

**TUESDAY, JUNE 14, 2022
CITY COMMISSION MEETING – 9:00 A.M.**

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

Item #1. Call to order.

Mayor Nelson called the meeting to order at 9:00 A.M.

Item # 2. Invocation and the Pledge of Allegiance.

By Commissioner Warrick.

Item # 3. Public Commentary.

Mr. Scray – Missouri Ave – LH Neighbors are doing a treasure hunt sponsored by local businesses, with a large \$1,300 cash prize, between June 29th and July 4th. He is working with Mr. Howard to create a candidate workshop for state FL House Eat 6 and FL Senate Seat 2.

Mr. Walker – 1106 Michigan Ave – spoke about deleting from insurance policies the words “act of God”. He noticed the pledge of allegiance says, “under God”. The City even removed the words “act of God” from an ordinance. It is a legal term “act of God”. That means somebody did it. If you want unity, then let us put God back into this community.

Mrs. Wood – 632 Coquina Drive – President of LH Garden club. Addressed comments made at the last meeting where a Garden Club member spoke and implied some unhappiness on behalf of the Garden Club with our relationship with the City. She wanted to state that this is not the case. That issue was about asking us to relocate our meeting. It was not an issue and was easy and well communicated between the city and herself. Speaking on behalf of the Garden Club officially as a whole, she said they have a great relationship with the city, and they love the city staff and look forward to a great relationship going forward.

Jodi Moore – Amherst Street – regarding Panhandle and Tetrattech – She said the city needs to reconsider conducting business with these companies. She said that Chris forehand has been reported to senior management in these two companies. When the trial is concluded a whole lot of stuff is going to hit the fan.

Item # 4. Mayor’s Report.

The Mayor thanked Mayor Pro Tem and the City Manager for conducting business on his behalf while he has been away. Mayor asked for prayer for our nation as we sympathize for those families in our nation who are suffering. Pure Platinum Health & Fitness is honoring Alzheimer’s and having the longest week with various workouts this week, so please go and make a donation and all proceeds going to the Alzheimer’s Association and Wear Purple is the theme, Come and check us out at 9.30am and 6.30pm tomorrow to do some kick boxing for Alzheimer’s. We have our 2nd youth council meeting today and the City Manager will be speaking to them after this meeting today. Let’s continue to work together in solidarity as citizens and us as a commission. Look forward to the July 4th festivities. Commissioners have received email about getting into the dunking booth so encourage you to think about helping out.

Item # 5. Commissioners' Reports.

Commissioner Aldridge – Said that Commissioner Perno and he have a TPO meeting tomorrow. He told Mr. Walker that he agrees with him that we need God in our society more than ever. He encourages all employees and our Board that while working in municipal government is not the easiest job in the world, always getting attacked by the public – do not let the detractors hold you back from your full potential. You're doing a good job and the city is moving forward and making great progress. Thanks to you all for all you do every day. In the supply chain he is seeing more 10-12% price increases across the board – he encouraged all to please get their finances in order if they are not in order because things are going to get much worse.

Commissioner Perno – TPO meeting 3.30pm at Bay County Transit. Today at 1pm attending the workshop as part of the St Joe estuary program. Thanks to all city employees and first responders and appreciates being a citizen of the City of Lynn Haven.

Commissioner Warrick – Asked Commissioner Perno regarding the TPO meeting tomorrow – where is it? Commissioner Perno advised at Massalina Drive at 3.30pm. Commissioner Warrick reminded everyone that on 25th June at 11am he will be at Tacos Way if anyone wants to come talk to him to discuss anything. He said he had received a phone call from someone about 390 and Britton about the construction contractors moving the lane, with people having a hard time turning left because the trees are in the way. He said he referred them to Commissioner Perno because he is part of the TPO. The person called back and said they had been helped. Commissioner Perno said that the City Manager drove by there with him, and they arranged to have the corner trimmed back.

Commissioner Tinder – thanked code enforcement and City Manager for taking care of some specific issues. She said someone called her begging for a pickle ball court. She asked is it possible to arrange that? City Manager advised that they are working on putting some in place and perhaps a court out at sports complex too. Commissioner Tinder said she spoke for a couple hours with people at the animal shelter.

Item # 6. City Manager's Report.

