

**WEDNESDAY, SEPTEMBER 14TH, 2022
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 5.31 P.M.

Mayor Nelson advised that agenda item 8b is being moved to agenda just before agenda item 15.

Item #2. Invocation and the Pledge of Allegiance.

By Mr. Frank Stephens Chaplain of the Lynn Haven Police Department.

PUBLIC HEARING OPENED: (5.33 PM)

Item #3A. Tentative Millage Rate for 2023 Tax Roll.

City Manager read the resolution #2022-09-389 by title only.

Mayor opened the floor for comments. There were none.

Motion by Commissioner Aldridge: To approve Resolution #2022-09-389.

Second to the Motion Commissioner Perno

On Vote:

Aldridge aye

Perno aye

Warrick aye

Tinder aye

Nelson aye

Motion passed: 5-0

Item #3B. Tentative General Fund & Enterprise Fund Budget for FY 2022-2023.

City Manager read the resolution #2022-09-390 by title only.

Mayor opened the floor for comments. There were none.

Motion by Commissioner Aldridge: To approve Resolution #2022-09-390.

Second to the Motion Commissioner Perno

On Vote:

Aldridge aye

Perno aye

Warrick aye

Tinder aye

Nelson aye

Motion passed: 5-0

PUBLIC HEARING CLOSED (5.36 P.M)

PUBLIC HEARING OPENED: (5.36 P.M)

Item #4. Tentative Community Redevelopment Agency Budget for FY 2022-2023.

City Manager read the resolution #2022-09-391 by title only.

Mayor opened the floor for comments. There were none.

Motion by Commissioner Warrick: To approve Resolution #2022-09-391.

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| Second to the Motion | Commissioner Perno |
| On Vote: | |
| Warrick | aye |
| Perno | aye |
| Aldridge | aye |
| Tinder | aye |
| Nelson | aye |

Motion passed: 5-0

PUBLIC HEARING CLOSED (5.37 P.M)

Item #5. Public Commentary.

Mayor reminded everyone about the decorum required for these meetings.

Johnny Beshearse – Louisiana Ave – informed citizens of the upcoming discussion at the next Commission pre-meeting about the splash pads and encouraged them to contact their commissioners with their opinions.

Zak Detweiller – 1600 Harbor Boulevard - mentioned the handout he had placed on their desk and explained that it was about his opinion of what caused that flooding and what can be done to mitigate such flooding. He feels one of the major things is that the City of Lynn Haven is no longer a canopy city so there is no longer the canopy to slow the fall of water to the ground, and the recent developments are not being required to design around flood plain management. That the stormwater funds and mitigation will not matter unless we design appropriately.

Gerri Parker – Rhett Place – thanked them for the budget workshop which was informative. She then spoke about the comments made Commissioner Aldridge at the last meeting. She referred to the Mayor and said you cannot play the victim if you are the cause of the problem. Cannot play the religion card and the victim card, no-one in this room is better than anyone, God sees wrongdoing, and the Margo Anderson stuff is going to be a stain on the City until it is resolved.

Steven Nabokowski – thanked the Commission and Mayor. Everyone’s been very supportive of all at Mowat Highlands and the new development at Andrews Plantation, but there is still catastrophic failures in the design around drainage. Feels it is not up to code and not done the way they said it was done. Behind his property is an easement that is City owned, and the City’s liability. It is packed full of silt after the last storm, even after only being cleaned 6 months ago. This is brand new infrastructure, and it falls on Panhandle Engineering and the group that developed it, and they didn’t take into account the water flow. City needs to hire somebody to look at the waterflow and Panhandle should pay for it. City cannot go back and fix other people’s mistakes all the time.

Ms. McElroy – Port St Joe / Tallahassee – She said that the two that just spoke about stormwater were spot on about Panhandle Engineering and Chris Forehand. She went on to say she wanted to state again for the record that the placard was neither stamped nor signed by Michael Gordon and anyone saying differently is not saying the truth.

Mr. Scray – Missouri Ave – Said there is a saying about poor planning on your part does not constitute an emergency on my part, but in this case poor planning does constitute an emergency on all of the city. During the budget meeting it was mentioned that the decision about the stormwater assessment may be revisited, so now we are going to be waiting another whole year before Stantec recommends according to the new requirements. He said he is prepared to pay what Stantec recommends. He said he is apparently also in the wrong tier. He thinks it should be fixed so he can pay his fair share. He thinks there are many other properties in the same situation that are being undercharged for being in the wrong tier. He thinks we are gambling on our future by waiting. What will happen is more flooding and more people’s houses being flooded.

