

MINUTES
CITY COMMISSION MEETING
November 14, 2011

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Comm. Shermer after which the Pledge of Allegiance was recited. A quorum being present, the meeting was called to order at 6:00 PM with the following in attendance.

Mayor	:	John B. Arnold, Jr.
Commissioners	:	Heyward H. Strong, Jr.
	:	Thomas G. Miller
	:	Neal Shermer
	:	Diane Kelley
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
City Attorney	:	Doug Wyckoff
Recorder	:	Lois Davis

Others in attendance: (Not inclusive) James Butler (Cameraman), Edward A. Crosby, Lyn Knowles, Joe Morgan, Terry Griffin, Herb Jones, Carol Stoy, Joe Stoy, Roy Warthen, B. Anthony Brady, Rodney Lancaster, Dawn Jackson, Brian Jackson, Stacy Brown, Katie Holbrook, Chad Lee, Anne T. Kirkpatrick, Don Caverly, Jack Carson, Don Dudas, Liz Robertson, Marion Cassell, George Thomsen, Yongran Thomsen

Mayor Arnold welcomed the audience and stated that any comments on items of discussion were welcomed. He asked that anyone who wanted to be recognized should raise his/her right hand, and should address the Commission from the podium.

- CITIZENS' CONCERNS (non-agenda items) - Resident**
There were no resident comments.
- CITIZENS' CONCERNS (non-agenda items) - Non-resident**
There were no non-resident comments.

- NEW AGENDA ITEMS - Added Agenda Items**

Comm. Strong stated that he had no desire to add any additional items. Mayor Arnold then read Resolution No. 15-11-14-11 a resolution amending the Fiscal Year 2012 Budget of the City of Valparaiso, Florida; to properly reallocate expenses; authorizing revisions to be made to the monthly financial statements and providing an effective date. He stated that this resolution is in connection with a proposed merit increase for City employees. COMM. STRONG MOVED TO TABLE RESOLUTION NO. 15-11-14-11 AMEND 2012 BUDGET. He stated that these items were all approved in the budget, the City has had workshops, two public hearings, and further, the Fire Department had told the Commission why they needed the money in the budget. Comm. Strong stated that some of the items were to get ready for the ISO, and the audit and inspection, which has come about. He stated that he can think of nothing worse than for the Fire Department to have to provide information and it not have the resources. MAYOR ARNOLD SECONDED THE MOTION. He further stated that his second for was the same reasons as stated by Comm. Strong. Mayor Arnold stated that the Commission had given this a thorough going through and that he thinks they made the right decision. Comm. Shermer addressed the Mayor, Commission, and citizens and stated that this is not a shot across the bow for any one department, but a recognition that all employees have been denied a step increase and it is an attempt to give the employees what they deserve for the regular step increase he feels they are due. He stated that it merely takes money from other things, or being held aside, and redirecting it to something that he feels is in order. Comm. Shermer stated that these are small basically token merit increases that show their appreciation, not only for the firefighters, but for all the employees. He stated that the raises are badly needed for the people working on an hourly wage. Comm. Shermer stated that the employees work very hard for the City. He asked for some help to come up with the numbers, but he thinks these numbers are sound. Comm. Shermer stated that it is unconscionable to say on one side that the token raise that they are not able to give is because of tight budget restraints but yet they are making budget expenditures that are anything but austere. Mayor Arnold stated that they just can't do it. He stated that the income has decreased in the past years. Comm. Shermer stated that the money they are talking about here is the money that was already budgeted. Mayor Arnold stated that a portion of the money has already been spent. Comm. Shermer stated that this is why he said it last month. Mayor Arnold stated that it is also impacting the Fire Department's ability to fight fire, but Comm. Shermer stated that it is not true. Comm. Strong stated that he would like to ask Chief Norris to comment.

Chief Norris stated that he would like to ask Comm. Shermer who he had extensive discussions with. Comm. Shermer stated that he has had discussions with some Fire Department people that said that it would not catastrophically impact the department like the Mayor said it would. He stated that most of the money would come from the General Fund, but some would come from other funds. Chief Norris stated that he does not think that any of the other funds would be taking a hit like the Fire Department. Comm. Shermer stated that the Fire Department is getting a 53% increase in their budget. Chief Norris stated that he told the Commission that they had found their selves in the position where the people were not available like they used to be, so he asked that the part time hours be increased. He stated that it is an impact of public safety when they may not have the volunteers that are needed. Chief Norris stated that he discussed this at length with the Commission. He further stated that he wished that Comm. Shermer would have come and talked to him. Comm. Shermer stated that as Fire Chief, Chief Norris is in favor of these expenditures. He further stated that he questions the Fire Department budgetary responsibility, and he further stated that there is another resolution asking that the budget be increased. Chief Norris stated that he asked to correct an omission, indicating that there were some funds that were put into reserves instead of the Fire Department Fund. He stated that these funds were to be used to complete the upstairs of the Fire Department.