- A. Warrant list update – Commissioner Tinder asked about the following: \$109,942 for public risk management, is that our insurance? Finance Director answered yes. Commissioner Tinder said that Baldwin Container is normally about \$44k a month and noticed it went up to \$47k – Ms. Roman said it is not on her list, but she will investigate and revert. Commissioner Tinder queried if the BGN \$311k amount was for the sports complex? Ms. Roman said yes, Phase I. Commissioner Tinder queried Camryn's crossing taxes for \$2,195 asking what do we have to do with that? Mr. Lightfoot explained that after the stormwater assessments were done the Property Appraisers office had incorrectly classified properties, which have since been updated with the Property Appraiser, so we have reimbursed them for that. Commissioner Tinder noted that the Circle P Enterprise bill is usually \$4,806 a month and has also gone up, why? Ms. Roman advised she would have to investigate both this and the Baldwin Container query for the Commissioner. City Manager advised that the Baldwin Container check is the commercial pickup so when we get new commercial businesses in the city, that fee will increase. That is why it will fluctuate between \$42-\$47k. Commissioner Tinder noted that our utilities went up to \$83,094 and asked what was it last month? Ms. Roman said she believes last month it was in the neighborhood of \$75K. Commissioner Tinder queried what the Landscapes Incorporated check that went up to \$37,500 for the Bayou Park maintenance is for? Mr. Farris advised it was a for pine straw, billed up front. So, each month there won't be the usual pine straw charged going forward. Mayor asked how it affects our budget? Ty said that as part of our contract out there with the Trust for Public Land contract it is a 10-year contract and we have been allocated money to pay for that - it is all grant money. Commissioner Tinder queried Landscapes for \$11,002? Ty advised last year because they had pine straw included, so they have been asked to

revise and reduce that bill accordingly. Commissioner Tinder asked what the Panhandle Eng. \$2,750 was for. Ms. Roman advised it is only on the next warrant list, not this one. Mr. Kidwell advised it is the Jakes Landing capacity analysis.

- B. Stormwater Update – Chis Lightfoot presented to the Commission. Commissioner Perno asked about Florida and 13th Street, and Mr. Lightfoot answered vac truck had been used to clear out those inlets. Commissioner Tinder asked about the easement behind her house on Virginia Ave. Mr. Lightfoot advised that after the surveys the property owner on the corner had the pipe go through their property, so they need the easement from those two. Commissioner Tinder said if you would have to take their fence down because it is right on the edge, how does that work? Mr. Lightfoot said we will work with them to get an agreement on this particular one because there was no pre-recorded easement.

City Manager said that the entire public works department is doing an amazing job. You will see some progress in our last rains, and the entire group is doing an amazing job – kudos to them.

City Manager advised that sandbags are available and reminded all that we do this all year round to prevent a big rush before big rains come. They don't expire so just produce your drivers license at either Kinsaul or Cain griffin (behind the animal shelter) and please just bring your own shovel.

City Manager – 4th July – brief run through the agenda of the day.

City manager spoke about receiving additional garbage cans so we will get them out to residents. Doing work on 13th street, and the 5th street sidewalk which will be key for 4th July parade, making it more walkable instead of people using their cars. Table talk session is scheduled for June 30th at the Garden Club. The City is making a lot of progress on the Annual Report and the City Newsletter. We have implemented Tyler Notify and is just a matter of us putting in the final touches and finding out how the citizens want to receive their communications. Finally, we are also planning a visioning session for all residents (with the money given to us for the revitalization of Florida Avenue), run by a professional facilitator, planned for July – with updates to follow.

Item # 7. City Attorney's Report.

City Attorney advised that regarding R2T easement – confirmed last night to form of a deed for the southern section to be signed and returned to us. The city has an easement for the entire stretch, and now that we own the southern part, we will amend that easement area to cover North of 390 hopefully for the next agenda.

We did the three nuisance abatement assessment liens. If those are not paid, we will bring them to commission in a resolution to put them on the tax bills for those properties.

CONSENT AGENDA

Item #8. Minutes dd 05/24/22 - Regular meeting minutes.

Motion by Commissioner Perno:	To approve all items on the Consent Agenda.
Second to the Motion	Commissioner Warrick

On Vote:

Perno	aye
Warrick	aye
Tinder	aye
Aldridge	aye
Nelson	aye

Motion passed: 5-0

NEW BUSINESS

Item #9. Discussion and possible Approval of a task order to conduct smoke testing of 31,000 feet of gravity sewer system for \$42,665 to Panhandle Engineering.

