

MINUTES
CITY COMMISSION MEETING
October 8, 2012

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Mayor Arnold, 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.
	:	Diane Kelley
	:	Kay Hamilton
	:	Joe Morgan
City Clerk	:	Tammy Johnson
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
Library Director	:	David Weatherford
City Attorney	:	Heyward Dykes
City Engineer	:	Roy Petrey
Recorder	:	Beth Millsaps

Others in attendance (Not Inclusive) James Butler (camera), Don Caverly, Bob Webb, Terry Griffin, Tony Shipley

1. **CITIZENS' CONCERN (non-agenda items)** – Resident
There were no resident comments.
2. **CITIZEN'S CONCERN (non-agenda items)** – Non Resident
There were no non residents present.
1. **NEW AGENDA ITEMS** – Added Agenda Items
There were no new added agenda items to be discussed.
2. **NEW AGENDA ITEMS** – Resolution No. 15-10-08-12 Amendment 4

Citizens'
Concern
Resident
Citizens'
Concern
Non
Resident

Added
Agenda
Items

Mayor Arnold read Resolution No. 15-10-08-12 a resolution of the City of Valparaiso concerning Amendment 4 to the Florida Constitution which, if adopted, would create additional inequities in Florida's tax system by granting certain tax breaks to some taxpayers at the expense of other taxpayers. Comm. Strong that this would be a big impact on our city. Mayor Arnold said that Section 1 had been changed. Mayor Arnold said we changed the wording because we have no basis of making an assessment prior to the election determine to what the impact will really be on the City. COMM. STRONG MADE A MOTION TO ADOPT RESOLUTION 15-10-08-12 A RESOLUTION OF THE CITY OF VALPARAISO CONCERNING AMENDMENT 4 TO THE FLORIDA CONSTITUTION WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS, MOTION SECONDED BY COMM. MORGAN. Mayor now asked for any discussion. Mr. Don Caverly said that he had read over the amendment several times and still didn't understand the purpose and why anyone had come up with this amendment. Comm. Morgan said one of the biggest groups in this would be people that have second homes in Florida, he said those homes are uncapped in reference to property taxes, a homestead property is limited to 3% and they want to put a cap on non homesteaded property. Comm. Morgan said the problem with Amendment 4 is other elements such as the first time homebuyers, people who have had homes five years, that has huge impact on fixed income people such as senior citizens, people who aren't paying taxes such as first time home buyer or someone who has only been in five years they aren't going to be paying any taxes however we as a City still have a budget that has to be maintained so I will have to charge a person on a fixed income more to come up with the money. We do not have the exact numbers but the problem with it is that we are shifting the tax burden again and it has zero or very little impact on a purchase of a home or not. Mayor Arnold said the amendment has been backed by the real estate companies in the state. Mayor Arnold said that was all the information that we had and didn't know if we had answered any of Mr. Caverly's questions or not and he agreed that it was difficult to read and understand. Mayor Arnold called for the question on the resolution, RESOLUTION NO. 15-10-08-12 PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0, with grammar corrections to be made.

Resolution
No.
15-10-08-
12

3. **NEW AGENDA ITEM** – Lease Renewal SBA

Mayor Arnold said the SBA lease renewal is Louisiana Wired which is a member of the Sprint family. Comm. Strong asked which antenna this was; Ms. Johnson said this is the mono pole at City Hall. Mayor Arnold said that Mr. Dykes had a few comments. Mr. Dykes said this is a significant change to extend to thirteen more 5 year terms approximately 65 years with a built in clause to provide increases under the contract capped out at 2% annually which is 10% each term, he said that could be bad or good but he would recommend to seek negotiating something that would allow the City to evaluate this after a set number of terms