Welcome
by
Mayor

Citizens'
Concerns
Resident
Citizens'
Concerns
Non-
resident

Added
Agenda
Items

In response to Comm. Shermer's inquiry concerning the \$800 for the sale of a Fire Department vehicle, Chief Norris stated that it was an excess vehicle, a 1974 type fire truck that the City no longer used. Chief Norris stated that it scraped out at \$800 and that he is asking for the funds to be put back into the budget. He stated that no one could use it on the north end. Comm. Shermer stated that he would have given the Fire Department \$1,000 for the truck. He stated that the subject is budgetary responsibility and this does not demonstrate it. Chief Norris stated that the \$530 was for the sale of excess fire hose, and the \$10,901 was a carry forward of unspent funds from FY 2011 Budget. Comm. Strong stated that they cannot find these kind of monies and they would have to notify the ISO inspector that came down. He stated that they have been trying very hard to keep the ISO at a 4. Comm. Shermer stated that he is well aware. He stated that these are the reasons not to table. THE VOTE WAS HELD ON THE MOTION, WHICH PASSED WITH A 4 - 1 VOTE OF THE COMMISSION, WITH COMM. SHERMER VOTING IN THE NEGATIVE.

2. NEW AGENDA ITEMS - Resolution No. 16-11-14-11 Amend 2011 Budget

Mayor Arnold read Resolution No. 16-11-14-11 a resolution amending the Fiscal Year 2011 Budget of the City of Valparaiso, Florida; due to an increase in expenditures; authorizing revisions to be made to the monthly financial statements and providing an effective date. He stated that the resolution is in connection with the FLDOT Sidewalks. COMM. MILLER MADE A MOTION TO ADOPT RESOLUTION NO. 16-11-14-11. COMM. STRONG SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

Resolution
No.
16-11-14-11
Amend
2011
Budget

3. NEW AGENDA ITEMS - Resolution No. 17-11-14-11 Amend 2012 Budget

Mr. Wyckoff stated that this resolution violates the single subject rule. He stated that the second part of this has nothing to do with that topic and needs to be in a different resolution. Mr. Wyckoff then explained how it could be done. Resolution No. 17-11-14-11 a resolution amending the Fiscal Year 2012 Budget of the City of Valparaiso, Florida; due to an increase in expenditures; authorizing revisions to be made to the monthly financial statements and providing an effective date. This resolution will include the last three WHEREAS, Sections 1 and 2, and 3, and Sanitation Fund. COMM. SHERMER MADE A MOTION TO ADOPT RESOLUTION NO. 17-11-14-11 AS AMENDED BY MR. WYCKOFF. COMM. STRONG SECONDED THE MOTION. This expenditure is for three recycling trailers (\$34,000), which will be funded by reserve funds. Comm. Shermer stated that he would like to differentiate a couple of things. He stated that Mr. Valandingham is asking for things that are going to generate funds. Comm. Shermer further stated that Mr. Valandingham has done research and that he is convinced that this is something that will pay for itself in a year. He stated that it is Mr. Valandingham's best forecast and he believes it is accurate. Comm. Shermer stated that the funds are coming from money that Mr. Valandingham generated through sanitation and turned into excess revenue. He further stated that this cannot be said for the Fire Department expenditures. Comm. Shermer stated that they are two different things. Mrs. Johnson stated that she thought the subject matter was just to amend the budget. Mrs. Johnson and Mr. Wyckoff will discuss this and add the item to the agenda for the regular Commission meeting in December.

Resolution
No.
17-11-14-11
Amend
2012
Budget

Chief Norris stated that his items are also time sensitive, indicating that the material could come as early as the end of this month. He stated that he would like to amend the ordinance now if possible. Comm. Strong stated that he would move to do that. Mr. Wyckoff stated that the resolution would be Resolution No. 19-11-14-11 and include the first two Whereas paragraphs from Resolution No. 17-11-14-11, Sections 1, 2, and 3, and the General Fund.