Utilities Director presented a power point explaining what sewer smoke testing is, then went on to explain the item for which approval is requested.

The Mayor asked about the slide referring to the history of the projects – noting Carolina Ave was on there and last year we had a lot of calls regarding that street, what is being done to sort that out? Mr. Kidwell explained that being one of the lowest parts of the gravity sewer system in that area so when the pipes are all consumed with water it is the low part that is most affected.

Commissioner Tinder – what does Panhandle do for the \$15k? Mr. Kidwell said they will identify the sewer maps and locations and work with the vendor to notify the public and ensure they are working in the right zones, and their field people will be involved with the vendors.

The Mayor asked that Commissioners be careful and mindful of targeting our contractors and vendors in their comments, saying if we want to go down that road, we must remember that we still work with Phoenix Construction, and they are under indictment with someone associated with them. Commissioner Tinder spoke about when the previous Mayor Pro Tem tried to push through that they wouldn't pay Phoenix their money owed. The issues she has is if you read the testimony, Michael White and Chris Forehand had conversations and in her opinion were in cahoots together. She said that he may not be indicted yet but she feels that anyone who pleads the 5th to protect themselves you need to beware of.

Commissioner Warrick asked for explanation of the area to be covered again. Mr. Kidwell explained seven collection basins totaling 31k feet. Commissioner Warrick asked if we will be doing more in the future. Mr. Kidwell said yes – they are working in four quadrants, one at a time. City Manager advised we have a 5-year plan for infrastructure for the entire City, and this effort is simply a part of that plan, getting ahead of issues before they arise.

Commissioner Aldridge asked how long it will take and Mr. Kidwell said about a month.

Motion by Commissioner Aldridge: To approve task order to conduct smoke testing of 31,000 feet of gravity sewer system for \$42,665 to Panhandle Engineering.

Second to the Motion

Commissioner Perno

Mr. Scray asked regarding 17th & Carolina - the street at the bottom of the creek, how does this process help that situation? Mr. Kidwell explained how sorting out the non-wastewater entering the system actually eliminates the sewer overflow issues.

Ms. Moore – Amhurst Street – Said that again to comment on Panhandle. The Mayor interjected and asked what this has to do with the item. Ms. Moore answered that she was at the hearing and has issues with giving business to Mr. Forehand. Ms. Moore then started to address one of the things that Commissioner Aldridge mentioned in his report about detractors, and the Mayor called Ms. Moore to order, advising that the Commissioners reports will not be discussed under this item.

On Vote:

Aldridge	aye
Perno	aye
Warrick	aye
Tinder	no
Nelson	aye

Motion passed: 4-1

Item #10. Discussion and possible approval of Development Order – Minnesota Supply House; Parcel #: 11614-001-000.

Planning Director explained the item, saying that a representative from Marina Island was available to take questions, and that the item did go to the Planning Commission and was voted in unanimously by the whole Board. Commissioner Warrick asked if this type of Development Order request was a rare circumstance. Ms. Richard confirmed yes. Commissioner Perno expressed his appreciation for the way the area is improving.

Motion by Commissioner Warrick: Approval of Development Order – Minnesota Supply House; Parcel #: 11614-001-000.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Aldridge	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #11. Discussion and possible approval for Emerald Coast Regional Council to apply for a Competitive Florida Partnership Grant for approximately \$49,200 on behalf of the City.

Economic Development Director introduced the City’s Grants Manager, Micaylee Clayton, to present the item. Ms. Clayton presented the item to the Commission.

Motion by Commissioner Aldridge: Approval for Emerald Coast Regional Council to apply for a Competitive Florida Partnership Grant for approximately \$49,200 on behalf of the City.

Second to the Motion Commissioner Tinder

On Vote:

Aldridge	aye
Tinder	aye
Warrick	aye
Perno	aye
Nelson	aye

Motion passed: 5-0

Item #12. Discussion and possible approval to extend the period of performance of Tetra Tech, Inc. Public Assistance Consulting Services through October 31, 2022.

City Manager explained the item.

Commissioner Warrick asked how much longer we expect to need to use Tetrattech for? City Manager said it was impossible to say, because until we have finished rebuilding and FEMA have finished all their auditing of the projects, we will still need them. Every City rebuilding has a consultant doing the same thing. If we appoint someone else new now, it will slow done the process as the new consultant gets up to speed.

