

**CITY OF CALLAWAY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
APRIL 27, 2021 – 6:00 P.M.**

The City of Callaway commission met in Regular Session on Tuesday, April 27, 2021. In attendance were Pam Henderson, Mayor, David Griggs, Mayor Pro tem, and Commissioners Scott Davis, Frank Mancinelli and Bob Pelletier. Also in attendance were Eddie Cook, City Manager, Kevin Obos, City Attorney, Janice L. Peters, City Clerk, David Schultz, Director of Finance, Bill Frye, Public Works/ Planning Director, Bonnie Poole, Code Enforcement Director, and Tim Legare, Leisure Services Director.

The meeting was called to order by Mayor Henderson, followed by an invocation and the Pledge of Allegiance.

**PRESENTATIONS**

**Mauldin & Jenkins – Audit Review - Wade Sansbury**

Mr. Sansbury reviewed the 2020 Comprehensive Annual Financial Report, indicating the City did receive GFOA's Certificate of Excellence for Financial Reporting.

**Bay County Sherriff's Office – March Statistics – Deputy Kip McKenzie**

Deputy McKenzie reviewed the March statistics for the City of Callaway. He advised that due to available grant money the Sheriff did provide additional resources.

**MAYOR'S INSTRUCTIONS - Call for Additions/Deletions to the Agenda.**

Mayor Henderson called for additions/deletions to the Agenda. City Manager Cook requested the LAS change order for the Wallace Road Sidewalk Project.

**Motion:**

Motion made by Commissioner Griggs, and seconded by Commissioner Mancinelli, to approve the addition. Motion carried unanimously.

**APPROVAL OF MINUTES**

**April 13, 2021 Regular Meeting**

**Motion:**

Motion made by Commissioner Mancinelli, and seconded by Commissioner Pelletier, to approve the minutes of April 13, 2021. Motion carried unanimously.

**Financial Statements – Period ending March 31, 2021 – No Discussion**

**PUBLIC HEARING**

Mayor Henderson opened the Public Hearing.

**Planned Development – Callaway Bayou Village (Parcel ID# 05997-000-000 & 06621-000-000)**

Planning Director Frye reviewed the request, advising this in no way permits any activity on the property at this time. The deviation from the LDR being requested is for density. The City's lowest density is R-5, which is a 5,000 sf lot and they're requesting for some lots to be as small as 4,000

sf. The homes are large and do meet setback requirements. Roads, stormwater and infrastructure will meet LDR requirements.

Commissioner Griggs expressed concern potential noise and lighting of the Recreational Complex, wanting to make sure they understand. City Attorney Obos advised there will be no liability to the City.

Mayor Henderson called for Public Participation; there was none.

### **Resolution 21-12 - Setting Determination of Planned Development of Callaway Bayou Village, LLC.**

City Attorney Obos read Resolution No. 21-12 by headnote as follows:

**A RESOLUTION OF THE CITY OF CALLAWAY, FLORIDA, BASED UPON A REVIEW OF THE PLANNED DEVELOPMENT (P.D.) ZONING APPLICATION OF CALLAWAY BAYOU VILLAGE, LLC, MAKING A DETERMINATION TO EITHER DENY THE APPLICATION OR DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE TO ESTABLISH THE REQUESTED P.D. ZONING.**

He advised the Resolution is based upon the hearing just held and either denies the application or directs staff to move forward with the appropriate Ordinance.

#### **Motion:**

Motion made by Commissioner Griggs, and seconded by Commissioner Davis, for approval of Resolution 21-12 for staff to move forward.

Mayor Henderson asked for Public Participation; there was none.

Motion carried unanimously upon roll-call vote.

### **Ordinance No. 1029 – Rezoning Request – 760 N. Fox Ave. & Approval of Planned Dev.**

City Attorney Obos read Ordinance No. 1029 by headnote as follows:

**AN ORDINANCE ZONING AS CALLAWAY PLANNED DEVELOPMENT (P.D.) THAT CERTAIN PARCEL OF LAND ANNEXED TO AND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONTAINING APPROXIMATELY 9.830 ACRES; LOCATED SOUTH OF 760 NORTH FOX AVENUE; PARCEL ID 06006-035-000; ALL AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.**

He advised this incorporates the textural statement and will become part of the zoning regulations for that property.