Mr. Walker – 1106 Michigan Ave – He said that everybody has talked about stormwater, we have paid into stormwater for 20 years and nothing has been done to fix it, our Commissioners have

decided we have to do something. You just had a little rain yesterday and it almost brought us to the ground again. Yes, everyone is saying we think we should look again at our program. Please take a look at this program again, your people are doing as hard as they can to solve it.

Jodi Moore – Amhurst Street – said that bottom line is you can dig a bunch of ditches, but Lynn Haven is a swamp. She said she had tried to listen to the meeting on Facebook but it wasn't up and running at the time. She feels the Youth Council is a good idea and thinks they should do background checks for adults who interact with them. Why should other committees and groups have to have background checks but not this one. She asked that the Commission talk in their reports about the builder contract committee and the citizens finance committee and what the status is on them. She said that the Jazz festival and another festival were voted for, and they were not un-voted, so they should vote to not have it if they are no longer going to have it.

Cory Langford – Louisiana Ave – He said that regarding stormwater assessment, last year he was apprehensive, but still felt it needed to be fixed. He does not like the way it has been arranged and needs to be done the right way. He does not agree with assessments as he feels they are a way of obtaining funds from people in the wrong way. He feels an annual amount should be divided by 12 and charged via the utility bills, and the people without water meters can be charged via an ad valorem manner. Finally, he has a house, with a bill of about \$71.29, and his bill for his two vacant lots with no impervious ground is than \$157.95.

Kevin Tolar – Deer Point Lake – He said he is an ex-basketball player and had spoken with Commissioner Perno about the new fields being built. The fields are going to be 300ft and that is half for 13u. Having tournaments by the City is not going to happen because up to 12u is 250ft and he just wanted to bring it to their attention.

Linda Mishler – Hidden Valley Court – 100% in favor of current assessments and any increase in assessment this Board recommends in a future date and would like to see this fully funded. First issue is that her sampling of some 100+ properties are some irregularities. Ms. Gainer was very helpful in her explanations. She feels that some of the assessments fundamentally contradicted decisions made by the Commission last year. She is recommending an inhouse review by an inhouse staff member, not a whole new review.

Item #6. Mayor's Report.

Mayor Nelson read the Proclamation of the 235th Anniversary of the United States Constitution and 246 years since the United States Independence.

The Mayor said regarding the Mayor's Youth Council – there is no group of adults working with the Mayor's Youth Council except the Mayor. There are only guest speakers.

The Mayor said regarding the Financial Review Committee – it will convene after the adoption of the new budget.

Regarding the Construction Board – the City Manager advised it is a matter of setting up an inaugural meeting in the new fiscal year.

The Mayor thanked all for bringing to their attention the issue of not being charged the correct amount in the stormwater assessments. He will follow up with the City Manager about arranging an inhouse review to check that the assessments are correct. He went on to confirm that a lot of that does fall back on the property owner and property tax appraiser, and that if you have had additional things added to your home, you need to advise the property tax appraiser.

Regarding the stormwater assessment, he doesn't think any of them want to continue kicking the can down the road, however with all the pushback they want to ensure they are being fair and equitable to everyone.

The Mayor said that to our understanding we only had two homes with structural flooding so far, although our goal is to eliminate structural flooding altogether. We do have a comprehensive plan

for stormwater infrastructure, but right now we are focusing on eliminating structural flooding.

Item #7. Commissioners' Reports.

Commissioner Aldridge – agreed with all the Mayor just said. One of the things he is also concerned about is the current rising inflation. So, his thoughts are with the elderly and those who are working two jobs. Looking forward to opening day on Saturday morning.

Commissioner Perno – Understood what Mr. Tolar said about the ball fields and they will look at it. Regarding what Mr. Scray said, it is not that he doesn't want to do the assessment but does want to ensure it is fair and equitable. Feels there may be a more fair and rounded way to look at it. Enjoyed the 9/11 ceremony on the past weekend. Thanked all first responders and city employees.

Mayor advised that we are meeting with Stantec again in 6-8 months to review and investigate fairer and more equitable methods.

