

**TUESDAY, JANUARY 24TH, 2023
CITY COMMISSION MEETING – 5:30 P.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 5:30 P.M.

Item # 2. Invocation and the Pledge of Allegiance.

By Gavin Krisko, Department of Juvenile Justice Chaplain, and Lynn Haven Resident.

Item # 3. Public Commentary.

Ellyne Fields – 3507 Lynn valley road – when you see the screen it is a nice clean vision, but when you see the behind us it is a bit disorganized. The organized selection process for public commentary. Perhaps in future people can register to speak if there is a topic that is likely to generate a lot of public speaking to avoid the chaos of the previous meeting. Next, when someone turns around and addresses the audience behind them is not allowed as it is intimidating – the commissioners and CM should have stopped them as it is breaking the rules and they need to be reminded. Changing public commentary to item 7 instead of item 3. For instance, they had no idea the attorney would be speaking so no chance to get up and say anything and ask questions.

Mr. Walker – 1106 Michigan Avenue – said that regarding public commentary and what has been happening lately, there are too many personalities getting involved, instead of “offices”. Regarding public commentary, we are not allowed to speak about anything that is on the agenda, and when it comes up later it is for a first reading and so the public cannot discuss it. He said he would like to see a little bit of laxity in public speaking, so they are allowed to speak on the subjects for first readings.

Mrs. McElroy – Tallahassee and Port St Joe – said that at the last meeting she felt was turned around and twisted from the victim Commissioner Tinder and the insults she received from the Police Chief. That he did not tell the truth weeks before he had to testify, and when asked specifically he denied saying those things. She said that the silence was deafening from them all. She asked that Commissioner Aldridge to please have the decency to look at her when she is speaking. She did not insult anyone so should not feel insulted in turn. Mr. Ramie is the perpetrator and not the victim. She asked Mr. Obos why Mr. Marcy did not interview the offender. She said that this happened because of the Chief of Police, and she will not stand here now or in the future and allow it to be turned around. She suggested that if anyone has any kind words, instead of over to the side, now is perhaps the time to do so publicly.

Mr. Hines Jr – 1603 Rhode Island Avenue –just wanted to say he appreciates the city’s involvement in Monday’s celebration of Martin Luther King Jr. Day.

Brian Gray – 1513 E 9th Street – Wanted to know when the financial review committee is meeting because he cannot be on it any longer. Commissioner Warrick said he has been removed from the committee. He spoke about the IPMC and Ordinance 1137 and his (and other resident’s that he has spoken to) concerns around it becoming too much like and HOA. He also mentioned he was concerned regarding Ordinance 1144 Penalty for work without a permit being used to target

average homeowners.

Gerry Parker – Rett Place – She said she feels public commentary is not citizen focused so that they can respond to what the commission says. They don't want to wait for two weeks to be able to respond to what the commissioners say in their reports. She asked about Mr. Marsey who says he has been an investigator for a long time, since when has a lawyer protected the perpetrator and not the victim? She said that people are watching this city.

Item # 4. Mayor's Report.

The Mayor said that he doesn't recall last meeting being too chaotic. He went on to explain how getting people to sign in is not really citizen focused. Regarding addressing the audience behind you – no one threatened anyone, and several people looked around when they spoke. Regarding changing to item #7 so the people can speak, but he does remember when he was becoming mayor the issue was that the commission didn't respond to the public commentary, and they didn't want the commission to use their time to respond. That is why it was moved to item #3. He said they don't need to wait two weeks to speak about it they can always call and make an appointment to deal with the issue straight away. Email, call their commission, City Manager, department head etc. They won't solve problems in public commentary, those are resolved during conversations. He agrees with Mr. walker that most times we are dealing with personalities. Regarding remarks to Commissioner Tinder, sorry Commissioner tinder for remarks that some may have made, but it is public commentary, and it is not up to him to violate anyone's first amendment rights. People outside of our community have been looking at the city for a long time before Chief Ramie's comments. We are a great community.

It was great and diverse attendance for Martin Luther King Jr. celebration day, and it was a well-attended event. He is working with residents to resolve stormwater issues and received many commendations for the work staff are doing.