Mayor Henderson asked for Public Participation

City Clerk Peters proposed the following questions emailed regarding this project as follows:

Paul M. Rose, 914 Rainelli Ct., asked about the natural rainwater drainage and intersection improvements for traffic on Pittsburg and Fox Avenues during installation of the new water/sewer lines.

Planning Director Frye advised Bay County will issue a Stormwater Permit prior to development. Bay County and the City of Callaway are looking at this issue and all requirements will be met before permitting. Regarding the intersection traffic, again Director Frye indicated it is a Bay County road and could not answer to that.

**Motion:**

Motion made by Commissioner Pelletier, and seconded by Commissioner Mancinelli, for approval of Ordinance No. 1029. Motion carried unanimously upon roll-call vote.

**Ordinance No. 1033 – Rezoning of Properties Located at the Southeast Corner of Hwy. 22 & Seneca**

City Attorney Obos read Ordinance No. 1033 by headnote as follows:

**AN ORDINANCE REZONING FROM SINGLE FAMILY RESIDENTIAL (R-6M) TO MULTI-FAMILY HIGH DENSITY DISTRICT (MFHD) THOSE CERTAIN PARCELS OF LAND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONTAINING APPROXIMATELY 4.83 ACRES; LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 22 AND SENECA AVENUE; PARCEL ID 24463-000-000, 24464-000-000, 24465-000-000, 24466-000-000, 24469-000-000 AND 24467-000-000; ALL AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.**

Mayor Henderson asked for Public Participation.

Daniel Duthires, 6920 Ross Drive, expressed his concerns for traffic associated with all the increased development in the city.

Mayor Henderson advised a widening of Hwy. 22 is in the works and Transportation Concurrency Fees are collected to make improvements to roads.

**Motion:**

Motion made by Commissioner Mancinelli, and seconded by Commissioner Pelletier, for approval of Ordinance No. 1033. Motion carried unanimously upon roll-call vote.

Mayor Henderson closed the Public Hearing.

**REGULAR AGENDA**

**Ordinance No. 1034 – Code Chapter 11-Peddlers & Solicitors**

City Attorney Obos read Ordinance No. 1034 by headnote as follows:

**AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA AMENDING THE CALLAWAY CODE OF ORDINANCES CHAPTER 11, ARTICLE II - SOLICITATION, PEDDLING AND CANVASSING; AMENDING DEFINITION OF SOLICITING, PEDDLING, CANVASSING; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

He advised the ordinance broadens the definition of Soliciting.

Mayor Henderson asked for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Davis, and seconded by Commissioner Pelletier, for approval of Ordinance No. 1034. Motion carried unanimously upon roll-call vote.

**Ordinance No. 1035 – Callaway Bayou Village Rezoning to Planned Development**

City Attorney Obos read Ordinance No. 1035 by headnote as follows:

**AN ORDINANCE ZONING AS CALLAWAY PLANNED DEVELOPMENT (P.D.) THAT CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONTAINING APPROXIMATELY 75 ACRES; TWO PARCELS LOCATED NORTH OF HIGHWAY 22 ABUTTING THE WEST BOUNDARY OF THE CITY OF CALLAWAY RECREATION COMPLEX PROPERTY AND NORTH OF THE HIGHWAY 22 WEST ESTATES SUBDIVISION; PARCEL IDS 05997-000-000 AND 06621-000-000; ALL AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.**

Mayor Henderson asked for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Mancinelli, and seconded by Commissioner Davis, to approve Ordinance No. 1035. Motion carried unanimously upon roll-call vote.

**Resolution No. 21-13 – Lien for Advanced Auto Parts**

City Attorney Obos read Resolution No. 21-13 by headnote as follows:

**A RESOLUTION OF THE CITY OF CALLAWAY, FLORIDA, APPROVING AMOUNTS TO BE LIENED ON CERTAIN PROPERTY WITHIN THE CITY, TO WIT: 106 N. TYNDALL PARKWAY, FOR FINES, FEES AND COSTS INCURRED IN FAILING TO COMPLY WITH THE CALLAWAY CODE OF ORDINANCES, AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO RECORD THE LIEN AND NOTIFY INTERESTED PARTIES OF SUCH LIEN, AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.**

City Manager Cook reviewed. Brief discussion of the violation ensued, as well as Code Enforcement time schedules, which Director Poole reviewed.

