

**CITY OF CALLAWAY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 8, 2022 – 6:00 P.M.**

The City of Callaway commission met in Regular Session on Tuesday, March 8, 2022. In attendance were Pam Henderson, Mayor, David Griggs, Mayor Pro tem, and Commissioners Scott Davis, Bob Pelletier, and Frank Mancinelli. Also in attendance were Eddie Cook, City Manager; Kevin Obos, City Attorney; Audra Boswell, Admin. Support Clerk; David Schultz, Director of Finance; Bill Frye, Public Works/Planning Director; Tim Legare, Leisure Services Director; Bonnie Poole, Code Enforcement Director and Emma Ford, HR Director.

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

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

Mayor Henderson called for additions/deletions to the agenda; there was none.

APPROVAL OF MINUTES

February 22, 2022 Regular Meeting

Audra Boswell, ASC, pointed out that the minutes had been corrected to show that Bonnie Poole was not present at the meeting on February 22, 2022.

Motion:

Motion made by Commissioner Mancinelli, and seconded by Commissioner Davis/Pelletier, to approve the minutes of February 22, 2022, as amended. Motion carried unanimously.

PUBLIC HEARING

Mayor Henderson opened the Public Hearing

Ordinance No. 1049 – Repeal of Ordinance 340

City Attorney Obos read Ordinance 1049 by headnote as follows:

**AN ORDINANCE FOR THE CITY OF CALLAWAY, FLORIDA REPEALING
ORDINANCE 340 AND PROVIDING AN EFFECTIVE DATE.**

City Attorney Obos explained this was one that designated Fox as one-way, and the Resolution was completed last meeting to reverse, and now we need to repeal the Ordinance.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Mancinelli and seconded by Commissioner Pelletier for approval of the second reading of Ordinance No. 1049. Motion carried unanimously upon roll-call vote.

Ordinance No. 1050 – Small Scale Comp Plan Amendment – 240 N. Star Ave.

City Attorney Obos read Ordinance 1050 by headnote as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CALLAWAY, ACTING UPON THE APPLICATION OF GULF ENVIRONMENTAL ENGINEERING, DESIGNATING FOR PUBLIC FACILITIES USE CERTAIN PARCELS OF LAND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONSISTING OF APPROXIMATELY .719 MORE OR LESS ACRES; SAID PARCELS ARE LOCATED AT 240 N. STAR AVENUE, PARCEL IDS 06548-000-000, 06548-010-000, 06549-000-000, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; AMENDING THE CITY'S FUTURE LAND USE MAP TO PUBLIC FACILITIES FOR THE PARCELS; REPEALING ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

City Manager Cook gave a brief review.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Griggs and seconded by Commissioner Davis for approval of the second reading of Ordinance No. 1050. Motion carried unanimously upon roll call vote.

Ordinance No. 1051 – Rezoning Request – 240 N. Star Avenue

City Attorney Obos read Ordinance 1051 by headnote as follows:

AN ORDINANCE REZONING FROM HIGHWAY COMMERCIAL TO INSTITUTIONAL PROFESSIONAL THAT CERTAIN PARCELS OF LAND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONTAINING APPROXIMATELY .719 ACRES; LOCATED AT 240 N. STAR AVENUE, PARCEL IDS 06548-000-000, 06548-010-000, AND 06549-000-000; 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 Griggs and seconded by Commissioner Davis for approval of the second reading of Ordinance No. 1051. Motion carried unanimously upon roll call vote.

Ordinance No. 1052 – Rezoning Request – 5824 Cherry Street

City Attorney Obos read Ordinance 1052 by headnote as follows:

AN ORDINANCE REZONING FROM R-9 RESIDENTIAL SINGLE FAMILY TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY THAT CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONTAINING APPROXIMATELY .69 ACRES; LOCATED AT 5824 CHERRY STREET, PARCEL ID 07058-010-000; 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 Pelletier and seconded by Commissioner Mancinelli for approval of the second reading of Ordinance No. 1052. Motion carried unanimously upon roll-call vote.

REGULAR AGENDA

Ordinance No. 1053 – Rezoning Request – 1117 S. Tyndall Parkway

City Attorney Obos read Ordinance 1053 by headnote as follows:

AN ORDINANCE REZONING FROM RESIDENTIAL MULTI-FAMILY (R-MF) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY THAT CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONTAINING APPROXIMATELY 3.9 ACRES; LOCATED AT 1117 S. TYNDALL PARKWAY; PARCEL ID 07208-000-000; 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.

Planning Director Bill Frye reviewed.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Griggs and seconded by Commissioner Davis for approval of the first reading of Ordinance No. 1053. Motion carried unanimously upon roll-call vote.