Commissioner Warrick asked if it would be possible to extend it longer rather than renew by task order every 6 months. City Manager said yes, we normally do, but this was part of the mid-year budget.

Commissioner Perno said that the \$149,806 is an increase on the original amount. But to clarify, is this fully reimbursable by FEMA? City Manager said yes, we will get 50% up front and when the project closes, we will get the 50% balance.

Motion by Commissioner Warrick: Approval to extend the period of performance of Tetra Tech, Inc. Public Assistance Consulting Services through October 31, 2022.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Aldridge	aye
Tinder	no
Nelson	aye

Motion passed: 4-1

Item #13. Discussion and possible approval for the proposed engineering task order for the Rails to Trails Multi Use Path for \$33,500 to Panhandle Engineering, for the inclusion of Phase 1 & II, bidding, and Engineer of Record services during construction.

Economic Development Director explained the item.

Commissioner Warrick – asked if this is all getting paid back via grant money? EDD said \$22k will need to be paid by the City.

Commissioner Tinder – said she remembers that Panhandle got a grant of over \$400k about 4-5 years ago, so why are we paying them more money now? Mr. Janke said that the previous money was for preparing engineering plans for this project. In 2015 these plans were to build all 3 phases at one time. A couple months ago the Commission voted to change that and that meant all the materials needed to complete the project had to be changed, so the bid documents and engineering requirements had to be updated, thus costing more. City Manager explained the additional cost is because there are some things that have now changed. Commissioner Perno wants to be assured the changes we are making are congruent with FDOT changes – now running North to Marianna. Mr. Janke advised he had heard about the potential future project and is not sure if it will tie into our existing rails to trails project. Inaudible discussion from Commissioner Perno ensued. City Manager said we are in constant contact with FDOT, and we will ask them that question.

Commissioner Tinder asked since 2015 and now, have we done anything, dug anything, moved anything in regard to rails to trails other than plan. Mr. Janke said it took us 3-4 years to secure the funding, which we had to resubmit a few times. City Manager explained that if we start a project before the grant is approved and signed for, we will lose the funding and won't get any funding reimbursed at all.

Commissioner Tinder said she remembers that Panhandle Engineering omitted to submit some documentation for the project on time, so we had to resubmit. City Manager said she does not recall that.

Motion by Commissioner Aldridge: To approve the proposed engineering task order for the Rails to Trails Multi Use Path for \$33,500 to Panhandle Engineering, for the inclusion of Phase 1 & II, bidding, and Engineer of Record services during construction.

Second to the Motion Commissioner Perno

Mr. Walker – Said that Commissioner Tinder is correct, and you have to go back. He said it sounds like we are going to take the initial payment for phase 1 and throwing it away and doing everything over again.

The Mayor asked Mr. Janke to clarify what phase we are working on. Mr. Janke explained that due to the Commission vote to change the parameters of the scope of work we have to update the

engineering and it is costing \$25k.

Mr. Scray – Addressed Commissioner Perno about the Marianna construction portion of rails to trails, saying that our project is connecting to the mainline to get us access to that main system. So, what we do on the North end is less important than what we do with the South end.

On Vote:

Aldridge	aye
Perno	aye
Tinder	no
Warrick	aye
Nelson	aye

Motion passed: 4-1

Item #14. Discussion and possible approval of Resolution #2022-06-381 approving amount to be liened on certain property within the city to wit: 1101 W. 19th Street.

The City Manager read the Resolution by Title only.

The City Attorney explained the nuisance abatement item.

Commissioner Warrick asked if the liens are not in the CRA it doesn't have to come to the Commission first, and the attorney explained no, it is just the code enforcement process and City budget, as the CRA has their own budget.

Commissioner Perno asked if the homeowners were notified appropriately. Attorney confirmed yes via multiple notices.

Motion by Commissioner Warrick: To approve Resolution #2022-06-381.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Aldridge	aye
Tinder	aye
Nelson	aye

Motion passed: 5-0

Item #15. Discussion regarding amending part of the Animal Ordinance #1136 to exempt specific rescue activities by pet rescue organizations.

Commissioner Tinder explained the item saying that the organization that is concerned about this ordinance does not want to be arrested for feeding the cats. They are capturing them, having them vaccinated and adopting them out. Commissioner would like to see in the ordinance that rescue organizations be exempt from violations.