Mayor Henderson asked for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Davis, and seconded by Commissioner Pelletier, for approval of the Resolution No. 21-13. Motion carried unanimously.

**Resolution No. 21-14 – Opioid Litigation MOU**

City Attorney Obos read Resolution No. 21-14 by headnote as follows:

**A RESOLUTION OF THE CITY OF CALLAWAY, FLORIDA, AUTHORIZING THE CITY OF CALLAWAY (HEREIN REFERRED TO AS THIS "GOVERNMENTAL UNIT") TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF**

**UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN; AND PROVIDING AN EFFECTIVE DATE.**

He reviewed specifics of the MOU regarding the lawsuit against pharmaceuticals by the State of Florida.

Mayor Henderson asked for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Griggs, and seconded by Commissioner Mancinelli, for approval of Resolution 21-14. Motion carried unanimously.

**Plat Review – Park Place Phase I-B – St. Joe Company**

Planning Director Frye advised this is a plat review for Phase I-B of Park Place. The infrastructure is complete and ready for the City to accept. He expects the Development Order in about a month.

Mayor Henderson asked for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Mancinelli, and seconded by Commissioner Pelletier, for approval of the Plat for Park Place Phase 1-B, as recommended by the Planning Board. Motion carried unanimously.

**Development Order – Callaway Cove – 8307 E. Highway 22**

Director Frye advised that Scott Harbolt, Developer and Barrett Crook, Professional Engineer, have submitted an application to construct a new apartment complex at 8307 E. Hwy 22 near Betty Louise. Stormwater issues have been addressed, which were briefly reviewed.

Commissioner Griggs indicated the Bay County Property Appraiser has it listed as Single Family Residential. Director Frye stated their zoning reflects the land use charges for taxes at the time. City Attorney Obos recommended the GIS website. Director Frye advised the complex will have 46 2-bedroom and 46 3-bedroom units and will be considered work-force housing.

Commissioner Mancinelli asked about lighting at the entrance on Hwy. 22. Director Frye confirmed, indicating FDOT is requiring them to have deceleration lanes, which is triggered by the number of units and trips required.

Mayor Henderson asked for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Mancinelli, and seconded by Commissioner Pelletier, for approval of the Development Order and to allow construction to begin. Motion carried unanimously.

**Development Order – Sunflowers at Seneca – HABO Development, LLC.**

Planning Director Frye advised Derwin White and associates of HABO Development, LLC. and Kim Bottomy, Professional Engineer, have submitted an application for a Development Order to construct a new 39-unit townhome complex. Water, sewer, road and infrastructure will be dedicated to the City of Callaway; there will be no master meter but there will be only one (1) meter to the property.

Mayor Henderson asked for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Pelletier, and seconded by Commissioner Mancinelli, for approval of the Development Order and allow construction to begin. Motion carried unanimously.

**800 MHz Interlocal Agreement – Bay County**

City Manager Cook reviewed that Bay County and the City of Panama City just approved the new 800 MHz Interlocal for the upgraded public safety radio system. It follows the same structure as the old 800 MHz Interlocal agreement with Bay County and Panama City as the original parties, with other user agencies on as additional parties. The City is paying \$14,000 for 26 radios with an annual maintenance cost billed quarterly.

**Motion:**

Motion made by Commissioner Griggs, and seconded by Commissioner Mancinelli, for approval of the Interlocal Agreement with Bay County for the 800 MHz Communication System. Motion carried unanimously.

**Lien Forgiveness Request – 6911 Winona St. – Ido Shaney**

City Manager Cook reviewed that Code Enforcement Case #19011 was opened in January 2019 at 6911 Winona St. After extensive correspondence with the property owner, Mr. Shaney, the property still remained in violation. The case went to the Special Magistrate on January 30, 2020, and the property was found in violation. The Special Magistrate elected not to go with Staff's recommendation of fines not to exceed \$5,000.00 and instead ordered fines not to exceed \$10,000.00

The violations were not corrected and no appeal was filed, therefore a lien in the amount of \$12,039.83 was placed on the property for an unpaid citation, fines, and legal fees. Mr. Shaney came to Commission in July 2020, at which time the request was denied.

Ido Shaney, for the property of 6911 Winona St. reviewed improvements made to the property, as well as delays, advising demolition has been achieved and requested forgiveness or reduction of the lien.

