

MINUTES
CITY COMMISSION MEETING

October 17, 2011

The City Commission met this date in special session in the Commission Chambers. 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
Police Chief	:	Joe Hart
City Attorney	:	Doug Wyckoff
Recorder	:	Lois Davis

Others in attendance: (Not inclusive) James Butler (Cameraman), Nina Trawick, Terry Griffin, Jean Smith, Ethel Gaither, Ginger Davis, Patton Davis, Jeff McInnis, Bill Smith, John Slingerland, JoAnn Roeque, Pat Hess, Rodney Nobles

8. Etc. - Resolution No. 15-10-17-11-Reallocate expenses; authorizing revisions to be made to the monthly financial statements

Comm. Shermer stated that there are a couple of last minute items that he would like to submit to be added to the agenda. Mayor Arnold stated that he sees no urgency for this, but Comm. Shermer said it is. Comm. Shermer stated that the money will keep changing the longer they wait, and that it doesn't affect the amount of the budget. COMM. SHERMER MADE A MOTION TO AGREE TO PUT RESOLUTION NO. 15-10-17-11 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 ON THE AGENDA FOR DISCUSSION. He stated that it relates to the Fire Department. Comm. Strong stated that he is not in favor of doing anything in favor of the budget. COMM. MILLER SECONDED THE MOTION, WHICH FAILED WITH A VOTE OF 2 - 3, WITH MAYOR ARNOLD, COMM. STRONG AND COMM. KELLEY VOTING IN THE NEGATIVE.

2. Sidewalk Change Order

Mayor Arnold stated that the contract change order was primarily for seeding and hay on the areas where there was no sod. Pine straw bales installed 100 each @ \$6.00/each totals \$600, and seeding and mulching (Common Bermuda/rye mix) 2,000 SY @ \$.060/SY is \$1,200. Comm. Miller stated that Mr. Petrey called and reviewed this on the phone. COMM. MILLER MADE A MOTION TO IMPLEMENT THE CONTRACT CHANGE ORDER FOR CITY OF VALPARAISO FDOT SIDEWALK DESIGN. COMM. STRONG SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

5. Sidewalks on Tennessee

In response to Mr. Griffin's inquiry concerning whether the Commission was going to discuss Rose Court and Vine Street, it was noted that these streets were already deleted.

Mrs. Hess, 199 Grandview Avenue, stated that she was coming for an answer about what the Commission had decided. She stated that they were supposed to get some kind of answer. Mayor Arnold stated that they are also responding to a letter from Bordenave. Mrs. Hess stated that she did sign the letter along with the others on Tennessee Avenue. Mayor Arnold stated that back in the 1980's the majority of the people did not want Tennessee Avenue paved, and Mrs. Bordenave mentioned this in her letter. Mayor Arnold stated that they did look at Tennessee, but it is not practical to put the sidewalk on other side. Mrs. Hess asked if there wouldn't be some money left from after deleting Vine Street and Rose Court from the project. She stated that the sidewalk will be within three or four feet of her backing out of the driveway. Mrs. Hess stated that she thinks this would put the City at great liability. Mayor Arnold stated that this is a federal grant and that the City has to get permission from them every time there is a change and they do not know if they can do these things. He stated that it is very difficult because they are operating on a very controlled environment with the government looking down on us on a continual basis. Mayor Arnold stated that they have had many meetings, asked for public input and then had two public hearings. He stated that based on these things, they made a decision to go forward. In response to Mrs. Hess' inquiry concerning whether the sidewalks are going on down past Mr. Bennett's house and down by the Peacock house, Mayor Arnold stated that he does not have the plan in front of him. Mrs. Hess stated that it just can't be that expensive to do this. Mayor Arnold stated that the City has signed a contract. Mrs. Hess stated that as of last week, they were going to drop Vine Street and Rose Court. Mayor Arnold stated that it is difficult for the Commission to do this when they thought they were doing what was best for the children. He stated that he will ask the Commission to give him some guidance. Comm. Strong stated that he is for sticking with the plan, if the Engineer said it cannot be moved. Comm. Miller stated that he had a request to bring it up. He further stated that if they continue this around the corner there is a house with a retaining wall. Comm. Miller further stated that there is not much room to

work with this on the Air Force side of Tennessee Avenue. He further stated that he has no preference personally, but he has no problem with deleting it. COMM. MILLER MADE A MOTION TO DELETE TENNESSEE AND FERNDOLL AVENUE FROM THE SIDEWALK PROJECT AND REALLOCATE THE MONEY FOR SOMEONE THAT WANTS A SIDEWALK. Mayor Arnold stated that this is one path from Lewis, however, Mrs. Hess stated that she has never seen kids from Lewis walk down Tennessee Avenue. Mrs. Hess stated that the only driveway she has is at the back of her house and that she will not be able to see the kids.