Ordinance No. 1054 – Abandonment of Madian Lane

City Attorney Obos read Ordinance 1054 by headnote as follows:

AN ORDINANCE VACATING AND ABANDONING ALL OF THE CITY OF CALLAWAY'S INTEREST IN MADIAN LANE ALL ACCORDING TO AND APPEARING ON THE CALLAWAY SHORES UNIT ONE PLAT RECORDED IN BAY COUNTY CLERK OF COURTS PLAT BOOK 10 PAGE 81; AS FURTHER ILLUSTRATED ON THE ATTACHED MAP; VESTING TITLE TO SAID PROPERTY IN PERSONS, FIRMS OR CORPORATIONS AS PROVIDED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND RECITING AN EFFECTIVE DATE.

Planning Director Frye reviewed and advised that Madian Lane was never developed and never touched by the developer at the time. It was platted back in 1969, and it was never cut open. It is in its natural state, untouched. Surrounding homeowners Kevin Marshall, Robert Belt, and Jason Vangennep have petitioned to have this abandoned. In the event this were to go through it would be abandoned as is. At the Planning Board Meeting last Tuesday, the board recommended approval for abandonment by a unanimous vote.

City Manager Cook added that over 6 months ago he had a resident contact him requesting that we clear the area so they would have access to the water. At the time they stated residents were wanting to use due to it being the only water access in the area because the end of Mike Lane had been fenced off.

Director Frye advised that there is still a right-of-way from Mike Lane that goes right to the water's edge. They obtained a Right-Of-Way Use Agreement to put that fence up, which essentially made it where no one could go to the water's edge.

City Manager Cook advised he did ask for signatures of residents who wanted this cleared to be obtained. An updated petition has been provided with 40 signatures. Petition is requesting area be designated as a park and be cleared for use. The petition does not reference that they do not want it to be abandoned as the abandonment issue came up while this was going on.

Commissioner Mancinelli asked if there was any official paperwork for the city that says this is a park right now, which City Attorney Obos addressed. Discussion ensued.

Commissioner Griggs commented the fence at Mike Lane may need to be reconsidered, as this area would be more conducive and wouldn't have to be cleared, maintained, or the city being responsible for a drop off. Discussion continued. Director Frye did advise the Right-of Way Use Agreement can be revoked at any time.

Mayor Henderson asked for Public Participation.

Kevin Marshall, 7031 Hugh Drive, located at end of Madian Lane, property owner explained and reviewed why he is requesting abandonment.

Robert Belt, 705 Madian Lane, property owner explained and reviewed why he is requesting abandonment.

Janette Tindel, 7014 Hugh Drive, petitioner, explained and reviewed why she filed the petition for designation as a park for water access and walking. She provided an updated petition with 40 signatures.

Heather Marshall, 7031 Hugh Drive, property owner commented on why she filed abandonment. She is worried about the danger of the drop off and people driving up as there is no room to turn around.

Cynthia Barnes, 7014 Hugh Drive, petitioner commented on why she signed the petition. She states they are simply wanting to keep the water view.

Ron Shaner, 5711 Kevin Circle, commented that he is not in favor of giving away city property that belongs to the taxpayers.

Paul Bohac, 7010 Mike Lane, spoke on the designation as a park, that this area was originally intended, planned, and plotted as public space, and should be preserved as such.

Don Hennings, 431 Tanya Pass, commented he agreed we shouldn't be giving property away, but there will be an expense for city to maintain, so sell it and let property owners pay taxes on it.

Commissioner Griggs asked about the HOA in this development. City Attorney addressed and discussion ensued.

Mayor Henderson asked for further clarification on if Madian Lane is a paved or dirt road. City Manager and Director Frye addressed. Discussion ensued, and property owner Robert Belt further explained that Madian Lane has never operated as a road, but simply a driveway.

Motion:

Motion made by Commissioner Pelletier and seconded by Commissioner Griggs for approval of the first reading of Ordinance No. 1054. Motion carried 4-1, with Commissioner Davis voting in opposition.

Ordinance No. 1055 – Abandonment of Alleyway on Eleanor

City Attorney Obos read Ordinance 1055 by headnote as follows:

AN ORDINANCE VACATING AND ABANDONING THE CITY OF CALLAWAY'S INTEREST IN THAT CERTAIN PORTION OF THE PLATTED PUBLIC ALLEY BOUNDED ON THE NORTH BY THE SOUTH LINE OF LOTS 1,2,3,4, BLOCK 22, BOUNDED ON THE SOUTH BY THE NORTH LINE OF LOTS 29,30,31,32, BLOCK 22, BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF ELEANOR AVENUE, BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4, ALL ACCORDING TO AND APPEARING ON THE PLAT OF CALLAWAY, AS PER PLAT RECORDED IN THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, AT PLAT BOOK 5, PAGE 1; AS FURTHER ILLUSTRATED ON THE ATTACHED MAP; VESTING TITLE TO SAID PROPERTY IN PERSONS, FIRMS OR CORPORATIONS AS PROVIDED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND RECITING AN EFFECTIVE DATE.