Lease
Renewal
SBA

like two terms or four terms something both parties agree to. Mr. Dykes said that could cut either way, he said under paragraph 16 hold harmless clause as the City he said he tries to get away from those with municipalities because there is no cap on that if there are excessive expenses the City would be on the hook for those costs, he suggests negotiating away from the City holding the lessors harmless. Mayor Arnold asked Mr. Dykes if he would negotiate with them about changes in the contract. Comm. Strong said he is a little hesitant to get into a contract for that length of time. Mayor Arnold said that the contract was a little bit too one sided for lease cancellations. Comm. Strong said that the leases have been good for us. Mr. Dykes agreed but he thinks the terms need to be changed to less time. Ms. Johnson said they were having a harder time finding people to sublease from them because of the short term of the lease and that is why the company wanted to have a longer contract. Mayor Arnold asked Mr. Dykes to talk to the company and that we would place the item on our agenda for the November meeting.

Etc.

4. NEW AGENDA ITEMS – Etc.
No further items to discuss.

Sidewalk
Update
Plat I

1. OLD BUSINESS – Sidewalk Update Plat I

Mayor Arnold said that he had communication from Mr. Valandingham on the update. Mr. Valandingham stated street crews have removed old sidewalks from the area but no additional sidewalks have been completed due to other projects in stormwater and streets, therefore things are progressing but very slowly.

Valp
Vision
Commit-
tee

2. OLD BUSINESS – Valparaiso Visioning Committee

Mayor Arnold said that Ms. Johnson had handed out the top 10 names along with 5 alternates. Mayor Arnold said if the Commission concurs then we would get out the letter to those nominees and see what happens.

Charter
Review

3. OLD BUSINESS – City Charter Review

Mayor Arnold asked that the recommendations from the college be reviewed and to see if we need a charter update. If so we would have to have workshop sessions to see what we would want in the charter to have something to present to our citizens at our next city election. He asked everyone to please read and we would try to plan for a workshop between Thanksgiving and Christmas and go from there.

TPO/DOT

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

Comm. Morgan said he has attended several meetings and they are starting to add some roads that were not included in their actual maps and charts. He said some roads and sidewalk improvements have been moved so going to the meetings have been helpful. He said the 123 bypass should be completed sooner because it has been moved up on the list, it was a three segment process and each had to be funded separately.

Storm-
water

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater

There is nothing to report at this time.

Legal
Activities

3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities

Mr. Dykes said Roberts vs. City of Valparaiso is scheduled for a summary judgment next month by plaintiffs the City's attorney will be filing summary judgment as well by November if both motions are denied next step is to set the matter for trial. Mr. Dykes said in an upcoming meeting we would need to discuss the Bradley ruling and how the City wants to proceed regarding with Sundstrom, Friedman, et al and Doug Wyckoff because of possible liability there. Mr. Dykes said we might want to contact other attorneys who deal with this kind of work and see what their advice would be. Mr. Dykes said his firm does not deal with the type of malpractice type claims so he can not advise what to do in that situation, he isn't asking for a decision tonight just if we want to reach out to other attorneys and get their opinions, and there would be cost in reviewing with other attorneys. Mayor Arnold said he would like for Mr. Dykes to do that. Mr. Dykes said he spoke with Mr. Chesser today and that he requests another executive session to discuss Bradley case within the next week or so. Executive session requested for October 10th at 6 pm. Ms. Johnson wanted to make sure that it would be enough time to get the word out to meet the requirements; Mr. Dykes agreed that it would, rules state in a reasonable amount of time and he felt we would be fine in posting as normal.

Planning
Comm.
Report

4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Report

Mayor Arnold said there is no one present from the Planning Commission at this Time, but there are two vacant seats on the Planning Commission, asked if the Bay Beacon would help get the word out for us.

