

**TUESDAY, MARCH 14TH, 2023
CITY COMMISSION MEETING – 9:00 A.M.**

Present: Jesse Nelson, Mayor
Brandon Aldridge, Commissioner
Pat Perno, Mayor Pro Tem
Jamie Warrick, Commissioner
Judy Vandergrift, Commissioner
Vickie Gainer, City Manager
Lt. Blalock, 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 and the Pledge of Allegiance.

Chaplain Frank Stephens – Lynn Haven Police Chaplain.

Item # 3. Public Commentary.

There was none.

Item # 4. Mayor's Report.

Mayor Nelson read and presented the American Red Cross Month Proclamation.

The Mayor reported that he enjoyed being out at the sports complex at the grand re-opening and is looking forward to the remaining grand openings in the city. He thanked to the City staff and contractors for making it possible. Met with other Mayors from the region at Tyndall Airforce base for a tour and update. They are making great progress out there. The devastation they experienced from Hurricane Michael was extreme and the rebuild is extraordinary. The rebuild completion is anticipated to be in 2027. Thanks to Colonel Watkins for opening their doors to them and giving them the opportunity to engage. They have invited the Mayors to join them on a trip to Texas to see the F35s. There is an Air show coming up this summer in PCB that he is looking forward to.

The Mayor and other commissioners went to Tallahassee last week to discuss appropriations and grants with our Senator and Representative. The also received a notice from President Biden's office via our House Representative regarding new appropriations available.

He is still liaising with AT&T regarding fixing a resident's easement.

After this most recent storm event he received no calls about flooding.

Thank you all for what you are doing for the City of Lynn Haven. Received remarks about the city being a stellar community and a shining star in the county. Thanks to Commissioner Aldridge for fighting till we received our FEMA funding, when there are still communities out there who have not even started receiving their funds to begin breaking ground in their recovery process. Yet our community is nearly back and soon to be even better than what we were before. He said he is very thankful for where we are now.

Item # 5. Commissioners' Reports.

Commissioner Aldridge – Agreed with the Mayor for how far the city has come over the past few years and is thankful for all the hard work everyone has put in. Happy to see we did not have any issues with the rain over the past week. Met with Senator Trumbull and Representative Griffiths in Tallahassee discuss city issues on behalf of the citizens. Thanks to the first responders and city staff for all that they do.

Mayor spoke about a bill that is coming up the next day that he encourages all to contact their state

representative to make their voices heard and let them know that we oppose that bill.

Commissioner Perno – Enjoyed the trip to Tallahassee. The sports complex for the grand re-opening was great. Big thank you to the staff for pulling everything off so well. Thank you all the first responders and staff. Thanks also to everyone for all attending this meeting today to make a difference.

Commissioner Warrick – His next time with commissioner is March 25th at 11am at Slim Chickens. The sports park grand re-opening was a blast, and the concession stand was fantastic. It all looks phenomenal, and he is looking forward to the pickleball courts being completed. Tour of the F35s at Dallas Fort Worth will be interesting. One of the things they discussed at the Tallahassee meeting was opening the schools later and how important sleep is to kids. One of the other things was about dispatchers and the speakers helped him understand what dispatchers go through being the first to normally speak with victims and try to figure out what is going on, and the stress they go through – this bill was about getting help for them with PTSD. They are not classified as first responders and he feels they should be – in his mind they are and he appreciates what they do. Commissioner Perno agreed with Commissioner Warrick.

Commissioner Vandergrift – thank you all the Lynn Haven staff for making the sports park such a great thing. It is bringing back a sense of community. She said she had joined the delegation to Tallahassee. The commissioners did not go there to line their pockets (as has been said by some in the community). Every conversation they had centered around stormwater and how to make Lynn Haven better. Hopefully something productive will come from it.

Mayor asked the attorney to speak about the sunshine law and how it applies to their delegation at Tallahassee. Attorney explained as long as they were not discussing city business they were fine. Mayor said he would classify their meeting and discussion to be fact finding which is deemed to be permissible according to the sunshine law he had read. He thanked the commission for sacrificing their time to make the trip on behalf of the residents of Lynn Haven.

Commissioner Warrick said that the appropriations were pretty competitive.

Item # 6. City Manager's Report.

- A. Warrant list update – There were no questions.
- B. Stormwater update by Director Chris Lightfoot, per his report.