Planning Director Frye reviewed the request for abandonment of the alleyway, advising Richard Bishop wants to do a development and acquire the land to make the development more feasible. He did advise that normally the City would like for the entire easement/alley to be abandoned but there are two other parcels that need the alley for access to their property. The Planning Board and Director Frye recommend approval.

Commissioner Mancinelli asked about where the other owners would have access. Director Frye and City Attorney Obos advised it would be from Eleanor.

Commissioner Pelletier asked what type of construction there would be. Director Frye addressed.

Richard Bishop, 2418 Game Farm Rd., petitioner, commented he is requesting abandonment of alleyway so he can build some rental property. He must know the actual square footage of the property before the actual site plan can be developed.

Commissioner Griggs commented that this property was zoned for mobile homes and asked if this is what Mr. Bishop intended to put back in. Mr. Bishop advised that he would not.

Commissioner Griggs asked if Mr. Bishop would be doing away with the M designation (mobile home) on the property. Mr. Bishop advised he would and does plan to come back to the city to rezone the property and build apartments, not mobile homes. Brief discussion continued.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Griggs and seconded by Commissioner Davis for approval of the first reading of Ordinance No. 1055. Motion carried unanimously upon roll-call vote.

Ordinance No. 1056 – Corrective Ordinance (1047)

City Attorney Obos read Ordinance 1056 by headnote as follows:

AN ORDINANCE AMENDING ORDINANCE 1047 TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION OF A CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONSISTING OF APPROXIMATELY 6.7 MORE OR LESS ACRES; SAID PARCEL IS LOCATED ON HWY. 22 JUST EAST OF CALLAWAY BAYOU, CALLAWAY, FLORIDA, PARCEL ID 06617-020-000; REPEALING

ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

City Attorney Obos advised this is just a correction of legal description.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Mancinelli and seconded by Commissioner Pelletier for approval of the first reading of Ordinance No. 1056. Motion carried unanimously upon roll-call vote.

Ordinance No. 1057– Corrective Ordinance (1048)

City Attorney Obos read Ordinance 1057 by headnote as follows:

AN ORDINANCE AMENDING ORDINANCE 1048 TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION OF A CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF CALLAWAY, FLORIDA, CONSISTING OF APPROXIMATELY 6.7 MORE OR LESS ACRES; SAID PARCEL IS LOCATED ON HWY. 22 JUST EAST OF CALLAWAY BAYOU, CALLAWAY, FLORIDA, PARCEL ID 06617-020-000; REPEALING ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

City Attorney Obos stated same issue as previous Ordinance, to correct the legal description.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Pelletier and seconded by Commissioner Mancinelli for approval of the first reading of Ordinance No. 1057. Motion carried unanimously upon roll-call vote.

Resolution No. 22-06 – Personnel Manual Amendment

City Attorney Obos read Resolution 22-06 by headnote as follows:

A RESOLUTION OF THE CITY OF CALLAWAY CITY COMMISSION REVISING THE CITY OF CALLAWAY PERSONNEL MANUAL, SECTION 6.10 HOLIDAY LEAVE; REPEALING ALL RESOLUTIONS OR PARTS THEREOF, WHICH ARE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

City Manager Cook advised the manual states to be eligible for holiday pay and employee must have worked his or her last full scheduled day. This amendment will require employees to work the day “prior to” and “after” a holiday unless there is a scheduled paid day off.

Commissioner Griggs asked about an employee actually being sick. City Manager addressed.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Pelletier and seconded by Commissioner Mancinelli for approval of Resolution No. 22-06. Motion carried unanimously upon roll-call vote.

Resolution No. 22-07 – 900 S. Berthe Ave. Condemnation for Right-of-Way

City Attorney Obos read Resolution 22-07 by headnote as follows:

A RESOLUTION OF THE CITY OF CALLAWAY FLORIDA RELATING TO THE CONDEMNATION OF A PORTION OF THAT CERTAIN PROPERTY LOCATED AT 900 SOUTH BERTHE AVENUE WITHIN THE CITY FOR RIGHT OF WAY PURPOSES TO SUPPORT A TRAFFIC SAFETY IMPROVEMENT AT THE INTERSECTION OF BERTHE AVENUE AND BOATRACE ROAD; MAKING FINDINGS OF FACT FOR PUBLIC PURPOSE AND NECESSITY; AND AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO TAKE THE APPROPRIATE ACTIONS TO SECURE THE ACQUISITION OF THE PROPERTY BY EMINENT DOMAIN PROCEEDINGS.

