

**WEDNESDAY, SEPTEMBER 13, 2023
CITY COMMISSION MEETING – 5:30 P.M.**

Present: Jesse Nelson, Mayor
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 5:30 P.M.

Item # 2. Invocation and the Pledge of Allegiance.

Invocation was given followed by the Pledge of Allegiance by Chaplain Frank Stephens.

PUBLIC HEARING OPENING AT 5.32PM

Item # 3. Discussion and possible approval of Resolution #2023-08-415 as the final assessment resolution relating to stormwater Non-ad Valorem assessments.

City Manager Gainer read the resolution by title only.

The City Attorney, Mr. Obos, explained the item.

Mayor Nelson opened the floor for discussion.

Commissioner Perno asked if we are approving this just for this year, or the next four years too? Mr. Obos said it is a five-year plan with the rates, so they still have to come back every year to do the annual resolution if there are no changes, one time and not a two-step process.

Commissioner Peebles – what would happen if we decided we wanted to modify this plan in two months from now - would Stantec charge more money to do that or is it included as part of the contract? Stantec advised a change would require them to go through the entire process again and therefore would cost additional money.

Mayor Nelson asked about the 5-year projection on behalf of a citizen, and once we receive that 5-year, will there be a cap at the 5 years and no continual increase? Mr. Obos advised that is correct, the plan is that in five years that fund will be self-sustaining. Mr. Obos also confirmed that the city could lower the rates percentages or keep it the same without changing the tiers, analysis, or methodology, but they cannot go above what the plan recommends.

Commissioner Peebles - if we wanted to start something like the mitigation credits would we have to start this process all over again? Further discussion occurred regarding the costs of running a mitigation program outweighing the mitigation credits.

Mr. Walker – spoke in opposition to the stormwater assessment tax.

Fraser Myers - Director of facility for SMP Holdings of Bay County (SMP being the owner of the facility in Lynn Haven that they lease to Maximus) – he explained their function and contribution in the community. He asked the city for concession based on their having four stormwater retention ponds on their property. The Mayor asked the Mr. Obos to speak about the mitigation credits again. Mr. Obos said they chose not to go down the mitigation credit route. Those ponds are already there. The stormwater budget is what it is, and they still need to raise the funds it needs and if

mitigation credits were granted the funds will have to come from everybody else except that business, so everybody else would have to pay more and bear the brunt of the expense. If there is a mitigation credits program, it will cost everyone else a little bit more.

Mr. Corie Langford – Louisiana Ave – Regarding vacant land vs land with houses on – why is his vacant property being charged more than his property with impervious surfaces on? What are the exemptions and how are they applied? what happens after 5 years? How long will citizens continue to fund stormwater through assessments? He said he is not against paying a stormwater fee, just the vehicle they are using to attain this funding. He disagrees with this assessment process. He feels the process of having it charged on the water bill was better than this assessment method.

Mayor Nelson asked the City Attorney to address the exemptions question. Mr. Obos explained the difference between single family residential, non-residential, and vacant. Vacant is handled separately and if they do have improved vacant with less than 400 square feet of impervious those will be exempt.

Mayor Nelson asked Mr. Lightfoot to explain how vacant properties contribute to the stormwater issue. Mr. Lightfoot explained how the stormwater runs off the properties for days after a rainfall and into the roads. He went on to say that although this is not a perfect system, none of the systems they have looked at are perfect. They have chosen what they feel is the most fair and equitable method.

Glenda Butler - 415 Montana Avenue – Said she thought from a conversation she had yesterday the city would not be raising the ad valorem taxes. Mayor Nelson confirmed they are not. Millage is non-ad valorem. Ms. Butler asked is the city then increasing the stormwater and then increasing the millage? Mayor Nelson said no that the millage is decreasing.

Mayor Nelson reminded everyone of the public meeting they had where the citizens directed the commission to fix the stormwater issues. He asks them now, has the stormwater improved since these assessments began? He himself has noticed an improvement on his own property.

Mayor Nelson responded in answer to Mr. Langford's question that the idea is that this will be capped at the 5-year period.

The Mayor went on to explain that we have had stormwater fees on the utility bills before, and only those who had a utility bill and therefore received a bill were charged. That was not fair or equitable. This way everyone pays a share including those properties who do not receive utility bills.

Commissioner Warrick – had some discussion with the finance department and if this was put back on the utility bill it would cost about \$400 a year. He personally would like to do it through the millage fund, but we cannot do that because those funds go to general funds and those cannot be used for stormwater. He went on to say that the comment about how the stormwater fee was not working is incorrect and that it is actually working, but last year the commission decided not to raise it, as was recommended by the consultants, due to covid and other financial reasons for the citizens.