- A. Proclamation - Black History Month – read by the Mayor.
- B. Proclamation - Leon Miller Day – read by the mayor and presented to Mrs. Miller.
- C. Proclamation – Alpha Kappa Alpha Sorority, Inc., Xi Omicron Omega Chapter, Lynn Haven Florida - Founders' Day Recognition – read by the mayor and presented to members of the Sorority.

In conclusion the Mayor said that we can see from today and many days the greatness that we have here in the City of Lynn Haven. He encouraged all to focus on the greatness of who we are as a city. On Friday evening at the Bay County Chamber of Commerce annual dinner where former State Senator Gainer received an award, and also very proud of Mr. Frank Hall for receiving his award too. Let's lift up the good without overlooking the bad, and focus on that instead of the bad, as a way to overcome the bad.

Item # 5. Commissioners' Reports.

Commissioner Aldridge – spoke about the first Lynn Haven Industry Business lunch. The city is being proactive in bringing businesses to the city. The city is working proactively at trying to bring good things to the city. He agrees with the Mayor that Mr. Frank Hall is a tremendous asset to the city, even serving on the Debt Review Committee (now the Finance Committee).

Commissioner Perno – Spoke about the email he received about the assessments and try outs and is happy with the City Manager's response. Looks like it's going to be a really good season. Someone asked him about a Grits & Grace business – and apparently, they are having some issues getting back into Lynn Haven. If anyone knows them tell them to get in touch with us so we can see what we can do. We will welcome new businesses including already established ones. Commissioner Perno said to Mrs. McElroy that he had made a personal apology to Commissioner Tinder on behalf of the city and will now stand by the personal apology and make it public. He proceeded to apologize to Commissioner Tinder. He said that he appreciates all of our first

responders and city employees. He asked everyone to let's move on and be positive. The Mayor thanked Commissioner Perno and mentioned that he, Chief Ramie, and the City Manager had met with Michelle Smallwood from the LBGQT group to discuss steps we can take going forward to ensure none of our citizens feel threatened or unsafe in our community. So now Chief Ramie can make his expressions and undergo a three-step strategy to move forward. Hopefully she will follow up with commissioner Tinder about what was discussed. It is not something being thrown under the rug, it is being worked on to find resolution and healing.

Commissioner Warrick – Regarding residents coming to talk to us he was hoping more residents would show up at Taco Way to his Meeting with a Commissioner to be able to give them current information to eliminate the misinformation that is out there. Only about 4 people showed up. He said that people can call him and email him, and his number is 8503911217 if they want to call him. If the shoe was on the other foot, he would be upset too. He proceeded to apologize publicly and regrets that Commissioner Tinder has to go through what she is going through.

Commissioner Tinder – would really like to thank them for saying what they did. It doesn't feel like she is going through anything, and it will all play out and work out exactly as its meant to be. Thank you very much.

Item # 6. City Manager's Report.

A. Warrant list update – Commissioner Tinder has a few questions but will email Ms. Roman.

City Manager said that the city's audit began on January 17th and is running smoothly. Smoke testing will be undertaken behind McDonalds due to odor issues being reported. During the Tree give-away over the weekend, they gave away 100 very large trees on average 5-7 ft tall each. There will be two more official give aways in February. The city will attempt to give away 1000 trees this year. She gave a reminder of the March 4th ball fields opening day and grand re-opening combined event, saying that this year we have over 608 participants, a lot more than last year. So many committed coaches this year. The city held its inaugural LH Industry leadership luncheon with 18 participants. This will be held on a quarterly basis to encourage interaction for business owners. A surprise was the #1 shopping place (no. 82 worldwide) that people come to shop at is Lynn Haven Publix. Mr. Branch was the guest speaker and he spoke about our local retail market as well as our strengths and weaknesses, opportunities and potentials in future growth. Thanks were received from a resident for the quick and professional response of the Fire department who saved their home from a fire catastrophe. Be aware that the Sheriff's department is legitimately requesting homeowners to register their home cameras so they can request footage, when necessary, in the event that a crime or issue arises in their vicinity. You can go onto the Sheriffs site, or we can put the on our site. Table talk is on Thursday at 5.30pm and the topic is "Infrastructure, preparing for the future". She gave a reminder that it is Black History month next month, so to please look out on social media for events scheduled to celebrate. There will be some figures from the Black Wax Museum.

Commissioner Perno said that the Bay County Sheriff's office put an app on their website that can be downloaded onto phones.