Mr. Chad Lee, a volunteer for the Fire Department, residing at 289 South Bayshore, stated that one thing he has been a volunteer for three years and dedicates thirty to forty hours per week to the Fire Department. He stated that the Fire Department is not here to make money for the City like the Cable TV. Mr. Lee stated that Valparaiso has a lot of dedicated volunteers, and have a paid staff during the day. He further stated that the volunteers rely greatly on the paid staff, who work until 8:00 PM. Mr. Lee stated that when he gets off now he can go home and take a shower, etc. since the paid staff now works until 8:00 PM. He stated that when someone calls 911, they are here to save lives, and he further stated that this should have been brought up instead of a profit and loss statement. Mayor Arnold Johnson stated that the City is not in business to make a profit, and some funds are Enterprise Funds, and if there is any savings, they put it in the budget. Mr. Lee stated that the bunker gear that they are going to get is to be used to save lives; they need it to go into fires.

Mr. Anthony Brady, one of the paid part time guys stated that he wanted to make a point about the upstairs. He stated that he spent a great deal of time framing out the upstairs, and he further stated that this did not have anything to do with money, but pride. Mr. Brady stated that what is going on with it now is a good thing. He stated that it is proven time and time again that firefighters die more than others. Mr. Brady stated that if they had a fire today and came back to the station, there is no way to clean up or take a shower. He stated that it is common sense to do the right thing and make it available to the people. Mr. Brady stated that there is no where for Valparaiso to decontaminate the bunker gear. He stated that they are not being greedy but are asking for things to do their job. Mayor Arnold told the firefighters that they are all doing this as an unselfish endeavor and he thanked them.

In response to Comm. Miller's inquiry concerning whether the recycling bins would be for plastic, Mr. Valandingham stated that it will include paper, cardboard, and plastics. He stated that he is not wanting to put one department against the other. Mr. Valandingham stated that the only reason his is so timely is that the trailers are coming from Fort Walton Beach. He stated that Fort Walton Beach is selling them to us cheaper. Mr. Valandingham stated that Fort Walton Beach has graduated to single stream recycling. He stated that the City will make money on recycling; they will make incredible revenue. Mr. Valandingham stated that he does applaud the Fire Department. Comm. Shermer stated that the reason that he said they need to separate it is that one is a one time expense and one is an expenditure that is not going to go away.

Mr. Caverly stated that he thought a couple months ago that there was a need to have Fire Department employees on duty during certain times, but it sounds like they are talking about taking away funding for this. Mr. Wyckoff stated that it takes a majority vote of the Commission to put it back on the agenda. Mr. Caverly then stated that he guesses this is still around and that the Commission has said that it wasn't really necessary. He stated that the City has several hundred of thousands in reserves and it seems that this would be the money to be used. Mr. Caverly stated that he does not understand the process. Comm.

Strong stated that only one Commissioner said that. Mayor Arnold stated that they have killed the resolution for all effective purposes.

Mr. Caverly stated that the City did recycling here a few years ago. Mr. Caverly asked if there would be a reduction in the sanitation fees if the City made money. Mayor Arnold replied hopefully so. Mrs. Johnson stated that if the tipping charge decreases, there would be less charged. Mr. Valandingham stated that the intent is to start out with volunteer recycling. He stated that Florida Statutes dictate that we reduce our solid waste by 2020. Mr. Valandingham stated that he is required to report the tonnage to the County. He stated that recycling has changed and evolved over the last few years. Mr. Valandingham stated that it has to be separated and baled. He further stated that the recycling can be taken to Pensacola, Florida or Loxley, Alabama. Mr. Valandingham stated that Loxley has proposed an incredibly high return, currently paying \$31.18 per ton, and basically over 75% higher than Pensacola. He stated that he would love to see the time that the City could reduce the sanitation rates. Mr. Valandingham stated that they need open accessibility, our first recommendations are City Hall, at or near Lincoln Park and at or near Florida Park. He stated that they will keep the fireworks aluminum cans separate. Mayor Arnold stated that the City discontinued recycling several years ago because the cost kept increasing. He stated that the City never received a rebate. Mayor Arnold stated that the recycling will be on a volunteer basis and there will be no fee. He stated that they hope to reduce the waste stream, and he further stated that many people have asked for recycling. Mrs. Johnson stated that they have one container for cans for the fireworks, and another for cardboard and paper, and we would get rid of the paper trailer. Comm. Shermer stated that they are required by law to reduce their waste stream. He stated that they will actually get paid for this now. Mr. Valandingham stated that recycling is paying a higher dollar at this point.