Commissioner Peebles – did we have to transfer money into the stormwater fund this year from another enterprise funds? Ms. Roman answered yes. Commissioner Peebles said then this is a good example of why we need this assessment. We also have to improve the sewer system etc. However, he disagrees that it is the most fair and equitable way to get to it. So, he requests that if this is voted yes that they bring it up again early in the budget year and relook at the methodology. Mayor Nelson said this is the third time they are looking at this methodology and this seems the fairest, even though it is not necessarily fair for everyone. There is not going to be a particular method that will do that. He also reminded Commissioner Peebles that the city and the commission have

been discussing this matter from very early in the financial year, but it may not seem so to him because he was only sworn in after this most recent run-off election.

Commissioner Peebles said there is no question in his mind that the stormwater funding is needed, and the city is doing a great job. He feels that there should be an across-the-board amount per property. It doesn't make sense that if he knocks down his house he will pay more. Feels that this process still needs to be massaged to make it fairer.

Mayor Nelson asked what another analysis would cost? Mr. Lightfoot said it costs about \$26k for each assessment. If we did one rate for everybody it would mean larger houses would be paying less etc. Commissioner Peebles said he misspoke as he meant a standard percentage across the board.

Commissioner Warrick – if we vote yes now it doesn't mean it is set for 5 years. We still look at it every year.

Mayor Nelson said this is something that can certainly be discussed at the pre-commission meetings in the new budget year.

Motion by Commissioner Warrick to approve Resolution #2023-08-415 as the final assessment resolution relating to stormwater Non-ad Valorem assessments.

Second to the Motion: Commissioner Vandergrift

On Vote:

Warrick	aye
Vandergrift	aye
Perno	aye
Peebles	aye
Nelson	aye

Motion passed: 5-0

PUBLIC HEARING CLOSED AT 6:19PM

PUBLIC HEARING OPENED AT 6:19PM

Item # 4.A. Discussion and possible approval to adopt resolution 2023-09-416 tentative millage rate.

The Director of Finance, Ms. Roman, explained the item.

Commissioner Peebles thanked city staff for making this happen.

Mayor Nelson opened the floor for discussion.

Mr. Walker – page 25 about the taxing authority it mentions the roll back rate and the close rate as a percentage of increase (key word). Further down it says the millage rate proposed for 2023 and the current year proposed is a 15.24% increase. He said he is confused. It appears there is an increase as it is written in these pages. Director of Finance explained the roll back rate and that the percentage listed is actually a percentage of a percentage (as explained in the document) and it is a number that the state requires them to report and in her professional opinion it is misleading. Mr. Obos said all that is showing is that although we are dropping the millage rates the revenue coming in is going to increase. That is not a rate increase, but a revenue received increase. City Manager showed how the rate is decreasing.

Commissioner Peebles pointed out that if we pass this, we will have a lower millage rate than both Mexico Beach and Panama City. Mayor Nelson said we would be lower than the County as well.

City Manager Gainer read the resolution by title only.

Motion by Commissioner Peebles to approve resolution 2023-09-416 adopting the tentative millage rate.

Second to the Motion: Commissioner Warrick

On Vote:

Peebles	aye
Warrick	aye
Vandergrift	aye
Perno	aye
Nelson	aye

Motion passed: 5-0

PUBLIC HEARING CONTINUES AT 6:27PM

Item # 4.B. Discussion and possible approval to adopt Resolution 2023-09-417, tentative FY2024 General Fund and Enterprise Funds Budget in the amount of \$56,919,774 and the tentative FY2024 Disaster Recovery Budget in the amount of \$6,121,304.

City Manager Gainer read the resolution by title only and the Director of Finance, Ms. Roman, explained the item.

Mayor Nelson opened the floor for discussion.

Commissioner Peebles asked if this budget includes the grant funding that we are getting? Director confirmed approx. \$50m for this budget is from the city funds the rest is grants. Commissioner Warrick thanked city staff for the work on the budget.

Mr. Walker – unintelligible. The other enterprise funds make a tremendous amount of money. It bails out some of the programs we otherwise would not be able to fund. Sewer and Water are going to increase severely because they failed to take into consideration the sewer plant expansion. Ms. Roman clarified the points that no enterprise money has been transferred to the general fund since she has been at the city. Funds have been transferred to other enterprise funds. Sanitation is the only fund in the green the rest are in the red. Regarding the debt, when she came on board it was \$59m and next year it will be down to about \$43m. She explained the city had to do the debt after the hurricane to keep the city running for the citizens. City Manager clarified there has been no transfer of funds between general and enterprise funds since she has been the City Manager. Ms. Roman said the general fund is very small.

