

**CITY OF CALLAWAY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
MAY 23, 2023 – 6:00 P.M.**

The City of Callaway commission met in Regular Session on Tuesday, May 23, 2023. In attendance were Pamn 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; Audra Boswell, Administrative Support Clerk; David Schultz, Director of Finance; Tim Legare, Leisure Services Director; and David Joyner, Fire Chief.

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

**PRESENTATIONS**

**BCSO Statistics**

Deputy McKenzie reviewed statistics for April 2023, adding that the number of accidents was due to distracted driving.

**Presentation – Yard of the Month**

The Yard of the Month Certificate was presented to Mr. & Mrs. Keeney of 137 Lauren Lane for June.

**Proclamation – Flood Awareness Week**

Mayor Henderson read the Proclamation for Flood Safety Awareness Week.

**Presentation – Recognition of City Manager**

Mayor Henderson announced that City Manager Cook was honored with the 2023 Home Rule Hero Award from the Florida League of Cities as a Home Rule Hero for his hard work and advocacy efforts during the 2023 Legislative Session.

**MAYOR'S INSTRUCTIONS** - Call for Additions/Deletions to the Agenda; there was none.

**APPROVAL OF MINUTES/REVIEW OF FINANCIALS**

**May 9, 2023 Regular Meeting**

**Motion:**

Motion made by Commissioner Griggs and seconded by Commissioner Davis to approve the minutes of May 9, 2023. Motion carried unanimously.

**Financial Statements – Period ending April 30, 2023** – No discussion

**PUBLIC HEARING**

Mayor Henderson opened the Public Hearing

**Ordinance No. 1079 – Amending Section 15.575 Accessory Structures**

City Attorney Shuler read the Ordinance by headnote as follows:

**AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA AMENDING LAND DEVELOPMENT REGULATION ARTICLE V, ZONING, SECTION 15.575 TO PROHIBIT CONEX BOXES AND CARGO SHIPPING CONTAINERS FOR USE AS ACCESSORY STRUCTURES AND BUILDINGS; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

City Manager clarified that this was the 2<sup>nd</sup> and final reading on this Ordinance. He advised this was to prohibit Conex and cargo containers being used as accessory structures. Brief discussion ensued.

Mayor Henderson called for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Davis and seconded by Commissioner Ayers/Pelletier for approval of Ordinance No. 1079. Motion carried unanimously upon roll-call vote.

**Ordinance No. 1080 – Amending the East Bay Development Plan & Design Guidelines**

City Attorney Shuler read the Ordinance by headnote as follows:

**AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA AMENDING ORDINANCE 769 OF THE CITY RELATED TO THE EAST BAY DEVELOPMENT; AMENDING THE APPROVED PLAN OF DEVELOPMENT AND DESIGN GUIDELINES APPLICABLE TO THAT DEVELOPMENT, 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 AS PROVIDED BY LAW.**

City Manager clarified that this was 2<sup>nd</sup> reading of the Ordinance.

Mayor Henderson called for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Griggs and seconded by Commissioner Ayers for approval of Ordinance No. 1080. Motion carried unanimously upon roll-call vote.

Mayor Henderson closed the public hearing.

**REGULAR AGENDA**

**Ordinance No. 1078 – Amending Article VII, Chapter 10 Code of Ordinances**

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 10 – OFFENSES AND MISCELLANEOUS PROVISIONS; CREATING ARTICLE VII – SHOPPING CARTS TO REGULATE BUSINESSES WITHIN THE CITY THAT PROVIDE SHOPPING CARTS TO CUSTOMERS; ESTABLISHING SHOPPING CART RETENTIONS SYSTEM REQUIREMENTS; ESTABLISHING ENFORCEMENT PROCEDURES FOR CARTS FOUND ON PUBLIC OR PRIVATE PROPERTY; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN**

**CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

City Manager Cook advised of the current procedure for shopping cart pickup/removal.

Discussion on the need of this Ordinance ensued, with Deputy McKenzie weighing in on the issue.

City Manager requested that this be withdrawn from the agenda, pending further investigation by staff.

**Resolution No. 23-12 – Code Enforcement Nuisance Abatement Liens**

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 PROPERTIES WITHIN THE CITY, TO WIT: 318 S. GAY AVENUE AND 5622 A ENZOR ST., FOR COSTS INCURRED IN THE ABATEMENT OF NUISANCES UPON SUCH PROPERTIES, AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO RECORD THE LIENS, NOTIFY INTERESTED PARTIES OF SUCH LIENS, AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.**

<b>PROPERTY ID NO.</b>	<b>PRESENT OWNERS</b>	<b>ADDRESS OF SUBJECT PROPERTY</b>	<b>AMOUNT OF LIEN</b>
07038-000-000	Debra R. Franklin	318 S. Gay Avenue Callaway, FL 32404	\$2,419.85
07168-000-000	Billy Carmel Floyd	5622 A Enzor Street Callaway, FL 32404	\$19,304.27

City Manager Cook briefly reviewed the liens.

Mayor Henderson called for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Ayers and seconded by Commissioner Pelletier for approval of Resolution No. 23-12. Motion carried unanimously upon roll-call vote.

**FY2022 Audit Review**

Finance Director Shultz reviewed audit report, followed by brief discussion on the Joint Venture.

**Bid Award – PW2023-07 Jan Dr. & Genevieve Ave. Drainage**

City Manager Cook advised that on April 3, 2023, staff issued Bid No. PW2023-07 for the Jan Dr. & Genevieve Avenue Drainage Improvements. This was the fourth attempt to receive bids in two years and as a result, one (1) bid was received from BCL Civil Contractors in the amount of \$1,719,147.59.

