

**TUESDAY, AUGUST 22, 2023  
CITY COMMISSION MEETING – 5:30 P.M.**

**Present:** Jesse Nelson, Mayor *[by videoconference]*  
Sam Peebles, Commissioner  
Pat Perno, Commissioner  
Jamie Warrick, Mayor Pro Tem  
Judy Vandergrift, 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 5:31 P.M.

**Item # 2. Invocation and the Pledge of Allegiance.**

Invocation was given followed by the Pledge of Allegiance.

**Item # 3. Public Commentary.**

Mr. Walker – said that after reading minutes of meeting for the stormwater notes he noticed there were comments made by commissioners that there were only 5 people at the meeting. They always wonder why, and he will tell them why no. He went on to say he felt the meeting had been snuck in by having two meetings on the same subject on one day. His opinion is that the reason you have two meetings is so that if someone cannot make one, they can make the other one. He doesn't feel that was right.

Gerry Parker – Rett Place – addressed Lynn Haven Facebook page and her perception that people are being blocked from making comments or having their comments deleted. She went on to read the law surrounding this matter and asked that the city look into this issue.

**Item # 4. Mayor's Report.**

The Mayor chose to respond to the public commentary. Addressing Mr. Walker, he said while he understood Mr. Walker's concerns it was the Financial Review Committee that suggested having both the meetings on the same day and seeing as the committee is made up of citizens of Lynn Haven it was actually the citizens of Lynn Haven that made that decision. Typically there is also only one workshop held and this time there were two meetings held to make allowance for those who couldn't attend for whatever reason.

Regarding the Facebook posts – he asked the attorney to comment. Attorney said that the City does not have to allow comments at all, but they cannot pick and choose. If there are extremely defamatory or derogatory posts, they can be deleted. We cannot pick and choose which ones we turn off or block. He has advised the city that they should either not have comments turned on or leave posts without deleting them, unless there is a post that is so egregious to the extent that it is offensive to most people then it needs to be deleted. City Manager advised that while it may look like posts are being deleted, there is a Facebook "police" that automatically blocks certain posts that contain certain words. There may be comments that the City may hide due to the derogatory or inflammatory nature, but we will not delete them because that is against the law. There are not staff deleting or hiding posts. The mayor advised he has researched and discovered that it is also a Facebook algorithm that hides defamatory posts.

The Mayor continued with his comments about the opening of the gymnasium and the space for the boys and girls club and the involvement and participation of the youth. Thanked everyone who

participated in the grand openings and ribbon cuttings. Congratulated Nate again for the fantastic welcome sign design.

Mayor spoke briefly about other activities and events he participated in through the last two week in the community.

**Item # 5. Commissioners' Reports.**

Commissioner Peebles – spoke about the grand opening of the gymnasium saying it holds a special place in his heart as he played sport there whilst growing up himself. He would like to ask that the rich history be honored with the old banner they used to have of the state championships and great players they had that made it to professional sports. He has spoken to many citizens about the stormwater assessments and has researched with them to resolve their issues. He asked that they reach out to him if they would like to educate themselves. He met with the City Manger and Finance director to review the budget and learned more in that hour and thanked them for their time. Went out and cleaned Porter Park with his daughter and the Lynn Haven Golf Cart crew. They asked him to ask the city to let them know if there is anything civic minded, they can partner with the city to do.

Commissioner Perno – Also attended the gymnasium grand opening and the ribbon cutting was spectacular and congratulated Nate again. Thanked the staff for the beautiful landscaping around that welcome sign as well. A citizen asked for a stop sign at Indiana and 5<sup>th</sup> due to speeding issues. Liaised with Ty today to get this astronomy group access to the LH Bayou Preserve so they can stargaze at night. Tomorrow is Mosley's first home game, and they could use everyone's support. He has the transit meeting and then the TPO meeting afterwards tomorrow and then the estuary program meeting too. Couldn't be prouder to be a Lynn Haven citizen and thanked all the first responders and city staff.

Commissioner Warrick – Also attended the grand opening of the gym and the entrance sign ribbon cutting. Thanked city staff for their work at setting these up.

Commissioner Vandergrift – said that if citizens have not had an opportunity to see the new gym, it is beautiful. The boys and girls club will use that facility and it will be a great place for kids to grow up. Encouraged all to stop by. Thanked Sonny's BBQ for providing the meal for about 200 people on the day after the ribbon cutting. It was great to meet Nate who designed the welcome signs. She feels a real sense of pride when she passes the signs welcoming to Lynn Haven.

**Item # 6. City Manager's**

A. Warrant list. Commissioner Perno asked if the FPL bill was higher than average? Director of Finance said no that is about average.

City Manager Gainer said she visited the gym today and it was very active with the courts being filled with Lynn Haven citizens. She encouraged all to go out and look at the gym and see all the people who are utilizing the gym. She thanked everyone who attended the grand opening event and the ribbon cutting for the welcome signs. City Manager Gainer asked all to please remember at 9am on Sept 11<sup>th</sup> there will be a 9/11 ceremony at Sheffield Park. Opening for the City Hall is October 10<sup>th</sup> at 10am and she hopes everyone comes out to celebrate.

Mayor Nelson thanked the City Manager and her staff for all they do too.