Gerry Parker - Rett Place – has any of the millions of dollars been recovered? If so, when is it anticipated. Mr. Obos said there is a conference call tomorrow about assets seized. They are working on it.

Motion by Commissioner Warrick to approve Resolution 2023-09-417, adopting the tentative FY2024 General Fund and Enterprise Funds Budget in the amount of \$56,919,774 and the tentative FY2024 Disaster Recovery Budget in the amount of \$6,121,304.

Second to the Motion: Commissioner Vandergrift

On Vote:

Warrick	aye
Vandergrift	aye
Warrick	aye
Peebles	aye
Nelson	aye

Motion passed: 5-0

PUBLIC HEARING CLOSED AT 6:38 PM

PUBLIC HEARING OPENED AT 6:38 PM

Item # 5. Discussion and possible approval to adopt Resolution 2023-09-418, tentative CRA Budget for FY 2023-2024

City Manager Gainer read the resolution by title only.

The Director of CRA, Mr. Janke, explained the item.

Motion by Commissioner Perno to approve Resolution 2023-09-418, adopting the tentative CRA Budget for FY 2023-2024.

Second to the Motion: Commissioner Warrick

On Vote:

Perno	aye
Warrick	aye
Vandergrift	aye
Peebles	aye
Nelson	aye

Motion passed: 5-0

PUBLIC HEARING CLOSED AT 6:40pm

Item # 6. Public Commentary

Gerri Parker asked about a previous complaint about a property she had queried at the last meeting. City Manager Gainer said she did hand it over to code enforcement. Ms. Parker asked how long the process takes. Mr. Obos explained.

Johnny Beshearse – 811 Louisiana Avenue – said that regarding the ad valorem taxes his taxes are going to be about \$2,800 this year, but the city of Lynn Haven is only going to get \$718. Citizens need to understand that their total tax bill is not a reflection of what Lynn Haven is getting. The county gets more than Lynn Haven does, and the school board is getting \$613. He doesn't have an issue with the schools getting it even though he doesn't have kids. That's part of his fair share of supporting the community.

Item # 7. Mayor's Report.

Mayor Nelson read the Proclamation of the 236th Anniversary of the United States Constitution and 247 years since the United States Independence.

Item # 8. Commissioners' Reports.

Commissioner Peebles – the 9/11 ceremony was excellent and a beautiful ceremony – thanks to those who made it happen. Police Chief Ramie had an excellent speech.

Commissioner Perno – 9/11 ceremony was great. Grand opening of rails to trails was also wonderful. St Joe Bay Estuaries program is having an open day at the Garden Club on 9/21 at about 5 or 6pm. Rails to trails security is something he is sure the LHPD are keeping in mind. Mr. Vines called again and spoke about the guardrails and what he wants done is the issue to be resolved so that people can get access to the land so he can sell it.

Commissioner Warrick – said he can only repeat his thanks along with the other commissioners. On September 23rd at 11am he will be at Slim Chickens to speak with any residents who would like to join him.

Commissioner Vandergrift – been a great celebratory week and a week of honoring various groups. Regarding a comment that something that we did with stormwater was a failure, stormwater has not been a failure. She said the commission heard about all the stormwater problems and they worked really hard to eliminate these problems. For us to continue this work for the citizens we

have had to make some hard decisions. We've met over and over again to make the best budgets etc. She thanked her fellow commissioners, the Mayor and City Manager who work very hard on behalf of the citizens.

Item # 9. City Manager's Report.

City Manager Gainer reminded all about the paver effort that ends this Friday.

October 10th is the Grand Opening of the new city hall.

Sports and Recreation have now got two pickleball and baseball tournaments scheduled.

The city will have co-ed softball this year starting the week after Thanksgiving.

The city is working hard. Every staff member works hard night and day to serve the residents. Whatever we do is for the best of the citizens because we think they deserve the best. The staff are the people that keep the city running.

A. Warrant list. There were no questions.

B. Stormwater Update was provided by Director of Public Works, Chris Lightfoot.

Commissioner Perno – Wyoming Ave - what part of Wyoming? Mr. Lightfoot answered 800 and 1100 block of Wyoming. Mayor Nelson thanked the city manager and staff for all they do.

Mayor Nelson wanted to know if there was an objection to moving the first October commission meeting to Monday (Columbus Day) at 9am to reduce the conflict with the Grand Opening on the 10th. There were no objections.

Item # 10. City Attorney's Report.

City Attorney Kevin Obos – nothing to report.

CONSENT AGENDA

Item # 11. Approval of Minutes dd 08/22/23 - Regular meeting minutes.

Item # 12. Approval to update the FDOT TITLE VI / Non-discrimination Assurance document and policy as required for LAP certification.