The recommendation of staff is to award the bid to BCL Civil Contractors for the not-to-exceed amount of \$1,719,147.59. He advised that this amount was over budget, but the balance will be covered out of excess reserves from grant funds that are available.

Commissioner Griggs asked about the pipping issue on Cherry Street and tying into this project and if BCL was aware, which City Manager Cook addressed.

Mayor Henderson called for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Griggs and seconded by Commissioner Davis for approval of bid award to BCL Civil Contractors for the not-to-exceed amount of \$1,719,147.59. Motion carried unanimously.

**RFQ Negotiations – Sandy Creek Engineering**

City Manager Cook advised the city was awarded CDBG-DR grant money for Engineering of the Sandy Creek Wastewater Infrastructure Restoration and Improvement project.

Staff published a Request for Qualifications on February 15, 2023. Four (4) submissions were received, and evaluated by an Evaluation Committee on April 18, 2023, with results as follows:

1 <sup>st</sup> Ranked	Baskerville Donovan	75.5
2 <sup>nd</sup> Ranked	Panhandle Engineering	72.5
3 <sup>rd</sup> Ranked	CPH, Inc.	71.75
4 <sup>th</sup> Ranked	Gortemoller	56.5

Baskerville-Donovan received the highest ranking. Staff requests approval to begin negotiations with Baskerville-Donovan, for engineering of this project. Brief discussion on time frame.

Mayor Henderson called for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Ayers and seconded by Commissioner Pelletier for approval to negotiate with 1<sup>st</sup> ranked Baskerville-Donovan for Engineering. Motion carried unanimously.

**Alcohol Sales Discussion**

City Manager Cook advised there are no current city regulations concerning distancing of alcohol sales near schools. Under F.S. 562.45(2)(a), "...a location for on-premises consumption of alcoholic beverages may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location as promoting the public health, safety, and general welfare of the community..." This is for on- premises consumption, not sales. There may be a future request for construction near a school and staff request direction.

City Manager further advised that currently there is a convenience store within 200 feet of the school, but for sales only and not consumption. Discussion ensued and commission at this time saw no issue as long as it was not a bar, and no action was needed.

Mayor Henderson called for Public Participation; there was none.

**Hugh Thomas N. – Right-of-Way Dedication**

City Manager Cook advised as part of the N. Hugh Thomas Drive Spine Road grant, the developer is required to dedicate the Right-of-Way to the City for construction development and construction.

The agreement has been reviewed by our consultant and DEO. Engineering is already in place, but construction cannot begin without the RIGHT-OF-WAY being dedicated to the city.

City Attorney Shuler advised that the correct motion/action should be approving the Developer Agreement dedicating the right-of-way.

Mayor Henderson called for Public Participation; there was none.

**Motion:**

Motion made by Commissioner Ayers and seconded by Commissioner Pelletier to approve the development agreement as stated. Motion carried unanimously.

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

**Pamn Henderson, Mayor**

- FPL Meeting -underground utilities, informing property owners by phone, mail, and door-to-door.

Mayor Henderson, referencing the resignation of Panama City's Administrator Mark McQueen, indicated she had done an analysis of the salaries of the City Managers salaries of Panama City, Lynn Haven, Mexico Beach and Panama City Beach, FL and recommended a \$10,000 salary increase to bring City Manager Cook more inline with the average and for retention purposes. Discussion ensued.

Commission was advised they would need to have a motion to add the item to the agenda in order to vote on the issue.

**Motion:**

Motion made by Commissioner Griggs and seconded by Commissioner Pelletier to add City Manager pay increase to the agenda. Motion carried 4-1 with Commissioner Ayers voting in opposition.

John Hagan, 219 Collinfurst Sq., spoke in favor of pay increase for City Manager.

Commissioner Ayers commented he wants more time to think about the pay increase and tabled the item until the next meeting.

**David Griggs, Commissioner Ward II**

- Resignation of Panama City Manager – City of Callaway sending Letter of Appreciation to Mark McQueen
- Habitat for Humanity & property next door at 1139 Comet
- Painting Roads
- Cherry Street

**Bob Pelletier, Commissioner, Ward III**

- Aldi's Drainage – 25-year definition
- Code Enforcement
- Audio System
- Veteran's Day Parade. Director Legare addressed alternatives for Veteran's Day Parade.

**Kenneth Ayers, Commissioner, Ward IV**

- Audit Review

- Events Attended
- Speedbump Status
- Website Projects & Status
- Forsyth St. Containers
- Camila Avenue "No Truck Signs"
- Asphalt Machine Status

Mayor Henderson distributed to Commission the TPO Meeting handout, which Commissioner Griggs reviewed.

**Eddie Cook, City Manager**

- Update on all Grant Funded Projects
- Facebook Information

**PUBLIC PARTICIPATION**

Mayor Henderson asked for Public Participation.

Jerry Thomas, 641 Camilla Avenue, commented on the retention pond, air condensers, and flooding at Aldi on 7<sup>th</sup> & Camellia. The City Manager addressed and will email engineer report to Commission.

Ron Shaner, 5711 Kevin Circle, remarked on the Advisability Hearing & Shopping Cart Issue.

**ANNOUNCEMENTS**

Mayor Henderson read the announcements as follows:

May 29, 2023	City Offices Closed	Memorial Day
June 6, 2023	Planning Board Meeting	6:00 P.M. (Potential)
June 13, 2023	Regular Commission Meeting	6:00 P.M.
June 17, 2023	Fishing Rodeo	7:30 A.M. Registration

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:05 p.m.

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

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Audra Boswell, ASC