Mr. Patton Davis, 262 Georgia Avenue, stated that he had just PCS back from Texas and that he loves sidewalks. He stated that they had a petition for no sidewalks, and added that the volume for traffic for walking or jogging is so low. Mr. Davis stated that when the kids leave Lewis, they go down Mississippi Avenue, but when they take a left on Ferndell, they go down the unpaved portion. He stated that there is a child on Georgia Avenue that goes to public schools. Mr. Davis stated that the City's right of way goes to the telephone pole, which is a generous portion of the yard, and for safety, they need a curb. He stated that they want the sidewalk to be very visually appealing. Mr. Davis stated that irrigating would wet the sidewalk without any curbing, and that he wasn't sure if they were going to be able to maintain the small strip. He stated that if you can't go under the sidewalk and irrigate with drip irrigation, you have to waste quite a lot of water. Mr. Davis stated that it is very desirable for the walking community, but we have zero traffic and that safety is a big concern. He stated that if they deleted some roads from the project, they could put in a curb and it would look better. Mr. Davis stated that the main thing is that it is a low foot traffic road and that a sidewalk would not be beneficial.

In response to Mr. Fred Hess, 199 Grandview Avenue, concerning Number 5 - Sidewalks on Tennessee, Mayor Arnold stated that they are taking them all at one time.

Ms. Jean Smith, 260 Georgia Avenue, stated that everyone on her street signed a letter that they did not want sidewalks. She stated that she thinks consideration should be given to residents on Georgia Avenue the same as the other areas.

The motion died for lack of a second.

Comm. Kelley stated that she is uncomfortable about doing anything since Mr. Petrey and Mr. Scott are absent. She stated that they did sign a contract and that she wants to do it in the appropriate way. Mayor Arnold stated that the contractor is there and ready to go down Georgia Avenue, and that now is the time for the decision. He stated that the program as scheduled, will go forward. Mayor Arnold stated that he thinks that in the future, they will be pleased. He further stated that they do not know what the makeup of the City will be in five to ten years. The Mayor asked if there was a motion to delete sidewalks on Georgia Avenue; there was no motion, the program as scheduled will go forward.

Mr. Hess stated that he has been very disappointed since this project started. He stated that a group requested Indian Shores be deleted and they were dropped from the project. Mr. Hess further stated that Vine Street and Rose Court were also dropped. He stated that he felt like he has been singled out for some reason and that he is the only one that was denied. Mr. Hess asked why is he being singled out. Mayor Arnold stated that he does not feel that he (Mr. Hess) has been singled out. He stated that the Commission has to make decisions and for the betterment of the community.

Comm. Shermer stated that it is unfortunate, and that evidently, they need to work on communication during the letting process. He stated that all the comments are valuable, but the time for them was during the hearing phase. Comm. Shermer stated that the Commission made their decision based on the comments made at that time. He stated that he would ask people to consider that sidewalks may promote walking traffic. Comm. Shermer stated that this is their chance to build sidewalks at little or no cost to the City.

Mrs. Ginger Davis, 262 Georgia Avenue, stated that she loves the idea of sidewalks, but asked is there a better way to do it going down Georgia Avenue. She stated that it will cut in five yards? into the yard. Mrs. Davis asked if they could install a curb and move it closer to the street. She further asked is there a reason that they are not doing a curb. Mayor Arnold stated that the grant they got was for sidewalks only. He stated that any curbs or gutters would have to be paid for by the lot owners. Mayor Arnold stated that he will ask their Engineer to take a look at it. He stated that the Commission has received numerous calls about how good the sidewalks look. Comm. Strong stated that DEP stopped the City from putting in curbs. He further stated that they will ask the Engineer about Mrs. Davis' question about the sidewalks being so far into their property.

Mrs. Johnson stated that Mr. Scott had received an inquiry from a resident on Kelly Lane asking about the possibility of sidewalks going farther down Grandview Avenue. The Mayor stated we will check with our Engineer.