Commissioner Warrick asked if there were any significant issues in the last rain event. Director said they didn't even receive a call.

Commissioner Perno asked if we are on any draw down schedules in the event of any storms? Director said they may open the grates, but there is no draw down dates yet, although there may be a schedule in the future.

City Manager wanted to remind all that the debris pick up schedule will begin on Saturday. Some potholes were dug up due to utility projects and will be patched in the next couple weeks. The re-grand opening was awesome and a big team effort – everyone on the staff just gets involved and makes it work. Especially thanks to Justin Ward and Joe Footen and their staff. Table Talk is March 30th at 5.30pm at the Garden Center. It will be a couple more weeks to be finished with pickleball courts. Also, thanks to the staff working on the retention pond. Remember there will also be an indoor pickleball court in the gym. We will open up the gym next month, City Hall & PD in May, and the library hopefully in 2024. Still working with the state and FEMA with our reimbursements for our projects. Still working on the MyCivic App – just waiting for apple to release some things for it.

Item # 7. City Attorney's Report.

City Attorney clarified that the amount of the warrant list for legal was for the Iowa Ave contract.

CONSENT AGENDA

Item # 8. Minutes dd 02/28/23 - Regular meeting minutes.

Item # 9. Kathy Fabian Brust application for Community Services Advisory Board membership.

Motion by Commissioner Warrick: to approve the consent agenda.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Aldridge	aye
Vandergrift	aye
Nelson	aye

Motion passed: 5-0

OLD BUSINESS

Item # 10. Discussion only and review of Chapter Two of the International Property Maintenance Code.

Mayor would like to look back at Chapter 1 – specifically 111.6 Transfer of ownership and the property. Ms. Brust’s concern with that was if there was a violation and the violator was going to sell and did not disclose the violation to the buyer, afterwards is the sale actually legal if the seller was not legally allowed to sell their home. Attorney said he would have another look at it and provide feedback.

Mayor opened the floor for comments on chapter 2. There was none.

NEW BUSINESS

Item # 11. Discussion and possible approval to sign the Settlement Agreement and Release of All Claims between McQuaig Construction, Inc. and the city in the amount of \$970.41, and Guyson Construction, Inc. in the amount of \$9,266.04.

Risk Management Director explained the item.

Mayor opened the floor for comments. Commissioner Warrick said he wanted the residents to know we are not the only city going through this.

Mr. Walker – Michigan Avenue – said a question was asked at the pre-meeting and he was confused because he thought the \$9,266.04 was attributed to Al Wilson. Director answered that was incorrect and the amount was for Guyson Construction. Mr. Walker said that also, the question was asked “did we do anything wrong?” and he said he did not hear the answer. City Manager said she did answer “no” at the pre-meeting and Mr. Walker perhaps did not hear her. Mr. Walker said he wanted to make it known the Mr. Wilson had come and apologized to a group for what he had done, and he said “they were just following orders” so it appears they were doing something wrong.

Tim Cassell - 3455 Harrison Ave – is also a builder and asked will everyone get their money back? The Legal counsel and Director answered it has to be through a specific request. City Manager clarified that Al Wilson is not working for the city and our building official is Charles Vannatter.

Motion by Commissioner Aldridge: to approve signing the Settlement Agreement and Release of All Claims between McQuaig Construction, Inc. and the city in the amount of \$970.41, and Guyson Construction, Inc. in the amount of \$9,266.04.

Second to the Motion Commissioner Warrick

On Vote:

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

Item # 12. Discussion and possible approval to sign the Release of All Claims between George "Al" Wilson and the city.

Risk Management Director explained item.

Mayor opened the floor for comments. There was none.

Motion by Commissioner Warrick: to approve signing the Release of All Claims between George "Al" Wilson and the city.

Second to the Motion Commissioner Perno

On Vote:

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

Item # 13. Discussion and possible approval of Resolution #2023-03-404 Amending Resolution 2019-11-306 establishing a fee schedule for permits issued by the building Department for using a private provider as defined pursuant to Chapter 553.791.

City Manager read the Resolution by Title only.

City Attorney explained item.

Mayor opened the floor for comments.

Commissioner Warrick said we get to review this every January to ensure the discount is sufficient, and he is concerned the city may start to lose money. Director explained the resolution is clear about what can and cannot be used to provide the discount and this should ensure it is reasonable, and it can be changed. It has to be published as well.