City Attorney Obos reviewed and explained the eminent domain request and that an appraisal has been done. The next step would be to send an official offer based on the appraisal.

City Manager Cook added that there is no conceptual design that can be made that does not include the city acquiring this right-of-way. Discussion ensued.

Mayor Henderson asked for Public Participation;

Paul Bohac, 7010 Mike Lane, commented in favor of the acquisition.

Motion:

Motion made by Commissioner Davis and seconded by Commissioner Pelletier for approval of Resolution No. 22-07. Motion carried unanimously upon roll-call vote.

Task Order – Baskerville-Donovan Veterans Park Bank Stabilization

City Manager Cook reviewed the task order request and advised the water coming from under the bridge at Cherry St. is causing some sever erosion issues at Veteran’s Park. It is now starting to wash away some of the walking track around the park and will continue to get worse. ARPA funds will be used to fund this.

Commissioner Griggs commented that this is very much a safety issue.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Mancinelli and seconded by Commissioner Griggs for approval of the Task Order to Baskerville-Donovan for Veterans Park Bank Stabilization. Motion carried unanimously.

Development Order (DO) – 240 N. Star Avenue

Planning Director Frye advised, Ron Rogers, is asking for a DO which has a large retention pond and adequate parking. He has no issues with the design. There are a few Bay County Permits that have yet to be acquired and the DO will be held until those are approved for a driveway connection and stormwater drainage connection permit.

The Planning Board and Director Frye are recommending approval.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Mancinelli and seconded by Commissioner Griggs for approval of the Development Order of 240 N. Star Avenue. Motion carried unanimously.

Audit Committee – Appointment of Hennings

Audra Boswell, ASC, advised there is one vacancy on the Audit Committee. Don Hennings has expressed interest in being appointed to the board. The term would be for 3-years ending December 31, 2024.

Mayor Henderson asked for Public Participation; there was none.

Motion:

Motion made by Commissioner Mancinelli and seconded by Commissioner Pelletier for approval of Appointment of applicant, Don Hennings to the Audit Committee. Motion carried unanimously.

COMMISSION/STAFF COMMENTS

Pamn Henderson, Mayor

- Solicitors. City Attorney Obos addressed that we broadened the language in the ordinance and BCSO Officer Kip McKenzie advised that if the citizen is willing to give a statement or they catch them in the act they can charge them.

Frank Mancinelli, Commissioner Ward IV

No comments

Bob Pelletier, Commissioner Ward III

- New Software for work orders and tracking. City Manager addressed.
- Broken water lines. City Manager Cook addressed.

David Griggs, Commissioner Ward II

- Commended Leisure Services for the crews outstanding job they did on the fields for opening day for youth baseball and softball.
- Master Meter deposits; City Manager addressed.
- Commented he attended First Friday Bay County Chamber of Commerce Meeting where Chuck Branch from NextSite indicated they are bringing in so much development to the city. Mr. Branch also recognized the Mayor and our City Manager at this forum.

Scott Davis, Commissioner Ward I

- Aldi property cleanup. City Manager addressed those were demo crews only and the cleanup will be a different construction company for building.
- Mobile Homes that are trashed past Wal-Mart, across from Brittany Woods Apartments. City Manager and Code Enforcement Director Poole addressed, and they will look further into it.
- Derwin Properties. City Manager addressed.

Mayor Henderson wanted to thank the Fire Department and Sheriff's Department for all they are doing with the fires.

Eddie Cook, City Manager

City Manager Cook reviewed updates of the following:

- Fire Department recognition and update on the fire department and fire situation
- Lannie Rowe and Fox cleanup update
- Lift Station installation and pricing
- CDBG-DR Grant – Lift Station update
- Cherry St., Jan & Genevieve Bid updates

PUBLIC PARTICIPATION

Mayor Henderson asked for Public Participation;

Dave Raggio, 619 S. Berthe Ave., commented on the improvements of Fox Lake cleanup and wanted to know if the city would also be dredging Fox Lake. City Manager addressed.

Vera Banks, 217 Lannie Rowe Dr., commented on drainage, flooding and trash in this area, and would like to see dredging also in Lannie Rowe Lake.

Ron Shaner, 5711 Kevin Circle, commented that the City of Callaway is overall looking better, however, side streets need attention. He would like to see some of the littering enforced and expressed concerns about the shopping carts piled up around the city.

ANNOUNCEMENTS

Mayor Henderson read the announcements as follows:

- March 20, 2022 Historical Society Meeting 2:00 P.M.
- March 22, 2022 Regular Commission Meeting 6:00 P.M.
- March 19, 2022 BCSO Kite Day – Gore Park 10:00 A.M.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 p.m.

Audra Boswell, ASC

Attest: _____
Pamn Henderson, Mayor