Commissioner Warrick – 9/11 program was enjoyable. Appreciate first responders for all they do. Glad to see everyone here and the room packed. Appreciate you coming and your comments. September 24 is his "time with the Commissioner" at Taco way so please come along. Attended "First Friday" and is amazed at the number of jobs that are coming to the County. Had a chance to speak with Mr. Griffiths about home rule, and he said he agrees with him, and he will make some time to sit and discuss it.

Commissioner Tinder – last couple weeks been fairly busy fielding a lot of complaints from residents. Code enforcement went and cleaned things up at Bellaire Estate – so thanks. Got a call from a gentleman about the size of the fields and concerned about T-ball only starting at 7pm for the tiny kids. Thanks to Bobby's department for cutting down the overgrowth. Received a call from people who say that a certain lot in the county limits has been cleared and the neighboring homes in the city limits are flooding, possibly as a result.

Item #8. City Manager's Report.

A. Warrant list update – There were no questions.

The City Manager confirmed fall ball opens on 17th at 9am. Basketball mode as well with over 160 kids. Regarding baseball field, the Commission may recall they had this discussion about the sizes of the fields in 2019/2020 and they decided to do 300ft fields because we knew the high school grounds already had larger grounds and that we could liaise with PCB. Thank Public Works and Chris Lightfoot who are working hard to fix something that has been broken for the past 25 years. Thursday fall concert series starts at 6pm at Sheffield Park.

Mayor thanks the Citizens for doing what they can in their yards to mitigate flooding.

B. Stormwater Update – postponed to before agenda item #15.

Item # 9. City Attorney's Report.

City Attorney had nothing to report.

CONSENT AGENDA

Item # 10. Minutes dd 08/23/22 - Regular meeting minutes.

Item # 11. Approval for RV Extension request on 202 Harbour Pointe Drive, through the end of June 2023.

Item # 12. Approval for RV Extension request on 1602 Rhode Island Ave, through October 2022.

Item # 13. Approval to amend Goss Technology for one additional year for the Information Technology Contract.

Motion by Commissioner Warrick: To approve all items on the Consent agenda.

Second to the Motion

Commissioner Tinder

On Vote:

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| Warrick | aye |
| Tinder | aye |
| Aldridge | aye |
| Perno | aye |
| Nelson | aye |

Motion passed: 5-0

OLD BUSINESS

PUBLIC HEARING OPENED: (6.32 P.M)

Item # 14. Final Reading of Ordinance #1139 - Proposed Amendments to the Unified Land Development Code; Adding Section 4.01.04 Appearance Standards for Non-Residential Primary Structures; Table 4.02.02 Building Heights and Setbacks; Section 4.02.05 Design Standards for all Commercial Development; Section 4.06.02 Landscaping and Vegetation; Section 4.07.01 Corridor Overlay Design Standards; and Table 5.03.07 (C)(1) Standards for Permanent Signs.

City Manager Read the ordinance by title.

The Planning Director read the Agenda CAR and report out loud for the public and spoke to her presentation as she explained the item.

Mayor explained that there had been discussion on Friday around this and before that for many, many weeks. Some Commissioners suggested extending the public hearing and pushing off the voting to another date. Attorney confirmed we could keep the public hearing open hear the public commentary today and just adjourn and reconvene after the next Planning Board meeting.

Mayor suggested they could extend it to the next commission meeting on October 11th or 25th, after the next Planning Board meeting.

Commissioner Aldridge concluded the only issue he runs into with residents is the 40ft setback so he would like to remove the 40ft setback requirements. The City Attorney confirmed because it won't be a substantive change to the ordinance it won't have to go back to a first reading or be republicized.

Mayor opened the floor for public comment. There was none.

Motion by Commissioner Aldridge: To amend Ordinance 1139 to remove the 40ft setback requirement reverting back to zero, send it back to the Planning Board for review and recommendations, and reconvene this public hearing on October 25th.

Second to the Motion

Commissioner Warrick

On Vote:

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| Aldridge | aye |
| Warrick | aye |
| Tinder | aye |
| Perno | aye |
| Nelson | aye |

Motion passed: 5-0

PUBLIC HEARING CONTINUES UNTIL OCTOBER 25TH.

Commissioner Tinder advised the Planning Director there is one particular sign that will be a hindrance to traffic view if it is reduced to 10ft. Director said that sign was there already and what they were doing is replacing the sign in such a way that will fix it. Director said the City currently has verbiage in the plan around signs blocking traffic sight visibility. Any new signs would not be able to be put up if there was a traffic sight visibility issue.