Mr. Beshearse – Louisiana Ave – wanted everyone to understand the discount is for the permit fees and not the impact fees.

Motion by Commissioner Aldridge: to approve Resolution #2023-03-404 Amending Resolution 2020-02-311 amending Chapter 14 of the fee schedule in Appendix "A" of the Lynn Haven Code of Ordinances; and providing for an effective date.

Second to the Motion Commissioner Vandergrift

On Vote:

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

Item # 14. Discussion and possible approval of Resolution #2023-03-405 Amending Resolution 2020-02-311 amending Chapter 14 of the fee schedule in Appendix “A” of the Lynn Haven Code of Ordinances; and providing for an effective date.

City Manager read the item by title only.

Mayor opened the floor for comments.

Motion by Commissioner Aldridge: to approve Resolution #2023-03-405 Amending Resolution 2019-11-306 establishing a fee schedule for permits issued by the building Department for using a private provider as defined pursuant to Chapter 553.791.

Second to the Motion

Commissioner Perno

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Vandergrift	aye
Nelson	aye

Motion passed: 5-0

Item # 15. Discussion and possible approval of Development Order – Parcel # 11605-000-000; Express Carwash.

Planning & Development Director explained item.

Commissioner Perno asked about the activity on the land prior to the developer obtaining a permit. Director explained they stopped when they were asked to by the city.

Mayor asked about the stormwater and the Director explained the dirty water will be separated and not discharged into the ditches.

Mayor opened the floor for comments.

Motion by Commissioner Warrick: to approve Development Order – Parcel # 11605-000-000; Express Carwash.

Second to the Motion

Commissioner Aldridge

On Vote:

Warrick	aye
Aldridge	aye
Vandergrift	aye
Perno	aye
Nelson	aye

Motion passed: 5-0

Item # 16. First Reading of Ordinance 1148 Small Scale Future Land Use Map Amendment; City of Lynn Haven – Parcel # 11530-030-000; 17th Street – Low Density Residential to Public/Institutional.

City Manager read the item by title only.

Mayor opened the floor for comments. There were none.

Item # 17. First Reading of Ordinance 1149 Small Scale Future Land Use Map Amendment; Arc of The Bay – Parcel # 11518-015-000; Willow Hill Rd – Bay County Residential to City of Lynn Haven Low Density Residential.

City Manager read the item by title only.

Mayor opened the floor for comments. There were none.

Item # 18. First Reading of Ordinance 1150 Small Scale Future Land Use Map Amendment; Parsons – Parcel 09167-000-000; 404 Florida Ave – Low Density Residential to Mixed Use.

City Manager read the item by title only.

Mayor opened the floor for comments.

Mr. Walker – Michigan Avenue – said that according to the rules they have been told the first reading provides for no comments to be made. He asked are we changing the rules? Mayor said just for today. Technically there doesn't need to be any comment, but he would like the public to have a voice.

Stan Kirkland – Florida Avenue – said he too would like to comment today and this property is currently low density and the neighborhood is residential and he doesn't want to see something other than a residential home built back in this area. Also, Tyndall air force base was previously known as Tyndall Airforce Field and Clark Gable was assigned to Tyndall Airforce field and actually lived in Lynn Haven.

Item # 19. First Reading of Ordinance 1151 Amending Section 6.05.09 Unified Land Development Code; Layout of Transportation Facilities (C) (2) Parking Surface.

City Manager read the item by title only.

Mayor opened the floor for comments.

Mr. Walker – Michigan Avenue – said he had read about this in the paper and according to that it has already been signed. Is that correct? Mayor said they have signed their portion and now we are discussing it with a view to signing our portion. Mr. Walker said this area goes for quite a distance and the city is opening up for annexation. He would like this commission to be careful with this decision.

Item # 20. First Reading of Ordinance 1152 Adopting an Interlocal Service Boundary Agreement with Bay County, Florida that establishes a Municipal Service Area and Governs Annexations, Road Ownership, and the Provision of Utilities and Public Safety Services.

City Manager read the item by title only.

Mayor opened the floor for comments.

Attorney said he thinks this is the item Mr. Walker was intending to speak to about annexation, and to be clear the annexations will remain completely voluntary. City Manager concurred.