Item # 13. Approval to award contract for RFP 22.23-12A for Towing, Wrecker and Storage Services to White's Wrecker Service, LLC as the primary vendor and to include other qualified vendors on the rotation list for same.

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

OLD BUSINESS

Item # 14. Discussion of timeline in which to schedule a workshop to review the proposed property maintenance code and related DRAFT Ordinance #1137.

The City Manager explained the item and the need for a workshop prior to the Ordinance readings.

The Mayor and Commissioners discussed suitable dates for the workshops.

The Mayor said that dates had been discussed and decided on at the pre-commission meeting.

Mrs. Rushing confirmed that they had decided to hold a public workshop on Tuesday, October

17th at 5.30pm to review this document. He implored everyone to read up about it.

NEW BUSINESS

QUASI-JUDICIAL PUBLIC HEARING OPENED: (7:08 PM)

City Attorney swore in all who wished to speak to the item.

City Attorney checked for ex-parte communications, and all advised there was none.

Item # 15. Discussion and possible approval of Development Order Application – JD Byrider Automobile Dealership; 2617 Highway 77.

The Director of Planning & Development explained the item.

Mayor Nelson opened the floor for comments.

Commissioner Vandergrift asked about the restrictions that used to be there. Director explained that the city commission at that time had decided to move it further North.

Motion by Commissioner Warrick to approve Development Order Application – JD Byrider Automobile Dealership; 2617 Highway 77.

Second to the Motion: Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Peebles	aye
Vandergrift	aye
Nelson	aye

Motion passed: 5-0

QUASI-JUDICIAL PUBLIC HEARING CLOSED (7:11 PM)

QUASI-JUDICIAL PUBLIC HEARING OPENED: (7:11 PM)

City Attorney reminded Director she was still under oath.

City Attorney checked for ex-parte communications, and all advised there was none.

Item # 16. Discussion and possible approval of Development Order Application – M & M IV Market Expansion; 1201 Ohio Ave.

The Director of Planning & Development explained the item.

Mayor Nelson opened the floor for comments. There were none.

Motion by Commissioner Perno to approve Development Order Application – M & M IV Market Expansion; 1201 Ohio Ave.

Second to the Motion: Commissioner Peebles

On Vote:

Perno	aye
Peebles	aye
Warrick	aye
Vandergrift	aye
Nelson	aye

Motion passed: 5-0

QUASI-JUDICIAL PUBLIC HEARING CLOSED (7:13 PM)

Item # 17. Discussion and possible approval of Corrected Resolution 2023-08-413 approving the Joint Participation Agreement for the Roadside Beautification Assistance Grant through FDOT for HW77 landscaping.

The City Manager read the resolution by title only.

Mayor Nelson opened the floor for comments. There were none.

Motion by Commissioner Perno to approve Corrected 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 Peebles

On Vote:

Perno	aye
Peebles	aye
Warrick	aye
Vandergrift	aye
Nelson	aye

Motion passed: 5-0

Item # 18. First Reading only of Ordinance 1157 – adopting a change in the vesting period and adding a monthly supplement to the General Employees’ Pension.

The City Manager read the Ordinance by Title only.

Director of Finance explained that all the ordinances were identical just that one was for the General Employees, one for Firefighters, and one for Police. She went on to explain the recommended vesting periods and percentages from year 5, plus when an employee separates from the city after 10 years of service they will receive \$300 per month from age 55 until retirement.

Commissioner Perno queried the \$300 payment to the employees and what the criteria to qualify was. Finance Director explained that the employee would need to be at least 55 years old and have been employed with the city for at least 10 years in order to receive the \$300 per month.

Commissioner Perno asked if someone vests at 5 years and then leaves the city’s employment after 5 years, would they at a certain age be eligible for a payment from the city? Director of Finance confirmed yes at 50% of the pension as calculated by the actuarial team at that time.

Commissioner Peebles clarified that if he was 34 years old and worked for the city for 5 years and then vested his pension, he could not draw on that vested pension until he turned 55 years old? Finance Director confirmed that was correct.

Item # 19. First Reading only of Ordinance 1158 – adopting a change in the vesting period and adding a monthly supplement to the Firefighters’ Pension.

The City Manager read the Ordinance by Title only.

Director of Finance advised that these are fully funded in the budget.

Item # 20. First Reading only of Ordinance 1159 – adopting a change in the vesting period and adding a monthly supplement to the Police Pension.

The City Manager read the Ordinance by Title only.

Item # 21. Adjourn.

There being no further business the meeting adjourned at 7:21 P.M.

APPROVED THIS 26th DAY OF September 2023.



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager

prepared by
Cicelia Rushing