

**CITY OF CALLAWAY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 25, 2023 – 6:00 P.M.**

The City of Callaway commission met in Regular Session on Tuesday, April 25, 2023. In attendance were Pam Henderson, Mayor, David Griggs, Mayor Pro tem, and Commissioners Bob Pelletier, Scott Davis and Kenneth Ayers. Also in attendance were Eddie Cook, City Manager, Jennifer Shuler, City Attorney; Janice L. Peters, City Clerk; David Schultz, Director of Finance; Bill Frye, Public Works/Planning Director; Tim Legare, Leisure Services Director; and Bonnie Poole, Code Enforcement Director.

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

PRESENTATIONS

Proclamation - Professional Municipal Clerks Week

Mayor Henderson read the proclamation, presenting same to City Clerk Peters in honor of Professional Municipal Clerks Week.

BCSO Statistics

Deputy McKenzie reviewed statistics for March 2023.

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

City Manager Cook asked to pull Item #2.

City Clerk Peters requested two items be added to the agenda. Item 7, a Resolution for the FDOT Roadside Beautification Grant for the Parker median on Tyndall Parkway; and Item 7 requesting an Extension of the Development Order for the Callaway Cove Apartments.

Motion:

Motion was made by Commissioner Pelletier and seconded by Commissioner Ayers for approval of the changes. Motion carried unanimously.

APPROVAL OF MINUTES/REVIEW OF FINANCIALS

April 11, 2023 Regular Meeting

City Clerk Peters advised that references to City Attorney Shuler had been changed to City Attorney Obos.

Motion:

Motion made by Commissioner Griggs and seconded by Commissioner Pelletier to approve the minutes of April 11 as amended. Motion carried unanimously.

Financial Statements – Period ending March 31, 2023 – No discussion

Finance Director Schultz advised the Joint Venture has not been received.

PUBLIC HEARING

Mayor Henderson opened the Public Hearing

Ordinance No. 1077 – Amending Chapter 11, Article II, Sec. 11-18

City Attorney Shuler read the Ordinance by headnote as follows:

AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA AMENDING THE CALLAWAY CODE OF ORDINANCES CHAPTER 11, ARTICLE II, SEC. 11-18 - SOLICITATION, PEDDLING AND CANVASSING; AMENDING REGISTRATION FEES; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

City Manager Cook briefly reviewed the fee schedule change.

Mayor Henderson called for Public Participation; there was none.

Motion:

Motion made by Commissioner Davis and seconded by Commissioner Griggs for approval of Ordinance No. 1077. Motion carried unanimously upon roll-call vote.

Mayor Henderson closed the public hearing.

OLD BUSINESS *ITEM PULLED*

Variance Request – Parking Requirements of the LDR

REGULAR AGENDA

Resolution No. 23-07 – Code Enforcement Liens for Nuisance Abatement

City Attorney Shuler read the Ordinance by headnote as follows:

A RESOLUTION OF THE CITY OF CALLAWAY, FLORIDA, APPROVING AMOUNT TO BE LIENED ON CERTAIN PROPERTY WITHIN THE CITY, TO WIT: 145 COMET AVENUE FOR COSTS INCURRED IN THE ABATEMENT OF NUISANCES UPON SUCH PROPERTY, AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO RECORD THE LIEN, NOTIFY INTERESTED PARTIES OF SUCH LIEN, AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

PROPERTY ID NO.	PRESENT OWNERS	ADDRESS OF SUBJECT PROPERTY	AMOUNT OF LIEN
06134-000-000	Donald F. Fidler	145 Comet Avenue Callaway, FL 32404	\$424.92

City Manager Cook briefly reviewed the lien.

Mayor Henderson called for Public Participation; there was none.

Motion:

Motion made by Commissioner Pelletier and seconded by Commissioner Ayers for approval of Resolution No. 23-07. Motion carried unanimously upon roll-call vote.

Resolution No. 23-08 – Purchasing Manual Amendment – Bid Protest Process

City Attorney Shuler read the Resolution by headnote as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CALLAWAY, FLORIDA, AMENDING THE PURCHASING MANUAL FOR THE CITY OF CALLAWAY; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Shuler reviewed the addition of the Bid Protest Policy. Discussion ensued.

Commissioner Pelletier recommended in Paragraph 4 adding “or Special Meeting” after next regularly scheduled meeting with the addition of Commission review regardless of the outcome.

Mayor Henderson called for Public Participation; there was none.

Motion:

Motion made by Commissioner Pelletier and seconded by Commissioner Davis for approval of Resolution No. 23-08 as amended. Motion carried unanimously upon roll-call vote.