Item # 21. Discussion and possible approval to award the contract for RFP No. 22/23-03 for Annual Lawn Care and Chemical Services for the Sports Complex and Cain-Griffin Baseball Fields, and the Highway 77 Medians to Rotolo Consultants, Inc. in the amount of \$108,558.83.

Parks & Grounds Director explained the item.

Commissioner Warrick asked what the added after amount was referring to. Director explained the base bid was for Cain-Griffin fields, baseball fields at the sports complex, and the medians on HW77. The add alt was the exterior area surrounding the sports fields. Commissioner Warrick asked if this bid is then just a bid for the base or does the amount include the add on?

City Manager said they wanted to bring the added alternate back to the commission if it was needed or they could adopt it right now. So, the \$108k was just for the base and that is what is being voted on today. Commissioner Perno asked if the other bids that were lower were disqualified. Director explained the process of the selection committee grading.

Kimberly Powell – Owner of Legendary Lawn Maintenance – was at the opening and if you look at the paper in front of them that shows RCI where it says “not bound” and the very first thing specified in the city's requirements was for it to be spiral bound. She said that should have made RCI's application non-responsive immediately. Also, no one in this process has called any of her

references and she sent 5. They have had the contract with the city for the cemetery and has had no complaints. RCI has done the medians for the past two years, and she understands they have had complaints. So are they going to keep giving them contracts they cannot provide good service to. She would like them to table this bid and not vote on it right now.

Commissioner Perno said that based on the totals the Legendary totals are lower for both than RCI, and the final ranking sheet shows that too, so he sees a valid point in tabling this.

City Manager provided additional information. When they come in, they are handed to staff that have nothing to do with the contractors. HW 77 is huge and the main concern with Legendary Lawn is that they did not have enough staff. She herself has stayed out of the process. This is an RFP and it goes by both price and performance, not just price. So, you could have someone who has a lower bid but may not be able to service that bid.

Motion by Commissioner Perno: to table the item to the next meeting for further discussion.

Second to the Motion Commissioner Vandergrift

Commissioner Warrick queried the service provided to the Cemetery by Legendary Lawn and if the city had ever had any problem with them. City Manager said they have not had any problems with them. Commissioner Warrick asked if we use RCI and have we had any issues with them. City Manager explained we used RCI on the medians and we did have some issues with them where we had to ask them to come in and recut some things.

Commissioner Warrick – are we able to speak with the businesses about this? Attorney said that if it is tabled it means there hasn't been a decision made yet so they cannot discuss it with anyone. Attorney said they can ask the businesses to come back with presentations to the next meeting.

City Manager suggested they may want to think about putting this back out to bid?

Commissioner Aldridge related an experience he recently had where a smaller company he knows was granted a job they could not fulfil.

Ms. Powell said they do not want to outgrow themselves and knows that if they get this, they have people and equipment ready to come in if they are needed – that is if this job was given to them.

Commissioner Perno asked what would the cost and time delay be to rebid? City manager said it will need to be readvertised and will slow us down, saying the grading process for a rebid will also be about 14 days. Mayor said also if we rebid, we are not likely to get these same prices.

Mayor asked the City Attorney if they can talk about these bids. Attorney asked them to invite the top three to present at the next meeting. Mayor asked if they could talk to staff about the bids and the attorney said yes.

On Vote:

Perno	aye
Vandergrift	aye
Aldridge	no
Warrick	no
Nelson	aye

Motion passed: 3-2

Item # 22. Discussion and possible approval to award the contract for RFQ No. 22/23-08 for engineering and design services for the West 10th Street Utility Improvements project to Dewberry, under the CDBG-DR grant funding received from the Department of Economic Opportunity.

Public Works Director explained item.

Mayor opened the floor for comments.

Motion by Commissioner Aldridge: to award the contract for RFQ No. 22/23-08 for engineering and design services for the West 10th Street Utility Improvements project to Dewberry, under the CDBG-DR grant funding received from the Department of Economic Opportunity.

Second to the Motion

Commissioner Warrick

On Vote:


Aldridge	aye
Warrick	aye
Vandergrift	aye
Perno	aye
Nelson	aye

Motion passed: 5-0

Item # 23. Adjourn.

There being no further business the meeting adjourned at 10:30 A.M.

APPROVED THIS 28th DAY OF MARCH 2023.



Jesse Nelson, Mayor

ATTEST:


Vickie Gainer, City Manager

prepared by
Cicelia Rushing