In response to Ms. Marion Cassell's comment concerning the Sanitation Department picking up tree limbs, Mr. Valandingham stated that the City disposes of them at Young and Sons. In response to Ms. Cassell's inquiry concerning why couldn't the City recycle and sell a the business on Government Street, Mr. Valandingham stated that it wasn't cost effective. Comm. Shermer stated that what Ms. Cassell is seeing on Government is the different kinds of mulch.

Ms. Cassell asked why didn't the Fire Department put the 1974 Fire Department Truck up for auction. Chief Norris stated that he solicited some input from some people on the north end, but they were not interested, so he went to the scrap yard to get the dollar value that he did.

THE VOTE WAS HELD ON THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

6. NEW AGENDA ITEMS - Etc. Resolution No. 19-11-14-11 Amend 2012 Budget

Mayor Arnold read Resolution No. 19-11-14-11 a resolution amending the Fiscal Year 2012 Budget of the City of Valparaiso, Florida; due to an increase in expenditures; authorizing revisions to be made to the monthly financial statements and providing an effective date. He stated that this resolution was in connection with the second floor living quarters at the Fire Department. The first two WHEREAS from Resolution No. 17-11-14-11, Sections 1, 2, and 3, and General Fund will be included in the resolution. COMM. STRONG MADE A MOTION TO ADOPT RESOLUTION 19-11-14-11 Amend 2012 Budget. MAYOR ARNOLD SECONDED THE MOTION. Comm. Shermer stated that he would like to be on the record saying, that after scraping the fire truck for \$800 and coming back to Commission to remodel the upstairs of the Fire Department is crazy and he cannot support it in any way.

Mr. Rodney Lancaster, a firefighter for seventeen years, stated that the reason the fire truck was scraped is that you cannot legally sell a truck that old. He further stated that the fire truck was so outdated that it could not be sold as a fire truck. In response to Comm. Shermer's comment that the fire truck was scraped, Mr. Lancaster stated that he was giving him a reason why. Mr. Lancaster stated that it was sold for what they could get for it, and he further stated that it could not be sold to another department without being refurbished.

Mr. Jack Carson, 52 Jackson Avenue, stated that he does not see the point in the argument. He stated that he has questions, but this whole thing bothers him. In response to Mr. Carson's inquiry concerning whether Chief Norris made a unilateral decision, he stated that he went to other fire departments and sent out a query. Mr. Carson stated that Chief Norris made a unilateral decision to get rid of the truck, and further, where he is going with this is a malfeasance issue. He stated that Chief Norris made a decision without consulting anyone in Valparaiso. Chief Norris stated that he discussed it with the Fire Commissioner, and further stated that he was not going to all the Commissioners. He stated that the department did not need the vehicle, and indicated that it was the third excess vehicle. Mr. Carson asked Chief Norris if he had ever looked for an auction site, and further indicated that these type fire trucks go for thousands of dollars. Mr. Wyckoff stated that the Commission has not determined what these type fire trucks go for; it was surplus property. Comm. Shermer then asked Chief Norris what company he sold the fire truck to.

THE VOTE WAS HELD ON THE MOTION, WHICH PASSED WITH A 4 - 1 VOTE OF THE COMMISSION, WITH COMM. SHERMER VOTING IN THE NEGATIVE.

5. NEW AGENDA ITEMS - Resolution No. 18-11-14-11 Planning Commission Member

Mayor Arnold read Resolution No. 18-11-14-11 a resolution appointing a volunteer (Ms. Robin Helmer) to the City's Planning Commission and providing an effective date. COMM. SHERMER MADE A MOTION TO ADOPT RESOLUTION NO. 18-11-14-11 PLANNING COMMISSION MEMBER. COMM. MILLER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

6. NEW AGENDA - Etc. Sale of Equipment

Mr. Wyckoff stated that as he was starting to say, since the disposal of the piece of equipment did not come before the Commission and the sale is illegal, if the Commission wants to make it legal, there should be a motion, second and vote to make it legal. He stated that as it stands now, it is illegal. COMM. STRONG MADE A MOTION TO RATIFY THE SALE OF THE 1974 SURPLUS FIRE TRUCK. MAYOR ARNOLD SECONDED THE MOTION. Comm. Shermer asked Chief Norris if he remembered what the City paid for the fire truck. The fire truck cost \$67,000 thirty six years ago.

