

MINUTES
CITY COMMISSION MEETING

JULY 9, 2012

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Comm. Kelley after which the Pledge of Allegiance was recited. 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.
	:	Diane Kelley
	:	Kay Hamilton
	:	Joe Morgan
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
City Attorney	:	Heyward Dykes
City Engineer	:	Roy Petrey
Recorder	:	Beth Millsaps

Others in attendance: (Not inclusive) James Butler (camera), Del Lesard (Bay Beacon), David Weatherford, Heather Bentley, Carl Browning, Bill Smith, Lori Green

Mayor Arnold welcomed the audience and asked that anyone who wanted to address the Commission should raise his/her hand to be recognized and should use the podium.

Welcome by
Mayor

1. **NEW AGENDA ITEMS - New Agenda Items**

There were no items to add to the agenda.

1. **CITIZENS' CONCERNS - (non agenda Items) - Resident**

No citizen concerns at this time.

2. **CITIZENS' CONCERNS - (non agenda items) - Non-resident**

There were no non-resident comments.

1. **OLD BUSINESS - Sidewalk Update Plat I & Plat VI**

Mr. Petrey said that he could only speak to the work in plat VI as Mr. Valandingham was working on the Plat I. Mr. Petrey said work was complete with one outstanding issue. A resident had an issue with their driveway and also someone needing sod to be replaced other than that no outstanding issues. The work had been audited by DOT and the EEO compliance. Final paperwork complete, just need to request the money from DOT.

Sidewalk
Update VI

2. **OLD BUSINESS - ALCOA update**

Comm. Strong requested removal of this item from the agenda in so far as we have had no contact.

ALCOA
Update

3. **OLD BUSINESS - Ordinance No. 629 Amending PI w/ Subcategories to PI no Subcategories,**

4. **OLD BUSINESS - Ordinance No. 630 Amending Comp Plan VES from PL to C-1,**

5. **OLD BUSINESS - Ordinance No. 631 Amending Zoning Map of VES from PI ES to -1,**

6. **OLD BUSINESS - Ordinance No. 632 Amending Zoning Map of VES from PI ES to PI**

Mayor Arnold read the ad for these Ordinances from the notice of the public hearing which appeared in the Daily News on June 29th. COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 629 AN ORDINANCE AMENDING CHAPTER 114, ARTICLE IV, SECTION 114-118 A CODE OF ORDINANCES AND PROVIDING FOR (1) FINDINGS, (2) REPEAL OF CONFLICTING ORDINANCES, (3) SEVERABILITY AND (4) AN EFFECTIVE DATE. COMM. STRONG ALSO MADE THE MOTION TO PASS ORDINANCE NO. 632 AMENDING ITS ZONING MAP; PROVIDING FOR A PURPOSE; PROVIDING FOR A ZONING CHANGE TO 13.29 ACRES MOL OF LAND FROM P/I PUBLIC INSTITUTIONAL, ELEMENTARY SCHOOL E/S TO P/I PUBLIC INSTITUTIONAL; PROVIDING FOR ZONING MAP AMENDMENT, AND PROVIDING FOR AN EFFECTIVE DATE. COMM. MORGAN SECONDED BOTH MOTIONS, WHICH PASSED WITH A 4 TO 1 VOTE OF THE COMMISSION, WITH THE MAYOR VOTING IN THE NEGATIVE. Comm. Hamilton also added that she thought the Commission should give tremendous thanks for the amount of work that the Planning Commission put into the zoning change.

Ord 629 Amend
PI w/Sub To
PI no Sub
Ord 630 Amend
Comp Plan VES
PL to C1
Ord 631
Amend
Zoning Map
VES from
PIES to C1

Ord. 632
Amend
Zoning Map
VES from
PI ES to PI

7. **OLD BUSINESS - NV REGIONAL SEWER BOARD AGREEMENTS**

Mayor Arnold said we are waiting on the review of proposed legal paperwork from Niceville to decide if there will be a three or six member board and whether or not Niceville's City Council and our City Commission will have authority of budget approval each year. Those will be the only issues outside of the name change and bringing everything up to date. Mayor Arnold opened the discussion about whether or not the Commission should over look the Sewer

NV REG
Sewer Bd
Agreements

Board's budget & operations. Comm. Strong believes the current system of two members, one elected and one not elected, works well and that things should continue as they are. He suggested that any Commissioner that hasn't been to the plant and the field should go over and look at what we have invested into. Comm. Morgan believes that as long as the Commission is able to review the budget and question it at anytime that the City Commission does not have to be more involved in the process. Mayor said hopefully by next meeting he would have documents to finalize. He said he and Mr. Scott had completed four legal documents, Amendment to the Articles of Incorporation, approval of Utility Purchase Agreement, Board Review Operational Agreement and the Bi Laws of the Regional Sewer Board and hopefully by next meeting everything would be ready to finalize.