**Item # 7. City Attorney's Report.**

City Attorney Kevin Obos – advised all that the Board of Contractors will be meeting at 10am on 8/23. There is an ordinance to be updated during that meeting and the Board of Contractors will review the ordinance and send it back to the Commission with recommendations.

**CONSENT AGENDA**

**Item # 8. Approval of Minutes dd 08/08/23 - Regular meeting minutes.**

**Item # 9. Approval to appoint Mr. Erik Nolte to the Lynn Haven Planning Commission.**

**Item # 10. Approval to appoint Mr. Joe Brown to the General Employee Pension Board.**

Motion by Commissioner Perno to approve the consent agenda.

Second to the Motion: Commissioner Peebles

On Vote:

Perno aye

Peebles aye

Warrick aye

Vandergrift aye

Nelson aye

Motion passed: 5-0

**NEW BUSINESS**

**Item # 11. Discussion and possible approval of Resolution 2023-08-413 approving the Joint Participation Agreement for the Roadside Beautification Assistance Grant through FDOT for HW77 landscaping.**

City Manager Gainer read the resolution by title only.

The Director of Parks & Grounds explained the item.

Mayor Nelson opened the floor for comments. Commissioner Perno asked if it has to go out to bid once approved by FDOT and Mr. Farris confirmed yes.

Motion by Commissioner Perno to approve Resolution 2023-08-413 approving the Joint Participation Agreement for the Roadside Beautification Assistance Grant through FDOT for HW77 landscaping.

Second to the Motion: Commissioner Vandergrift

On Vote:

Perno aye

Vandergrift aye

Warrick aye

Peebles aye

Nelson aye

Motion passed: 5-0

**Item # 12. Discussion and possible approval of Resolution #2023-08-414 approving the \$1M 100% grant agreement with Florida Department of Transportation on Phase IV of the Legislative Roadway Repair.**

City Manager Gainer read the resolution by title only.

Mayor Nelson explained these are funds that he, the Commissioners, and the City Manager petitioned for through our state representative Griff Griffiths during the last legislative session. Mayor Nelson said he is thankful for Griff Griffiths and Senator Trumball and their advocacy for the city to receive these funds. The funds are a 100% grant so there is no need for matching funds. He is grateful for the work of the City Manager and staff in putting the application together for these appropriations.

Commissioner Perno asked if it is going to be paving about 2.1 miles of road. Mr. Baker said it was going to be 2.1 miles when we requested \$2m, but they only approved \$1m so it will be about half of that.

Motion by Commissioner Vandergrift to approve Resolution #2023-08-414 approving the \$1M 100% grant agreement with Florida Department of Transportation on Phase IV of the Legislative Roadway Repair.

Second to the Motion: Commissioner Perno

On Vote:

Vandergrift aye
Perno aye
Peebles aye
Warrick aye
Nelson aye

Motion passed: 5-0

QUASI-JUDICIAL PUBLIC HEARING OPENED: (6:03 P.M.)

Attorney swore in anyone who intended to speak during the hearing. The attorney checked for any ex-parte communications, and Commissioner Perno said the applicant is his doctor and he had told him about the application but that is all. No others had any ex-parte communications.

Item # 13. Discussion and possible approval of Development Order – Baldwin Townhome Development – 225 Baldwin Rd.

The Director of Planning & Development explained the item.

Mayor opened the floor for comments. There were none.

Motion by Commissioner Vandergrift to approve Development Order – Baldwin Townhome Development – 225 Baldwin Rd.

Second to the Motion: Commissioner Perno

On Vote:

Vandergrift aye
Perno aye
Peebles aye
Warrick aye
Nelson aye

Motion passed: 5-0

QUASI-JUDICIAL PUBLIC HEARING CLOSED: (6:07 P.M.)

PUBLIC HEARING OPENED: (6:07 P.M.)

Item # 14. Discussion and possible approval of Preliminary Plat – Baldwin Townhome Development – 225 Baldwin Rd.

The Director of Planning & Development explained the item. Attorney clarified that after they do their Development Order work they will come back for the final plat. Ms. Richard confirmed yes.

Mayor opened the floor for comments.

Commissioner Vandergrift asked for clarity about the triplex Ms. Richard mentioned. Ms. Richard confirmed there were 5 triplexes planned for, and that they are town homes but not a long strip of town homes.

Motion by Commissioner Perno to approve Preliminary Plat – Baldwin Townhome Development – 225 Baldwin Rd.

Second to the Motion: Commissioner Peebles

On Vote:

Perno	aye
Peebles	aye
Warrick	aye
Vandergrift	aye
Nelson	aye

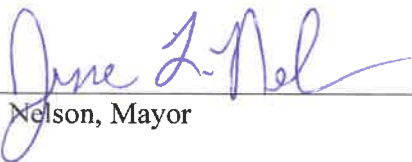
Motion passed: 5-0

***PUBLIC HEARING CLOSED: (6.10 P.M.)***

**Item # 15. Adjourn.**

There being no further business the meeting adjourned at 6.10 P.M.

APPROVED THIS 13<sup>th</sup> DAY OF September 2023.

  
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Jesse Nelson, Mayor

ATTEST:

  
\_\_\_\_\_  
Vickie Gainer, City Manager

prepared by  
Cicelia Rushing