Resolution
No.
19-11-14--
11
Amend
2012
Budget

Resolution
No.
18-11-14-
11
Planning
Commis-
sion
Member

Sale
of
Equipment

Ms. Dawn Jackson, 348 B Lincoln Avenue, asked if the City could produce a document stating that it was illegal. Mr. Wyckoff stated that he is looking at the website of the Florida Attorney General, municipality sale of tangible property. He stated that it is the governing body of the municipality and states that it will be in the best interest of the municipality. Ms. Jackson stated that they will something from finishing the second floor of the Fire Department. She stated that most of the people running the City are elderly folk. Ms. Jackson stated that she has a big problem with listening to Comm. Shermer attacking the Fire Department. Comm. Shermer stated that if questioning the funds is disrespectful, then he is disrespectful. Ms. Jackson stated that what they want to do for the City is to bring it up to par.

Comm. Shermer stated that he was out voted and that he wants to reiterate again, this is merely pointing out two different expenditures.

Mr. Herb Jones, 366 Illinois Avenue, stated that they have a Fire Chief taking an initiative, who may have made a mistake. Comm. Shermer stated that he is certainly not in favor of voting for it tonight. Mr. Joe Morgan 289 South Bayshore stated that they should go ahead and ratify that motion. He stated that they are talking about between \$800 and \$1200, a small administrative error is not worth spending any money on.

Mr. Brady stated that to give an idea of his job responsibility of driver/engineer, it is his responsibility to check out the vehicles every day. He stated that not one time did that fire engine ever crank on its own, and for the most part, it was just sitting and in the way. **THE VOTE WAS HELD ON THE MOTION, WHICH PASSED WITH A 4 - 1 VOTE OF THE COMMISSION, WITH COMM. SHERMER VOTING IN THE NEGATIVE.**

3. Old Business - Sidewalk Update

Mayor Arnold stated that the City has received a report from the contractor indicating that 8,075 linear feet of sidewalk has been poured. With the deletion of Vine Street and Rose Court, there are approximately 13,261 total linear feet in the project, approximately sixty percent of all of the sidewalks have been poured. Mayor Arnold then read the list of the sidewalks that have been poured, and further stated that no final sodding, seeding, mulching, stripping or truncated cone pads have been completed or yet installed. Mr. Terry Griffin, 253 Grandview Avenue, asked if the remainder of Grandview Avenue (from Jasmine Avenue toward the end) could have sidewalks, since Vine Street and Rose Court have been deleted. He stated that are eight children who live in this area and these residents were the ones that were adamant about having sidewalks. Comm. Miller will discuss this with Mr. Petrey.

Sidewalk Update

4. Old Business - School Charter Study Status

Concerning the alternate plan that the Okaloosa County School Board has come forward with, Comm. Shermer stated that he does not think it is his place to discuss it. Comm. Shermer stated that they are entering into a conflict resolution with the School Board, with a meeting scheduled for 8:30 AM on Friday, November 18th.

School Charter Study Status

5. Ordinance No. 622 - Election Change

6. Ordinance No. 623 - Animal Control

7. Ordinance No. 624 - Allow Dogs in Restaurants

8. Ordinance No. 625 - Rescind Ordinance No. 620

9. Ordinance No. 626 - Correct Scrivener's Error on Ordinance No. 621

Mayor Arnold read the ad for these ordinances advertising the second and final reading. Proof of publication was received from the Daily News.

Mayor Arnold conducted the second and final reading of Ordinance No. 622 an ordinance of the City of Valparaiso revising Article XII, Electors and Elections Section 7, of the Valparaiso Code of Ordinances and providing for (1) findings, (2) severability, (3) repeal of conflicting ordinances and (4) an effective date. The ordinance will allow the municipal election scheduled for 2012 to be moved to coincide with the Presidential Preference Primary being moved to January 31, 2012. **COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 622 - ELECTION CHANGE. COMM. MILLER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.**

Ord. No. 622 Election Change No. 623 Animal Control No. 624 Allow Dogs in Restaurants No. 625 Rescind Ord. No. 620 No. 626 Correct Scrivener's Error on Ordinance No. 621