Item # 7. City Attorney's Report.

City Attorney echoed what the other commissioners said to Commissioner Tinder and apologized. Regarding the comments by Mrs. McElroy, it was decided to deal with it as an employee issue which is why the city used Mr. Marsey, who handled it in that way.

CONSENT AGENDA

Item #8. Minutes dd 01/10/23 - Regular meeting minutes.

Item #9. Award bid for HMGP Fire Station Safe Room & Wind Retrofit to Hammond Design.

Motion by Commissioner Tinder: to approve the consent agenda.

Second to the Motion

Commissioner Warrick

On Vote:

Tinder	aye
Warrick	aye
Aldridge	aye
Perno	aye
Nelson	aye

Motion passed: 5-0

OLD BUSINESS

Item #10. Final 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.

Mayor opened the floor for comments.

Commissioner Tinder said that her instincts tell her that we are maybe going over the top and into people’s homes. She has no problem dealing with businesses, but has a problem with government going into people’s homes, like an invasion, or like an HOA telling people how to build etc. Mayor said he does understand the sentiment. One of the things that were discussed on Friday, often people are building without permits and this is only discovered when they go to sell their home. It is simply regulating on the back side what people are doing on the front side. Commissioner Tinder said she dealt with a resident last year and has been told that code enforcement is not allowed to go on the property so how will this work? Attorney said if the officer can show probable cause he can get permission to investigate. So, no they won’t just go around knocking on people’s doors as it will be complaint driven. There is a legal process involved. Commissioner Tinder asked if it applies also if someone turns someone in, will they tell who called. Attorney said it has been a law for a while now that no one can make anonymous complaints. Commissioner Warrick asked if this is for construction or building. Attorney explained it is maintenance side of the code. Commissioner Warrick asked Commissioner Tinder if there is anything specific that she is concerned about. Commissioner Tinder said she had received an email from someone who was expressing some serious concerns about some of the very petty things this international code covers. Attorney explained that it can be very specific in measurements etc. but code enforcement won’t be going around measuring everything, but at the same time we don’t want someone cutting up their homes into ten rooms either.

Commissioner Tinder asked how it would apply to the 10th street rooms for rent and them bringing more buildings on the property etc.? would it give the city any more authority? Attorney said it might if the property didn’t meet the specific square footage for the buildings being brought on. Commissioner Warrick said we have been talking about this since October and wishes we had this discussion then and not now.

Motion by Commissioner Perno: to approve Ordinance 1137 adopting the International Property Maintenance Code regulating and governing the conditions and maintenance of all property, building and structures.

Second to the Motion

Commissioner Aldridge

Corey Langford - Louisiana Ave – He said he hopes all the elected officials had read the code from cover to cover because he read some of it and was appalled by some of the stuff written but specifically 104.3 – he read from the report. So yes, code enforcement can enter. He said that this is not what we want for Lynn Haven. We need to determine what problem we want to solve and address that problem specifically. He strongly opposes more regulations that specifically target homeowners and their ability to use their own homes. He strongly recommends they read the item

in depth. Commissioner Warrick asked why Mr. Lake didn't reach out to him in October about this. Why only say something about it now? You bring up good points, but why leave it till today? Mr. Lake apologizes for not reaching out before, but it is what it is tonight.

Mr. Walker – said to Commissioner Warrick that he will never ask him that question because he knows he will get the answer. He asked if they want this code from California, Dubai or somewhere else in the world to tell us how to live? He said that they cannot get a copy of this on the city's website, and they have to pay for it. That does not help the people it affects. He said he feels that this is a breach. Code enforcement have enough power and they harass the people. They are now using drones and are out to get the citizens. If you allow this to happen, you are infringing on one of the amendments in the constitution. We already have the codes. This code amendment is an infringement.

Rita Miller - 1508 Mississippi Ave – said she agrees with Mr. Lake. She asked if this is passed is there an appeal process? Attorney said yes, with or without this there is an appeal process once you receive the citation. It is the same situation with or without this amendment. Commissioner Tinder asked what is the cost to appeal? Attorney said he is unsure, but it is not an additional one because of this ordinance.

Cathy Bruce - 301 Indiana Avenue – apologized for not reading it sooner. It seems very invasive and broad. It says if there is an issue you cannot sell your property unless it is resolved. Is this correct? Attorney said no because we have no control over someone selling their property. She said she would recommend they pick and choose some of the items but not the whole code. She would encourage a no vote.

