Mayor asked why staff recommended denial of the milled asphalt.

Planning Director said the denial of milled asphalt was as a result of information from Public Works department regarding how it won't be as durable as regular asphalt allowing pot holes to form, people to trip, and creating poor aesthetics.

Commissioner Perno asked if this includes the irrigation and landscaping being completed at another time? Attorney said the motion was to approve all the requested amendments.

Mr. Scray said he lives two blocks from the shopping center and loves it. Parked on the milled asphalt since it has been laid. Is it compliant? Attorney said yes according to the description of the code, but the application was for asphalt specifically. Mr. Scray said that this is all for a Certificate of Occupancy and if this is not approved, they cannot use the units that are currently unoccupied. If you've been there in business hours most of the parking is down by those units which means more customers will be parking on the milled asphalt. Primary focus should be safety. If this degrades in 5 years, will they lose the Certificate of Occupancy if they don't fix it? Planning Director said no. Mr. Scray said then we have nothing as a city to require them to fix it?

Commissioner Tinder said no one will rent there if it looks like shit. Mr. Scray disagreed. Mr. Walker said the code we have is set up for the safety of individuals. Previously the developer was brought to task and the city said the developer should be contacted first if there is a problem. You are going to permit this. If the developer doesn't keep it up what happens to the person who has an accident if it degrades. You are deviating from your code of protecting the people. Planning Director added that this is a new problem for us, and the code has said what it has said for all of these years and the plans have always been submitted for proper asphalt, but we have now just had another submittal from someone who has added milled asphalt in their development. She recommended that we probably should change the code to be more specific if that is what it is. Commissioner Aldridge said to be clear he is for bringing back an ordinance to make it stricter. Commissioner Warrick asked about milled asphalt hardening over time. Mr. Slonina advised it is already cured and harder immediately than normal asphalt that needs a few days to cure and harden. Mr. Slonina said the key with the milled asphalt will be having a thick layer. Commissioner Warrick asked so this one will be thick. Mr. Slonina confirmed yes. Mrs. Beshearse said her mother uses a walker and fell twice on milled asphalt. It is very difficult for someone with a walker to use an uneven surface.

On Vote:

Aldridge	aye
Tinder	aye
Warrick	aye
Perno	aye
Nelson	no

Motion passed: 4-1

The meeting adjourned at 11:27am.

The meeting reconvened at 11:40am

Item #11. First reading of Ordinance 1137 adopting the International Property Maintenance Code regulating and governing the conditions and maintenance of all property, building and structures.

City Manager read the resolution by title only.

Commissioner Aldridge and the Attorney explained that this is just another tool for code enforcement to implement the city's code.

Item #12. First reading of Ordinance 1144 creating section 14-36 of article II, chapter 14 of the code of ordinances implementing penalties for any work performed before a permit has been issued.

City Manager explained that a minor amendment was made by the attorney at the request of the Commission. Attorney explained it was the penalty fee that was added.

City Manager read the resolution by title only.

The Mayor opened the floor for discussion. There was none.

Attorney clarified that a second and final reading would occur at the first Commission meeting in February 2023 after this item was put before the Planning Board at their February 2023 meeting.

Item #13. First reading of Ordinance 1145 amending and updating the Charter.

City Manager read the resolution by title only.

The Mayor opened the floor to discussion. There was none.

Item #14. Discussion only regarding establishing an Ordinance requiring development order extension requests to adhere to the new aesthetic design requirements after the 1st extension request.

Commissioner Aldridge spoke to the item. Attorney clarified that the extension can still be approved, but the requestor will be required to bring everything up to current code. Some other

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cities require this after a 6-month extension request. Commissioner Aldridge said as long as they have two years before the requirement of code update. Commissioner Tinder asked if we want to really give them two years, and should it not rather be one year? Commissioner Aldridge said he is concerned about the current inflation issues. Commissioner Perno said that the new aesthetics is already in place for new Development Order requests so this ordinance will only apply to current outstanding Development Orders.

The Mayor opened the floor to discussion. There was none.

Staff were directed to have an Ordinance requiring development order extension requests to adhere to the new aesthetic design and any other new regulations and update their development designs accordingly after their first annual extension request. First reading to be held at the January 24th Commission meeting, with the final reading occurring after the February 2023 Planning Board meeting has reviewed the item

Item #15 Adjourn.

There being no further business the meeting adjourned at 11:51 A.M.

APPROVED THIS 24th DAY OF January 2023.



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager

prepared by
Cicelia Rushing