The Mayor conducted the second and final reading of Ordinance No. 623 an ordinance of the City of Valparaiso amending Article II, Section 10-41 of the Valparaiso Code of Ordinances to remove voice command as a form of animal control and providing for (1) findings, (2) repeal of conflicting ordinances (3) severability and (4) an effective date. **COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 623. COMM. SHERMER SECONDED THE MOTION.** Mr. Pete King, Ms. Ann Kirkpatrick, Mr. Terry Griffin, and Mr. George Thomsen voiced their comments in opposition to Ordinance No. 623. Mrs. Carol Stoy, Mr. Joe Stoy, and Ms. Kay Hamilton spoke in favor of Ordinance No. 623. Mr. Joe Morgan agreed with Mrs. Stoy and stated that the current law enforces respect as written. Ms. Marion Cassell stated that she has never had a problem when walking her dog, and she further stated that she is more concerned about stray wild animals. In response to the Mayor's inquiry concerning any comments, Chief Hart stated that they work the animal cases on a one-by-one basis. Mayor Arnold stated that he thinks the word here is voice control. It is a dog that has been trained professionally. Mr. Wyckoff stated that they had a code enforcement case two years ago. Chief Hart stated that every incident is not the same. It is opinionated. Mr. King stated that what Chief Hart said is that it is the law that they will not enforce all the time. According to the research done by the Bay Beacon, the City only responded to a few cases from October 2009 through October 2011, and only one case concerned voice control. **THE MOTION FAILED WITH A 1 - 4 VOTE OF THE COMMISSION, WITH MAYOR ARNOLD, COMM. MILLER, COMM. SHERMER, AND COMM. KELLEY VOTING IN THE NEGATIVE.**

Mayor Arnold conducted the second and final reading of Ordinance No. 624 an ordinance of the City of Valparaiso, Florida; providing for a local exemption to allow dogs in designated outdoor portions of public food service establishments consistent with Florida Statutes 5409.233; providing for findings; providing for severability; providing for repeal; and providing an effective date. In response to Comm. Strong's inquiry concerning whether this is a mandate, Mayor Arnold stated that it had been requested by Compass Rose. **MAYOR ARNOLD MADE A MOTION TO ADOPT ORDINANCE NO. 624. COMM. STRONG SECONDED THE MOTION.** In response to Comm. Miller's comment, Ms. Hamilton stated that many people who have dogs come to Compass Rose. Ms. Hamilton stated that this would be outside and in a very restricted area. She stated that the servers would not be allowed to touch the animals. **THE VOTE**

WAS HELD ON THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

Mayor Arnold conducted the second and final reading of Ordinance No. 625 an ordinance of the City of Valparaiso rescinding Ordinance No. 620 and providing for (1) findings, (2) repeal of ordinances, (3) severability and (4) an effective date. Mayor Arnold stated that after contacting the State, the City found out that it does not need to amend the Comp Plan. COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 625. COMM. MILLER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

The Mayor conducted the second and final reading of Ordinance No. 626 an ordinance of the City of Valparaiso correcting an error in Ordinance No. 621 and providing for (1) findings, (2) repeal of conflicting ordinances, (3) severability and (4) an effective date. COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 626. COMM. MILLER SECONDED THE ORDINANCE, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

1. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - TPO/DOT

Comm. Miller stated that he needs guidance since they say there is a vacancy on the Technical Coordinator Committee. He stated that he had understood that Mr. Valandingham is on the Citizens Advisory Council. Comm. Miller stated that Mr. Valandingham is more technically qualified, but now he finds out that he is not on the committee. He stated that they meet once a month and that he is recommending that Mr. Valandingham fill the position. Mr. Valandingham stated that he was not on the committee, but asked the Commission about the duties. He further stated that he is not sure if he is qualified to serve on this committee. Mr. Valandingham stated that it is his understanding that they are looking for someone with technical experience. Mr. Valandingham stated that he would be happy to serve if he is qualified, and Comm. Miller researches and finds that there is no other person to serve. Mayor Arnold asked Mr. Lessard to highlight this item in the Bay Beacon to see if there is someone interested in the vacancy.

2. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Stormwater

Mr. Scott reported there were no stormwater issues.

3. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Legal Activities

Mr. Wyckoff reported that the depositions for the Bradley case have been completed and the last two are getting transcribed. He will then file a motion for summary judgment. Mr. Wyckoff stated that they are going to mediation in the Pam Ives case. Mr. Wyckoff stated that a Conflict Assessment meeting (Chapter 164) will be held on November 18th.

5. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Planning Commission Report

Chairman Crosby stated that the Planning Commission had submitted to the Commission a list of their accomplishments for 2011. He stated that with the Commission's approval, he would like for the Planning Commission to look at the ordinances to see how the City should dispose of City property, since it seems to be a problem. Mayor Arnold stated that he will take care of this item.

5. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Planning Commission Vacancy

Mayor Arnold asked Mr. Lessard to prepare a write-up in the Bay Beacon for the Planning Commission vacancy.

6. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Proclamation Election

Mayor Arnold read a proclamation concerning the general election that will be held in Valparaiso on January 31, 2012, for the purpose of electing two City Commissioners. Qualifying will be held from 12:00 Noon, November 21, 2011 until 5:00 PM, Wednesday, November 23, 2011. He stated that Comm. Miller and Comm. Shermer are up for reelection.

7. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Conflict Assessment Meeting

November 18, 2011

The Conflict Assessment meeting will be held at 8:30 AM on November 18, 2011.

8. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Resident Letter

Mayor Arnold reported that Comm. Miller had received a letter from Mr. Don and Mrs. Barb Lanier commending Mr. James Butler, Cable technician, for the professional manner he exhibited in accomplishing his duties on October 10, 2011 while installing High Definition television equipment. He asked Comm. Miller to pass this information on to Mr. Bennett and Mr. Butler.

1. ADMINISTRATIVE - Minutes

COMM. STRONG MADE A MOTION THAT THE MINUTES OF OCTOBER 10, 2011 BE APPROVED AS WRITTEN. COMM. MILLER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

COMM. KELLEY MADE A MOTION THAT THE MINUTES OF OCTOBER 17, 2011 BE APPROVED AS WRITTEN. COMM. SHERMER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

2. ADMINISTRATIVE - Bills Payable

COMM. STRONG MADE A MOTION TO PAY THE REGULAR BILLS AND VCA BILLS AS OUTLINED IN THE FINANCIAL STATEMENT(S). COMM. MILLER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

3. ADMINISTRATIVE - Etc. Fire Department

Chief Norris invited everyone to visit the Fire Department to see the improvements that have been made. He stated that there was a citizen who visited today, Mr. Lessard always calls him early Monday to get the calls, and he further stated that the Fire Department is always available to the citizens. Ms. Kirkpatrick stated that the Fire Department had graciously assisted in getting a seat for her. Mayor Arnold stated that the City has only one purpose and it is to help the residents. He further stated that he felt that they have the best team today serving the people.

3. ADMINISTRATIVE - Etc. -Thank You

Comm. Kelley stated that she wanted to thank Chief Hart and the Police Department, as well as all other departments and staff leaders. She stated that she feels safe living in Valparaiso and that everyone is so willing to help. Comm. Kelley further stated that in the spirit of Thanksgiving, she appreciates everyone.

3. ADMINISTRATIVE - Etc. Christmas Parade

TPO/
DOT

Storm-
water

Legal
Activities

Planning
Commis-
sion
Report

Planning
Commis-
sion
Vacancy

Proclama-
tion
Election

Conflict
Assessment
Meeting

Letter
of
Commenda-
tion
James
Butler

Minutes
10
October
2011

Minutes
17
October
2011

Bills
Payable

Fire
Depart-
ment
Improve-
ments

Thank
You
from
Comm.
Kelley

Christmas
Parade

Mayor Arnold stated that the Christmas Parade will be held at 10:00 AM on Saturday, December 3rd. He further stated that the parade will not be coming to Valparaiso. The Mayor suggested that residents find out who the Rotary members are and talk to them about this.

3. ADMINISTRATIVE - Etc. - Incorrect Date of Commission Meeting Advertised

Mr. Griffin stated that he has something that has been bothering him for couple of months. He stated that the September 12th meeting was advertised as October 12th. Mr. Griffin asked if the ordinances that were adopted were null and void. He stated that he would like the Commission to review this, and call the Attorney General. Mayor Arnold stated that he asked the City Attorney prior to bringing up the ordinances. Mr. Griffin stated that he had not read the announcement until after the meeting. He stated that he has talked to three attorneys who have a different opinion than the City Attorney.

**Incorrect
Date of
Commission
Meeting
Advertised**

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 8:00 PM.

Adjourn

John B. Arnold, Jr.
Mayor

Thomas G. Miller
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

November 14, 2011

The DVD labeled November 14, 2011 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.