

MINUTES
CITY COMMISSION MEETING
APRIL 8, 2013

The City Commission met this date regular session in the Commission Chambers. The Invocation was given by Comm. Hamilton 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.
Commission	:	Heyward H. Strong, Jr.
	:	Diane Kelley
	:	Kay Hamilton
	:	Joe Morgan
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Interim Police Chief	:	David Bruckelmeyer
Fire Chief	:	Mark Norris
City Attorney	:	Hayward Dykes
VBCS Gen Manager	:	Burt B. Bennett
Library Director	:	David Weatherford
Recorder	:	Beth Millsaps

Others in attendance: (Not Inclusive) James Butler (camera), Daniel Elsesser (Bay Beacon), Thomas Miller, Diane Miller, Clark T. Browning IV, Clark Browning V, Obie O'Brien,

Mayor Arnold welcomed the audience and stated that the Commission was interested in hearing their thoughts and welcomed any comments. He asked anyone wanting to make any comments should raise his/her right hand to be recognized and use the microphone at the podium to address to Commission.

1. CITIZENS' CONCERN (non- agenda items) – Resident

Mr. Obie O'Brien, 324 Glen Avenue, appreciates the Commission's time and would have preferred not to come before the commission to make a request, for 12 years he hasn't had to do this before, it is particularly distasteful as he has been a long time resident and Valparaiso holds a special place in his heart. He feels he has been poorly served recently and comes to the Commission for answers this evening. Mr. O'Brien said owners apply for something at different times it being a variance, a zoning request or a vacation of right of way. He said announcements of these requests are usually posted on the sight or by sending a letter to the residents, there is little specific information provided. He said the public notice or letter indicates the nature of request and date for meeting, with the date that makes it a time sensitive issue, if a citizen desires more information it is important that the request be handled promptly, that the citizen has all requested information well before the meeting. Decisions are made at these meetings, application process should include basic and specific information about what is being requested. The bottom line from his perspective is the applicant is requesting something from the residents of Valparaiso even if not provided during application process there should be willingness and openness on the part of applicant to provide information. Mr. O'Brien said he feels the City should be open and willing to provide the information requested. He said for around 12 years now he has made requests of the city clerk and several city administrators for additional information in regards to a public notice or a letter, he has had very satisfactory results on previous occasions they have been responsive, prompt, courteous and complete and thorough, the city employees action have reflected positive on the city. He said more times than not the additional information provides the answers to the questions he has and he hasn't had to attend the meetings. Mr. O'Brien said recently he saw a public notice posted on John Sims near Tom's Bayou Bridge the property owner of 303 Glen Avenue requested a variance and there was a date set for a meeting he said he contacted the clerk requesting additional information about the variance request. He said it took little time for Mrs. Johnson to send him the information requested, he was then able to make the decision that concerns were not great enough to warrant his presence at the meeting. He said he feels that if an applicant is asking the city for something then that applicant should be open and pleased to provide any additional information that is requested. Mr. O'Brien passed out a letter to the Commission, he said the underlined last sentence, there should be no reason for him to be before the Commission, his request should have been answered if there was a need for additional information that should have happened. Mr. O'Brien said he would expect to have questions answered in a prompt and timely fashion, he is making a request for additional information. He said several of the properties requesting vacation of right of ways are double frontage, two have plotted rights of way on three sides, a new survey to pin point exact boundaries of areas involved and vacation request is not to accommodate his request. He said he is asking the Commission to provide the specific areas of right of ways that the applicants are requesting to be vacated. Very basic and essential request that should not be a difficult task. He said again this is a time sensitive request and more than three weeks have been wasted in trying to get this very basic and essential information. He

Citizen
Concern
Resident

hopes he can count of the Commission to get him what he ask for, if they have any questions he would be glad to answer them.

Mayor Arnold asked Mr. Scott if he could speak to this. Mr. Scott said he could show everyone on a map but what Mr. O'Brien is specifically asking for he cannot provide. We don't have that information all we were given is the request for vacation of the right of way from the individuals, until April 29th when the presentation is made we won't have a map that shows where these lines are at and he is not going to draw lines on the map therefore he has nothing else to give Mr. O'Brien. Mr. Scott said he has given everything to Mr. O'Brien that he has and now if the Commission tasks him with drawing lines then he will be more than happy to draw the lines but he doesn't think it is appropriate. Mr. Scott said he (Mr. O'Brien) wants us to draw lines that are on individual lots straight down to the Bayou, they don't exist so he can't do that.

Mr. O'Brien said that is a misrepresentation of what he wants, what he wants is specific information of what the property owner wants. If necessary go back to the applicants and ask, he feels that would be done from the front end rather than back but regardless it needs to be gotten it is a priority for that meeting at the end of the month. He would rather go to a meeting fully knowledgeable of what is being proposed. He said if it takes a longer time to do it then he would request rescheduling the meeting to June so that he has ample time to research and review what he has asked for.