3. USDA Engineer Proposal

Mr. Wyckoff stated that there are a couple of issues with this request for proposals for engineering services for a federal grant for lift station improvements and a capital improvements project. He stated that he and Chief Hart were looking at this today and the difference is that the engineering services has to comply with the Florida Competitive Negotiation Act. Mr. Wyckoff

stated that the Request for Proposals is supposed to compare just the qualifications. He stated that in looking at the criteria, there are only two engineering firms that have evaluation criteria (No. 3 and 8,) - proximity of engineering firm office to Valparaiso, points available 10, and familiarity and experience with the City of Valparaiso, points available 20, if they have the best engineers. COMM. STRONG MADE A MOTION TO DELETE NO. 3 - PROXIMITY OF ENGINEERING FIRM OFFICE TO VALPARAISO AND NO. 8 - FAMILIARITY AND EXPERIENCE WITH THE CITY OF VALPARAISO FROM THE EVALUATION CRITERIA. COMM. SHERMER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION. In response to Mrs. Johnson's inquiry concerning sufficient time for advertising, Mr. Wyckoff will work this out with her.

1. CITY AUDITOR EVALUATIONS

Mayor Arnold stated that the City received five responses for Auditor evaluations for a two year contract. He stated that the Commission will rate the one they think will do the best job with a 5, with the lowest being a 1. Mrs. Johnson tabulated the Commission's selections, which resulted in O'Sullivan Creel receiving the highest points with 21, Saltmarsh Cleveland and Gund received 19. Mayor Arnold stated that they will negotiate with O'Sullivan Creel and if they aren't successful, they will go to Saltmarsh, Cleveland and Gund. He stated that Carr, Riggs, and Storey received 15 points, Joseph A. Jones received 13 points, and Na Linh Le received 13 points.

4. Ordinance No. 624 Allow Dogs in Restaurants

Mayor Arnold conducted the first 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 services establishments consistent with Florida Statutes 509.233; providing for findings; providing for severability; providing for repeal; and providing an effective date. He stated that this is another mandate. Mayor Arnold stated that the second and final reading will be held at the regular Commission meeting in November. He stated that the only question he had on the dog ordinance is that it is the building inspector who enforces it. Mayor Arnold stated that it seems that it should be the Police Department. It was noted that the Building Inspector and the Chief Code Enforcement are one in the same. Chief Hart stated that he has no problem with the way it is written. Mr. Wyckoff stated that when it states "Department", it should say Police Department or what department. He stated that the City does not have a Zoning Department.

6. Rescind Ordinance No. 620 Land Use Change

Mr. Wyckoff stated that Ordinance No. 620 an ordinance of the City of Valparaiso, Florida amending its adopted Comprehensive Plan; providing for a purpose; providing for land use change to 13 acres MOL; providing for future Land Use Map amendment, and providing an effective date. He stated that during the last meeting there was an issue as to what was the land use, and that they do not need Ordinance No. 620 at all.

Mr. Wyckoff conducted the first reading of Ordinance No. 625 an ordinance of the City of Valparaiso rescinding Ordinance No. 620 and providing for (1) findings, (2) repeal of conflicting ordinances, (3) severability and (4) an effective date. He stated that they originally, they were going down the course of creating a new land use category based on communication with the Department of Community Affairs, so Ordinance No. 625 makes Ordinance No. 620 null and void, which saves the City time, effort, and money in the administrative process.

7. Correct Scrivener's error on Ordinance No. 621 Rezone Valparaiso Elementary School

Mr. Wyckoff stated that there was a scrivener's error on Ordinance No. 621. He stated that at the first reading of this ordinance, during the meeting they had stricken some duplicate language in Paragraph 1, but when it got in the book that language was not stricken. Mr. Wyckoff stated that the only other error is the effective date, because they erroneously had Ordinance No., so now the Ordinance No. 621 shall become effective immediately upon adoption. He stated that the first scrivener's error was corrected at the last meeting. Mr. Wyckoff stated that if they want to be super cautious, the law requires that there be two readings by title or in full of each proposed ordinance, and that ten days before the final adoption they have to have an ad. Mr. Wyckoff stated that he would consider this as the first reading correcting the scrivener's error, and they will adopt Ordinance No. 626 correcting scrivener's error on Ordinance No. 621. The second and final reading will be held at the regular Commission meeting in November.

Mr. Wyckoff conducted the first reading of Ordinance No. 626 an ordinance of the City of Valparaiso correcting clerical and scrivener's errors in Ordinance No. 621 and providing for (1) findings, (2) repeal of conflicting ordinances, (3) severability, and (4) and effective date.

Adjourn

There being no further business to be brought before the Commission, the meeting adjourned at 6:55 PM

John B. Arnold, Jr.
Mayor

Thomas G. Miller
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

October 17, 2011

The DVD labeled October 17, 2011 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.