Sam Peebles - 1902 Carolina Ave – suggests if this effort is for safety, then look into that maybe it should be where this list is handed to home inspectors as a checklist. Then the potential buyer can have the ability to make an informed decision to buy, without enforcing rules on people who have no intention of selling their homes.

Amended motion by Commissioner Perno: to table the item to the first meeting in March 2023.

Second to the amended motion Commissioner Aldridge

On Vote:

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

Mayor encouraged everyone to come to them with their questions.

City Manager clarified that the city does NOT fly drones over homes as it would be an invasion of privacy.

Item #11. Final Reading of Ordinance 1145 amending and updating the Charter.

Mayor explained there will be non-biased marketing material sent to the residents. No pressure to pass this but if we miss tonight, it won't be on the referendum.

City Manager read the resolution by title only.

Motion by Commissioner Warrick: to approve Ordinance 1145 amending and updating the Charter.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Aldridge	aye
Tinder	aye

Nelson

aye

Motion passed: 5-0

NEW BUSINESS

Item #12. First Reading of Ordinance 1146 Amending Section 10.00.04 of the ULDC to provide rules for application of new development standards and regulations to development orders extended beyond two years.

City Manager read the resolution by title only.

The Mayor explained the intention behind the ordinance.

Item #13. Discussion of alternate Stormwater Assessment rate method and vendor.

City Attorney introduced Mr. Larsen of Tallahassee to provide a brief presentation about charging for essential services with capital improvements.

The Mayor explained this is not something that will be voted on tonight. If we decide we want to know more about it, we will arrange a workshop.

Mark Larsen presented the alternate Stormwater Assessment rate method he would recommend. The system the city currently uses is likely to yield many anomalies. The system he would like to speak about is based on the 1950's method called the Tebo's theory. Their system is using data that the property appraiser reports to the department of revenue, so they are using pure data, and they update their data as the property appraiser updates. This data is taken and applied in a proportional way based on every parcel paying an amount no matter the size of the parcel in conjunction with the property appraisers listed improvement value.

Mayor said they will work on setting up a workshop.

Item #14. Discussion and possible approval of Resolution 2023-01-402 Adopting the new Florida public notice requirements.

The City Attorney explained the item per his report.

The Mayor opened the floor to discussion. Commissioner Warrick asked if we had looked at how much it would save the city? City Manager said no. Commissioner Perno asked about those who want mailed notification and the city attorney said that there will be a registry set up by the city.

City Manager read the resolution by title only.

Motion by Commissioner Aldridge: to approve Resolution 2023-01-402 Adopting the new Florida public notice requirements.

Second to the Motion

Commissioner Warrick

On Vote:

Aldridge	aye
Warrick	aye
Perno	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #15. Discussion and possible approval of Resolution 2023-01-403 to amend the adopted general fund, CRA and Enterprise Fund budgets.

City Manager read the resolution by title only.

Director of Finance explained the resolution as per her report.

Motion by Commissioner Aldridge: to approve Resolution 2023-01-403 to amend the adopted general fund, CRA and Enterprise Fund budgets.

Second to the Motion

Commissioner Perno

The Mayor opened the floor to discussion.

Mrs. Walker – 1106 Michigan Avenue - asked for an explanation on a few balances and transfers. Director of Finance answered those adjustments were previously approved in the FY22 budget that were not spent so those were savings from last year and will be used this year to fund this year’s adjustments. Mrs. Walker said she had never noticed this type of adjustment done this way before. Director of Finance said that she has been here three years, and this is the third time she has done this, and this is per the auditors’ requirements. City Manager said to just clarify, these were already approved in previous meetings? Ms. Roman said yes.

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

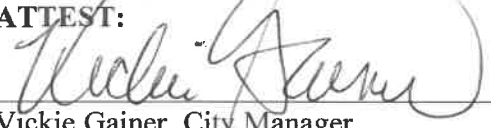
Item #16 Adjourn.

There being no further business the meeting adjourned at 7:12 P.M.

APPROVED THIS 14th DAY OF February 2023.



Jesse Nelson, Mayor

ATTEST:


Vickie Gainer, City Manager

prepared by
Cicelia Rushing