NEW BUSINESS

Item # 8A. Stormwater Update

Public Works Director presented his Stormwater Update.

Addressed a few comments from Facebook about Stormwater. If anybody ever wants to really see what the ad valorem funds pay for, it is detailed in the budget which is always online.

New Developments pay impact fees towards stormwater and other various impacts of the development.

Johnny Beshearse - Louisiana Ave – what are our current activities on intrusion of stormwater on the sewer system. Director explained the work that Utilities are doing with the smoke testing to identify breaks and leaks in the sewer system.

Mr. Cory – last year before all voted on the assessment there was mention of the old infrastructure and pipe sizing and appreciates this map and the list. He said he would like to see some huge pipes and significant improvement, and they see a lot of ditches digging. Wants to see huge concrete pipes installed. On 12th Street the flooding is bad. The Director said regarding the big concrete pipes they are being put in at specific places and there are actually some piled up at the new projects to be installed. Every one of the projects on the list will have the big pipes. Can't upsize everyone because not all of them can be upsized due to capacity of the grounds.

Mr. Scray – asked for one of the projects mentioned, is the water going to go to the creek? Director explained the process. Mr. Scray said that a primary concern is with the bridge on 17th and the manhole that keeps blowing. Director reminded him that the Utilities department is doing the smoke testing to correct those.

PUBLIC HEARING OPENED: (7.17 P.M)

Item #15. Discussion and possible approval of Resolution #2022-09-392 relating to the annual stormwater Non-ad Valorem assessments.

City Manager read the resolution by title only.

City Attorney explained the item.

Mayor opened the floor for comments.

Commissioner Warrick – said he knows the City has a responsibility and there are things we can do better. He said he had called other cities and is surprised to find out that Lynn Haven is not the only City having the flooding issues. Also, back in FY14 the City had just under 2.9 million of debt. Then in FY15 the City had \$7.6m debt; FY16 the City had \$10.9m debt; FY17 the City had \$23.7m debt; and in FY18, right before Hurricane Michael, the City had \$37.8m in debt. The City then took a disaster recovery bond after the Hurricane and now, not counting the disaster recovery bond which will be mostly reimbursed by FEMA, the City is currently sitting with only \$24.2m of Debt which is significantly less than in 2018. Those were the cards we were dealt when he came into the commission. The City is working very hard with the money they have and have had to make very hard decisions to get to where they are, with the debt down to \$24.2m and he thinks it is very impressive.

Mayor advised we are not the only City with stormwater issues, but we are one of the few cities being proactive with a plan.

Commissioner Perno – said that the City is 20th in elevation out of the 67 cities in the state, but 65th Out of 67 in lowest lying.

Motion by Commissioner Aldridge: To approve Resolution #2022-09-392 relating to the annual stormwater Non-ad Valorem assessments.

Second to the Motion for discussion Commissioner Warrick

Commissioner Aldridge mentioned he is happy go up if they want, but he is looking to the future

economy and is just worried it is going to hurt people as the economy softens.

Commissioner Perno said he feels we should really look at how we calculate the assessment better than what we are doing.

Commissioner Aldridge said he agrees but doesn't have the time this fiscal year.

Commissioner Perno – agreed but we should get started on working on the new method next time and be fairer and more equitable.

City Attorney advised there are other methodologies. If you want to change it, you should do it for next fiscal year.

Mayor confirmed it is something they directed Stantec to look at and they will be bringing back three different methodologies.

Commissioner Tinder – agreed that the whole tier situation has to be fixed. The biggest comments she gets is from people who have vacant lots.

City Manager confirmed she has spoken to Stantec about the other methodologies. Some of these methodologies come with a much larger price tag because it requires more intensive work from Stantec. City Manager said the City is also speaking with other consultants.

More discussion followed.

On Vote:

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| Aldridge | aye |
| Warrick | aye |
| Tinder | aye |
| Perno | aye |
| Nelson | aye |

Motion passed: 5-0

PUBLIC HEARING CLOSED (7.36 P.M)

PUBLIC HEARING OPENED: (7.36 P.M)

Item #16. Discussion and possible approval of Resolution #2022-09-393 relating to the final assessment to collect nuisance abatement liens on tax bills.

The City Manager read the resolution by title only.

The City Attorney explained the item.