City Parks

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Parks Update

Comm. Kelley said she and Mr. Scott had talked to Mr. Embry with the Little League and we are determined to enter into an interlocal agreement with the league for \$30 registrant fee that will help offset the City's cost to maintain the field. She said this is a good way to mitigate the issue of who takes care of the field. She said we had been working with the School District as to who maintains and uses it. On TJ Brooks Park we are close to an agreement with the School Board on having the elementary components of the playground moved to that park, this is in the final stages. She said Mr. Griner has been giving a list on the building of things that need to be completed and shortly we hope to have everything complete so that we can present a plaque to the ladies that helped make the park possible. Also on Lincoln Park she said

Mr. Petrey and Mr. Valandingham have been working on getting parking enlarged and have the path down to the boating ramp enlarged with our boating improvement grant. She said that it should look good and also met all requirements.

6. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – FDOT Proposed Improvements to SR 85**

FDOT
Proposed
Improve
SR 85

Mayor Arnold read statement from Mr. Valandingham that public works has completed the request of utility location and documentation proposed work area on SR 85 from Wolverine Avenue to Howell Street, this information has been given to the FDOT assistant area utility management and is routine work for this project. Information to be placed on maps that will be used by contractors and FDOT personnel through out the project. Mr. Valandingham plans to attend the utility workshop Thursday, October 11th at 2pm in Milton.

7. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – November Commission Meeting**

November
Meeting

Mayor Arnold said that our regular Commission Meeting would be November 12, 2012 which will be Veteran's Day, a holiday and he suggests delaying the meeting. Regular Commission Meeting will be November 13th, a Tuesday at 6pm. Mr. Dykes may have to send another attorney from his firm.

8. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS -- Etc.**

Noise
Committee
Update

Mayor Arnold recognized Mr. Bob Webb from the Noise Committee, he said that due to lack of flight activities they have not been able to collect enough information. There are four planes with flights each day but they haven't started as of yet. There has been a letter sent to the Pentagon to Ms. Ferguson she said she would answer and she is no longer there and now we are trying to communicate with her replacement.

8. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Etc.**

Fire
Station
Open House

Chief Norris said Saturday from 9 am to 3 pm they had their annual open house to start off fire prevention week approximately 68 adults and 80 kids attended. Now the fire station employees are going around the area to schools and daycares to encourage fire prevention.

1. **ADMINISTRATIVE ITEMS – Minutes**

Minutes
10
September
2012

COMM. STRONG MADE A MOTION THAT THE MINUTES OF SEPTEMBER 10, 2012 BE APPROVED AS WRITTEN. COMM. KELLEY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 TO 0 VOTE OF THE COMMISSION.

Minutes
24
September
2012

COMM. STRONG MADE A MOTION THAT THE MINUTES OF SEPTEMBER 24, 2012 BE APPROVED AS WRITTEN. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED BY UNANIMOUSLY WITH A 5 TO 0 VOTE OF THE COMMISSION.

2. **ADMINISTRATIVE ITEMS -- Bills Payable**

Bills
Payable

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

3. **ADMINISTRATIVE ITEMS – Etc.**

Addie
Lois
Davis

Mayor Arnold announced with great sadness the passing of Addie Lois Davis, our Meeting stenographer for over 20 years, tomorrow will be her funeral. Ms. Johnson announced that City Hall will be closed from 1pm to 3:30pm so that we may attend the service.

3. **ADMINISTRATIVE ITEMS – Etc.**

Increase in
Employee
Wages

Mayor Arnold recognized Comm. Kelley as she had something she wanted to discuss before we move on to administrative items. Comm. Kelley said quoting "on the theme of closing holes and gaps, I was informed by Mayor and validated by the City Attorney under our current form of government what I am about to propose does not need to be an agenda item nor a Commission vote but I just want to be transparent and let everybody know my intent to increase Tony Shipley's pay in correspondence to his increased duties that being those of the website, wanting to bring that to everybody's attention, being transparent and up and above board about that." Comm. Morgan asked if it was in her budget, Comm. Kelley said yes.

ADJOURN

Adjourn

There being no further business to be brought before the Commission, the meeting adjourned at 6:44 PM.

John B. Arnold, Jr.
Mayor

Heyward H. Strong
Chair, VCA