TPO/DOT

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

Comm. Morgan said that there will be a workshop later this month and that he has asked Mr. Petrey to attend on our behalf.

Stormwater

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater

Mr. Scott reported that there were no stormwater issues.

Legal
Activities

3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities

Mr. Dykes had two issues to discuss. Mr. Wyckoff has rejected the Commission's offer of \$3,000 to finish out the contract and countered with \$5,500 and Mr. Dykes would like to find out how the Commission would like to pursue. He said at this time Mr. Wyckoff has not filed any legal action but that the statute of limitations on something like this is 5 years or Mr. Dykes would like to know how he should precede. Mr. Dykes said that the City is on strong legal ground but it becomes the cost decision, we would spend more than \$5,500 in defending the action. Mr. Dykes said if we can get the number right and agree on a settlement that he would have written into the settlement agreement language to the affect that Mr. Wyckoff would cooperate with the City on anything pending or future litigation that he maybe a witness to or a party to any suit that might come up. Comm. Hamilton said it is money well spent to get rid of it as soon as possible. Comm. Morgan & Comm. Kelley concur. Comm. Morgan would like to add that Mr. Wyckoff maintain confidentiality with attorney client privilege. Mr. Dykes said putting this in the settlement would not hurt. Mayor Arnold said he hates to see us do something to save money when it is a question of right vs. wrong, he feels Mr. Wyckoff deserves nothing. Comm. Hamilton agrees with that but from a business perspective it would be best to address the situation and get it resolved and out of the City. Mr. Dykes said he would need a motion or some sort of guidance as how to move forward. COMM. KELLEY MADE THE MOTION TO ALLOW MR. DYKES TO NEGOTIATE WITH MR. WYCKOFF FOR \$5,500 WITH A SETTLEMENT AGREEMENT CONTAINING ALL POINTS THAT HAVE BEEN MADE HERE. MOTIONED SECONDED BY COMM. HAMILTON, WHICH PASSED UNANIMOUSLY WITH A 5 – 0 VOTE OF THE COMMISSION.

Mr. Dykes also mentioned that he will be representing Mayor Arnold and Comm. Strong in an order to show cause on July 25th regarding supposed talking about Mr. Bradley's case outside of the court room. He will gladly speak to anyone individually about this situation but doesn't want to get into debate or question only because the matter is still pending.

4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Report

Planning
Comm.
Report

Mayor recognized Mr. Browning in the audience as a member of the Planning Commission and said he would like for him to take back to the Planning Commission the City Commission's appreciation for the time and effort that was placed in rezoning the school property.

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Parks Update

Parks
Update

Comm. Kelley said she, Mr. Valandingham, Mrs. Johnson and Mr. Steve Grainer had all been working together to get the park complete and it is very close, just putting on the finishing touches.

6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Web Page

Web Page

Comm. Kelley said that the web page is close to going live by mid July, that right now it is a process of removing all of the old and replacing it with the new.

7. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Budget Workshop July 16TH 6:00PM

Budget
Workshop

Mayor announced the upcoming budget workshop that will bring the "total picture" into focus. Comm. Morgan said he would be unable to attend will be out of town.

8. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – OLOC Dinner Meeting July 24, 2012 at 6:00 PM.

OLOC
Dinner
Mtg

Mayor Arnold stated that the City of Niceville will be hosting the dinner meeting, which will be held on July 24, 2012 at their community center. He asked that those interested in attending to contact Mrs. Johnson.

9. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – July 4th in the Park

July 4th in
the Park

Mayor Arnold said he would like to personally thank all of the city employees, office

personnel and volunteers for their work on the events. The morning began at 5:30 AM and continued until after the fireworks. It was a very successful day. He wants to thank all who worked like “mad” and he appreciates the effort.

1. ADMINISTRATIVE ITEMS - Minutes

Minutes

COMM. STRONG MADE A MOTION THAT THE MINUTES OF JUNE 6, 2012 BE APPROVED AS WRITTEN. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 – 0 VOTE OF THE COMMISSION. COMM. STRONG MADE A MOTION THAT THE MINUTES OF JUNE 11, 2012 BE APPROVED AS WRITTEN. COMM. KELLEY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 – 0 VOTE OF THE COMMISSION.

June 6

COMM. STRONG MADE A MOTION THAT THE MINUTES OF JUNE 18, 2012 BE APPROVED AS WRITTEN. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 – 0 VOTE OF THE COMMISSION.

June 18

COMM. HAMILTON MADE A MOTION THAT THE MINUTES OF JUNE 25, 2012 BE APPROVED AS WRITTEN. COMM. STRONG SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 – 0 VOTE OF THE COMMISSION.

June 25

2. ADMINISTRATIVE ITEMS – Bills Payable

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

Bills Payable

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 6:51 PM.

ADJOURN

Mayor
John B. Arnold, Jr.

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

July 9, 2012

*****The DVD labeled July 9, 2012 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.*****