Mayor Henderson asked for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Pelletier, and seconded by Commissioner Griggs, for denial of the request to forgive the lien. Motion carried unanimously upon roll-call vote.

**LAS Change Order – Wallace Road Sidewalk Project**

City Manager Cook reviewed the request, advising it is for cost-of-materials only change order for sod. The request is for \$12,992.25.

Mayor Henderson called for Public Participation.

Daniel Duthires, 6920 Ross Drive, commended LAS on the job.

Christy Williamson, 1435 W. Park Lane, also commended LAS on his interactions with residents along Wallace Road and was pleased with the use the sidewalk is getting.

Don Hennings, 431 Tanya Pass, spoke in favor of the whole project.

**Motion:**

Motion made by Commissioner Mancinelli, and seconded by Commissioner Davis, for denial of the request to forgive the lien. Motion carried 4-1 upon roll-call vote, with Commissioner Pelletier voting in opposition.

**COMMISSION/STAFF COMMENTS**

**Pamn Henderson, Mayor**

State of Tyndall Update

Mayor Henderson advised she and City Manager Cook attended the update and relayed that they have demolished 247 of the 480 facilities damaged during Hurricane Michael, 120 new facilities are coming on board and by 2023 they anticipate having 3,500 laborers. Sixty percent of the projects will be awarded this fiscal year and there will be 78 F-35s coming. The NQ9 has been delayed but Tyndall is still the base of choice.

Peddlers & Solicitors

The process were explained and Mayor Henderson asked that Commission be notified of any permits issued.

**Scott Davis, Commissioner Ward I**

Tyndall Median

Commissioner Davis thanked staff for cleaning up the median on Tyndall following the recent storms.

Anytime Fitness Boot Camps

He mentioned the free Boot Camps offered by Anytime Fitness every Saturday in May. Leisure Services Director Legare added they are free beginning at 9:00 a.m. This week will be a Color Run also.

**David Griggs, Commissioner Ward II**

Lift Station Power Outage

Commissioner Griggs inquired of the phone service outage associated with the power outage. City Manager Cook advised the issues were due a power outage. Director Frye reviewed the on-call process and a generator is being installed for the SCADA system at Public Works.

**Bob Pelletier, Commissioner Ward III**

Audit

Mayor Henderson clarified that according to the audit, the City is not in any financial trouble.

Recreational Park Lighting

Commissioner Pelletier asked about the park lighting, which Director Legare clarified.

**Janice L. Peters, City Clerk**

LAS Construction – Wallace Road Sidewalk Project

City Clerk Peters mentioned the great job done by LAS.

**Eddie Cook, City Manager**

- S. Berthe Lift Station is out for bid to be followed by drainage and the bridge replacement
- S. Berthe Bridge Design is forthcoming
- Bay County Chamber of Commerce – NextSite contract is expiring in June. Annual cost is \$11,250 The Chamber will pay half and Commission was in agreement to amend the budget to add the \$5,625.

**PUBLIC PARTICIPATION**

Mayor Henderson called for Public Participation.

Daniel Duthires, 6920 Ross Drive, commented on the state of the City’s parks, indicating lots of families use them and are concerned about the playground equipment.

Commissioner Pelletier indicated he received a letter signed by 48 individuals regarding parks and apologized for his delay in following up.

Mallory Rogary 127 Eleanor Ave., also spoke on the condition of the park equipment.

City Manager Cook advised the Leisure Services Director is in the process of getting quotes to replace the current equipment and the City, going forward, will be budgeting annually for replacement/additions of equipment.

**ANNOUNCEMENTS**

Mayor Henderson read the announcements as follows:

- |                   |                            |                        |
|-------------------|----------------------------|------------------------|
| • May – Saturdays | Boot Camp in the Park      | 9:00 – 11:00 A.M.      |
| • May 9, 2021     | Callaway Farmers Market    | 10:00 A.M. – 2:00 P.M. |
| • May 11, 2021    | Mobile Library             | 9:30 A.M. – Noon       |
| • May 11, 2021    | Regular Commission Meeting | 6:00 P.M.              |

Mayor Henderson added that this Friday will be the last availability for the 1<sup>st</sup> COVID Vaccination at the Recreational Complex.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:09 p.m.

\_\_\_\_\_  
Janice L. Peters, City Clerk

Attest: \_\_\_\_\_  
Pamn Henderson, Mayor