The Mayor asked Ms. Ramona to comment. Ms. Ramona explained that in the past there have been many issues with people feeding feral cats at the Bailey Bridge. Bailey Bridge area has now become more of a dumping ground for unwanted cats and kittens. She has spent many night shifts tracking cats there where she has caught more than 60 cats, most of which were sick and dying. It is now just a big breeding ground for vermin, with coyotes hunting in there, and it is now a dangerous area as a playground for children. These children can get ringworm and intestinal parasites, even causing them to go blind. This ordinance inclusion is for the safety of humans. Ms. Ramona went on to say that according to the ordinance it is acceptable to have a feral cat colony on your own private property, but not on public land. Cats can start multiplying at 4 months of age and can get pregnant immediately after giving birth to one litter of kittens, and they breed quicker than rabbits. Ms. Ramona said she disagrees with having feeding station at public areas for these reasons. She stated that responsible colony owners should have these on their own land where they

can be responsible and keep an eye on their colony.

Cathy Casada – said her husband and her have been taking care of the bridge cats since 2009 and there hasn't been a kitten born at the bridge since 2016 since she caught the last breeding female. Someone has started dumping cats there. Over the years they continue to remove cats from there. There are only presently 6 cats living there and they are all spayed/neutered and vaccinated. They are there every night taking care of them and giving them clean water. Their numbers have been reduced over the years through natural causes including coyotes. She believes the rescue group is not part of the problem rather part of the solution.

Commissioner Perno feels the rescue groups are doing a good thing, and they have a lot of compassion for these animals. He supports what they are doing. Thinks we should let the cat colony coexist with what the city is doing and make an addendum to the ordinance.

Commissioner Aldridge said he has a cat and has no problem with cats. He asked the question if it is not best to let cats hunt rats to keep the rodents under control? Commissioner Tinder said she didn't think they ate rodents.

Karen Bertram 2105 Pentland Road - from nine lives said that TNR is the only proven way to control and reduce feral cat population. So, feeding or not feeding is not going to change that. In order to trap a cat, we need to feed it. They trap about 100 cats every month, adopt out those they can, and release those that they can't adopt out. She feels the limits on feeding feral cats in public places is not ideal.

Mr. Scray said he appreciates both sides and supports nine lives. He said he feels the solution is in the middle, and we can probably compromise and include a standard procedure. Perhaps then the rescue organizations can agree to have their colonies micro-chipped too.

Mr. Farris commends the people who are passionate about saving these animals but doesn't feel we need to create a sanctuary in a public playground for stray cats where children play around barefoot.

Unidentified person said they have witnessed aesthetic growth in this city including the cats we love and have taken care of. He said that these animals keep the rodent population down, and nobody has the right to euthanize them arbitrarily. So, to add another level of bureaucracy with chipping them is unrealistic. There are very few cats left in that area.

Mayor asked if the commission wanted to give any direction to the City Manager.

Commissioner Perno would like an amendment to the ordinance to allow the rescue organizations to feed and take care of the feral cat population as a trial period. Commissioner Tinder said she would second that as a motion.

Commissioner Warrick said it feels like we are hearing two opposing stories and doesn't want to make a decision that will make the problem worse. He said he is not ready to vote on it yet. Commissioner Aldridge said he agreed with Commissioner Warrick. Commissioner Perno said that right now they cannot feed or manage these populations at all.

City Manager asked the Commission to give the City an opportunity to meet with the organizations to discuss and come up with a plan. Commissioner Tinder asked if there is anything we can do in the interim to allow them to feed the cats for now.

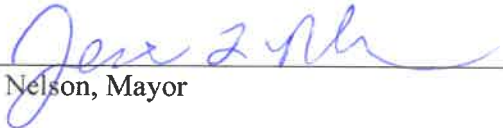
Chief Ramie said he has heard a number of people mention police harassment about these feral cats. He said he can assure them that the police department has more important things to do than chase people around about cats.

City Manager to investigate with her staff and the rescue organizations and revert to the Commission.

Item #16. Adjourn.

There being no further business the meeting adjourned at 11:06 A.M.

APPROVED THIS 28th DAY OF June 2022.



Jesse Nelson, Mayor

ATTEST:


Vickie Gainer, City Manager

prepared by
Cicelia J. Holliday