Mr. Dykes said under Florida law what we have to provide is what we have, we don't have a map then we do not have to provide it. Nothing requires us to go to applicant for them to draw a map to satisfy a resident's request. Mr. Scott said the application is a one page document that is completed and submitted with an \$800 fee. The Technical Review Committee sets a meeting where the applicants justify their reasons for right-of-way vacation. After the meeting the Technical Review Committee will submit their recommendations to the City Commission. Mr. Dykes said if we have provided what we have then there is no way we can just make up documents to provide for public records requests. Comm. Morgan said however before we vacate there will be lines drawn, until the applicants further define from their lot lines down to the perimeter which could be authorized under normal vacation rules, until we know what they request specifically through the Technical Review Committee there is no way to provide information but we will know what they are looking for before we make a decision. Comm. Morgan said Comm. Hamilton's property is very complex it has Spencer and Bayshore, is she requesting both he doesn't know, until further specified we don't know. Mrs. Johnson said Mr. O'Brien's issue is that we don't know what the vacation is for. Comm. Morgan said it could extend to adjacent properties and he understands but we don't know at this time. Comm. Morgan said it would be a good idea for future vacation requests that there be a map and to draw out what is being requested that is a great point that will be considered. Mr. O'Brien said he appreciates that and doesn't want to be argumentative but the letter provides no detail other than property description or the county number it is beyond comprehension for the city to engage in something without a solid view of what the applicant is asking for. He said the letter says there is something in the wind and that if I ask questions then I am going to get answers for it but I am not getting answers and feel very poorly served. Mr. O'Brien said again these people are asking something from the residents and he feels we have the right to know about what they want specifically and there is no point to wait until April 29th for that information. Mayor Arnold said his concern is that Mr. O'Brien wants information that we do not have. Mr. O'Brien said my question is why don't you have it. Mrs. Johnson said he wants to know why we do not know what vacations of right-of-ways are being asked for. Comm. Kelley said her understanding is that this all has to go before the Technical Review Committee and all of that will be heard at that meeting. Mrs. Johnson said he wants to know if he should go to that meeting. Mr. O'Brien said it is important aspect of city government to maintain public property and the right-of-ways. Mr. Dykes said the process for any vacation of right-of-way is the same for any property and if you want to know the specifics you have to attend the meeting that is the process that is in place. We cannot give what we do not have. Mayor Arnold said that was his concern that Mr. O'Brien is asking for something we do not have and do we have rational to add information to the application. Mr. Dykes said any information that is presented at the Technical Review Committee would be public record and available to review, anything used or put in on the 29th will be available. Mrs. Johnson said don't we know that the vacation of right-of-way being asked for is Bayshore Drive, can't we just tell him that. Mr. O'Brien said there are double frontage and platted right of ways on three sides how do you know what is being asked for. He stated again he is very unhappy and feels he has been poorly served. Mayor Arnold said they would take a look at it and see if there is additional information they could get to him.

1. CITIZENS' CONCERNS (non-agenda items) – Resident

Mr. Thomas Miller, 202 Hickory Avenue, said there is no specific information about what is going to be discussed at each meeting on channel 37. Mr. Miller said he feels like we do not want to provide information to the residents. He said he thought all meetings were to have public agendas. Mrs. Miller said the agenda was not on channel 37 at all. Comm. Kelley said it

Citizen
Concern
Resident

she forgot it on Friday night although it was on the website and once she realized on Monday that the agenda wasn't on the bulletin board she put it up. Mr. Miller asked if there was an Ordinance about how long an agenda should be posted, Mr. Dykes said agenda's do not have to be posted just the notice of the meeting, reasonable amount of time. Mr. Miller said it just wasn't how it use to be, he is interested in coming to the meetings because he is interested in the city. Comm. Morgan said he wanted to verify that all of the Commission meetings are being shown on channel 37. Mrs. Johnson said they are all shown the day after meeting.

Citizen
Concern
Non
Resident

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

There were no non resident comments.

1. NEW AGENDA ITEMS – Added Agenda Items

There were no added agenda items.

2. NEW AGENDA ITEMS – Presentation of Appreciation

Mayor Arnold said this was set to present a plaque of appreciation to Lt. Larry Carnahan and Officer Lisa Brooks, from the Department of Corrections, to thank them for the effort with the Little League Ballpark. He said neither was able to be with us this evening for a formal presentation so we would see where to send their plaques. Comm. Kelley invited everyone to go by and take a look at the park, they provided a number of services that saved several thousand dollars and looks like a shiny new penny.