FPL Easement – Cherry Street & N. Gay Avenue

City Manager Cook indicated Florida Power & Light has requested a 15-ft width easement to be used for the construction, operation, and maintenance of one or more underground electric transmission and distribution lines, including but not limited to, wires, poles, “H” frame structures, towers, cables, conduits, anchors, guys, roads, trails and equipment associated therewith, for Parcel Id #06193-030-000, located at the corner of Cherry Street & N. Gay Avenue.

City Attorney Shuler advised the scrivener’s error of County of Walton needs to read County of Bay. Discussion ensued.

Mayor Henderson called for Public Participation; there was none.

Motion:

Motion made by Commissioner Griggs and seconded by Commissioner Davis for approval of FPL Easement at Cherry St. & N. Gay Ave. as amended. Motion carried unanimously.

Variance Request – 6416 Lake Drive – Recreational Vehicles

Director Frye advised Trevor & Tammy Jackson have asked for a variance to be allowed an extension to continue living in an RV on their property at 6416 Lake Dr. Discussion ensued.

Tammy Jackson and her daughter Kayla reviewed this issue of hurricane damage with no insurance payout as of yet. They asked for an extension through resolution of the court date in November, with extra time to complete repairs thereafter. Extensive discussion ensued, in which Code Enforcement Director Poole advised the property is clean, the RV is behind the house and not a nuisance. She further confirmed there has never been a Code Enforcement problem with this property.

Motion:

Motion made by Commissioner Pelletier and seconded by Commissioner Griggs for approval of Variance with revisiting in November for an update by the homeowner.

Mayor Henderson called for Public Participation.

The following citizens were in favor of the variance:

- Barbara Bungay, 6409 Lake Drive
- Janice Niemiec, 6413 Lake Drive
- Jeff Carnahan, 7751 Shadow Bay Drive

Commissioner Griggs recommended the Jacksons contact the state to make a report.

Motion carried unanimously.

Resolution No. 23-09 – Joint Participation Agreement (JPA) – FDOT Roadside Beautification Assistance Grant

City Attorney Shuler read the Resolution by headnote as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CALLAWAY, FLORIDA, AUTHORIZING A JOINT PARTICIPATION AGREEMENT FOR ROADSIDE BEAUTIFICATION ASSISTANCE THROUGH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND PROVIDING AN EFFECTIVE DATE.

City Manager Cook reviewed specifics of the grant, discussion followed.

Mayor Henderson called for Public Participation; there was none.

Motion:

Motion made by Commissioner Ayers and seconded by Commissioner Griggs for approval of Resolution No. 23-09. Motion carried unanimously upon roll-call vote.

Extension for Development Order – Callaway Cove Apartments

Director Frye indicated the Developer, Scott Harbolt has requested a 2-year extension of the Development Order, which will expire on May 8, 2023.

Mayor Henderson called for Public Participation; there was none.

Motion:

Motion made by Commissioner Griggs and seconded by Commissioner Davis for approval the DO extension. Motion carried unanimously.

COMMISSION/STAFF COMMENTS - The following were points of discussion:

Pamn Henderson, Mayor

- Rutherford High Committee Meeting
- TPO Meeting

Scott Davis, Commissioner, Ward II

- Gulf Power Cement Poles

David Griggs, Commissioner Ward II

- Storage Sheds – Accessory Building
- Berthe Bridge
- Cemetery Fencing
- Parking at Gore Park

Bob Pelletier, Commissioner, Ward III

- Shopping Carts
- Unregistered Vehicles
- Utility Billing
- RV Issues

Kenneth Ayers, Commissioner, Ward IV

- Code Enforcement Issues
- Events Attended
- RFQ Protest
- Utility Collections

Janice L. Peters, City Clerk

Berthe Bridge Project Timeline

Eddie Cook, City Manager

- Beacon Point
- Cherry Street
- Flagpole
- Veterans Park Shutdown

PUBLIC PARTICIPATION

Mayor Henderson asked for Public Participation.

Jeff Carnahan, Shadow Bay, spoke about the parking at Gore Park

Sherry Taylor, 936 S. Kimbrel Ave., referenced the speed bumps.

ANNOUNCEMENTS

Mayor Henderson read the announcements as follows:

May 9, 2023	Regular Commission Meeting	6:00 P.M.
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ADJOURNMENT

There being no further business, the meeting was adjourned at 8:20 p.m.

Attest: _____
Pamn Henderson, Mayor

Janice L. Peters, MMC
City Clerk