[Commissioner Tinder left the room at 7.38 P.M.]

Mayor opened the floor for comments.

Mrs. Ford – 1017 Michigan Avenue – Said she had received a letter and has been trying to tell everyone in the city that Rebuild will be redoing her home. The city wants to charge her for tearing her house down when Rebuild was going to be doing it for free. She doesn't understand what the other amount was for because no one has ever been to her house.

Mayor explained that there were various extensions given by the courts and that some of her neighbors who spoke at the time implored the City to move forward on the property demolition because of the health issues due to infestations etc.

Mr. Janke explained that the CRA worked on 3 properties including this one. Code Enforcement started working with the owner in 2019, and in 2021 the CRA got involved for the funding.

Attorney explained the court order process that was lengthy and gave many extensions.

Motion by Commissioner Warrick: To approve Resolution #2022-09-393 relating to the final assessment to collect nuisance abatement liens on tax bills.

Second to the Motion Commissioner Aldridge

On Vote:

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| Warrick | aye |
| Aldridge | aye |

Perno aye
Nelson aye Motion passed: 4-0

PUBLIC HEARING CLOSED (7.46 P.M)

Item # 17. Discussion and possible approval of settlement and general release executed regarding termination of Paymentus service agreement.

City Attorney began to explain the item.

[Commissioner Tinder returned to the room at 7.47 P.M.]

The City Attorney continued and completed discussion on the item.

Motion by Commissioner Warrick: To approve settlement and general release execution regarding termination of Paymentus service agreement.

Second to the Motion Commissioner Perno

On Vote:

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

Item # 18. First Reading of Ordinance #1140 Application for Annexation; Parcel # 11537-020-000; Hwy 389; Preston Ray Homes (First Reading by Title Only).

The City Manager read the ordinance by title only.

Commissioner Warrick asked the developer from Dewberry regarding why they want to annex into Lynn Haven. Developer said it is adjacent to the right of way of Casen Drive from Andrews Plantation, and the adjacent infrastructure would make sense to use and also to fit in better with the land use. Commissioner Warrick confirmed so it makes it easier for you to annex into Lynn Haven? Developer answered yes.

Item # 19. First Reading of Ordinance #1141 Application for Future Land Use Map Amendment; Parcel # 11537-020-000; Bay County Residential to City of Lynn Haven Low Density Residential (First reading by Title Only).

The City Manager read the ordinance by title only.

Item # 20. First Reading of Ordinance #1142 Application for Annexation; Parcel # 11352-010-000; E. Highway 390; Southern Coastal Homes (First Reading by Title Only).

The City Manager read the ordinance by title only.

Commissioner Warrick asked the developer why they are wanting to annex into the City of Lynn Haven. Developer explained logistically it is interrelated closely with drainage and existing infrastructure.

Item # 21. First Reading of Ordinance #1143 Application for Future Land Use Map Amendment; Parcel # 11352-010-000; Bay County Residential to City of Lynn Haven Low Density Residential (First Reading by Title Only).

The City Manager read the ordinance by title only.

Item #22. Discussion and possible approval to award bid for Rails to Trails Multiuse Path to Roberts and Roberts, Inc. for their lowest bid in the amount of \$4,320,458.69.

CRA Director explained the item.

Commissioner Tinder asked what could cost \$377,000 for mobilization of their equipment from

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Roberts & Roberts? Director explained it could be insurance bonds, and other set up fees. Commissioner Tinder asked what was the difference in bids? Commissioner Warrick showed her where it explained in their agenda packet that it is more than \$630,000 difference.

Commissioner Tinder asked for the record if this the same company that bought out GAC? Attorney said not.

Motion by Commissioner Aldridge: To award the bid for Rails to Trails Multiuse Path to Roberts and Roberts, Inc. being the lowest bid, in the amount of \$4,320,458.69.

Second to the Motion Commissioner Warrick

Johnny Beshearse asked what the original budget was. City Manager said \$4.3m.

On Vote:

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| Aldridge | aye |
| Warrick | aye |
| Tinder | no |
| Perno | aye |
| Nelson | aye |

Motion passed: 4-1

Item #23. Adjourn.

There being no further business the meeting adjourned at 8:00 P.M.

APPROVED THIS 27th DAY OF September 2022.



Jesse Nelson, Mayor

ATTEST:


Vickie Gainer, City Manager

prepared by
Cicelia J. Holliday