Added
Agenda

Pres.
Apprecia-
tion

3. NEW AGENDA ITEMS – Monthly Utility Billing

Mrs. Johnson said she had been tasked to look for a local company to do our utility billing and she has found Cass Data and Mailing, they are located in Ft. Walton Beach. They will be able to do a two sided copy and they will have color accents and it will be less expensive. Comm. Hamilton inquired about emailing capability. Mrs. Johnson said yes residents can send their email addresses to us and the bill can be emailed to them. Comm. Morgan asked if it could be both. Mrs. Johnson said yes. Mr. Bennett asked if this would include the communication services. Mrs. Johnson said yes it would be all city services. Comm. Hamilton commended Mrs. Johnson for her great job and effort. Comm. Morgan asked if additional notices would still be able to be included, Mrs. Johnson said yes it actually had a larger note section on the bill, and they would also include flyers for us, they can print for us or we can print and deliver to them. Mrs. Johnson said we also had another company talk to us about paying the bills on line, she said before we had to have two separate amounts and there would be two end user charges but now that Cass Data can put the two billing amounts together there would only be one end use charge..

Utility
Billing

4. NEW AGENDA ITEMS – Appoint New Member to the Visioning Committee

Mayor Arnold asked Mr. Scott if we got acceptance or do we need to delete, Mr. Scott said to delete.

Visioning
Comm.

5. NEW AGENDA ITEMS – Proclamation Public Works Week

Mayor Arnold read the Proclamation for May 19 to May 25, 2013 to be National Public Works Week, the year's theme is "Because of Public Works..", we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works; and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Public
Wks
Week

6. NEW AGENDA ITEMS – Audit Report

Mayor Arnold said everyone has received a copy of the audit report and asked everyone to review it over the next several weeks and should there be any questions to pass those along to Mrs. Johnson. If need be we will get a representative from Warren Avarett O'Sullivan Creel for the May meeting.

Audit
Report

7. NEW AGENDA ITEMS – Resolution No. VCA 01-04-08-13

Mayor Arnold read Resolution No. VCA 01-04-08-13. COMM. STRONG MADE THE MOTION TO ADOPT RESOLUTION VCA 01-04-08-13 OF THE CITY OF VALPARAISO, A RESOLUTION OF VCA TO REVISE EXISTING INTERNET SERVICE RATES AND ESTABLISH NEW INTERNET SERVICES AND RATES AND PROVIDE AN EFFECTIVE DATE; COMM. MORGAN SECONDED THE MOTION. Comm. Hamilton said it looked like a good improvement especially on the commercial end. Mr. Bennett said we have increased our bandwidth from 150 mb to 500 mb to eliminate congestion on the network. During negotiations we were able to get a lower rate. Because of that we were able to lower our internet rates. Mr. Bennett said the 12 mb download is coming. Hopefully we will be able to test 12 mb within the next few weeks. Mr. Bennett said they had spoken with school representative, Eric Mitchell and the L3 Group, we have completed walk out of school and have the quote in hand for the work to prepare our fiber network for interconnectivity with the schools. As soon as we are able to get in contact with Mr. Mitchell and his group and go over the financial terms we will be able to move forward. Comm. Kelley said the reason that it is so important is the State is requiring so many grades levels to have FCAT testing on CBT (computer based testing). RESOLUTION PASSED WITH A UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Resolution
VCA
01-04-08-
13

8. NEW AGENDA ITEMS –Resolution No. 03-04-08-13 Visioning Committee

Vision
Comm.

Mayor Arnold read Resolution No. 03-04-08-13. MAYOR ARNOLD MADE MOTION TO ADOPT RESOLUTION NO. 03-04-08-13 A RESOLUTION OF THE CITY OF VALPARAISO ESTABLISHING A VISIONING COMMITTEE AND PROVIDING FOR (1) FINDINGS, (2) REPEAL OF CONFLICTING RESOLUTIONS, (3) SEVERABILITY AND (4) AN EFFECTIVE DATE, COMM. MORGAN SECONDED MOTION. Comm. Morgan said he felt somewhere it should be established that the Visioning Committee has a duty to coordinate with the Planning Commission, this is not specific under membership. Mayor Arnold said there is an ex officio member that is on both the Planning Commission and Visioning Committee. Mrs. Johnson said there is also a resident member that it is on both the Planning Commission and Visioning Committee, Mr. Cobb. Comm. Morgan said that is great but not specified under membership, he would like to have that added, so we aren't doing two different things. MAYOR CALLED FOR RESOLUTION TO BE PASSED WITH THE CLEARIFICATION OF MEMBERSHIP, PASSED WITH A UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

9. NEW AGENDA ITEMS –Request for Qualifications Police Chief

Mayor Arnold said in the package there is also a request for qualifications for Police Chief, that under the current charter the Police Chief is a constitutional position and the Chief must be a resident of Valparaiso. No questions then the internal advertisement would start tomorrow with the external starting next week through various news media.

RFQ
Chief
Police

1. OLD BUSINESS – Sidewalk Update Plat I

Mayor Arnold said that Mr. Valandingham was unable to attend this evening but has provided some updates. Mayor Arnold said Mr. Valandingham stated all sidewalk scheduled for replacement has been replaced, including all access points installed to ADA standards/specifications. There are approximately 620 linear feet remaining on North Bayshore Drive to remove and replace with fill dirt and plant grass seed, project is well under way.

Sidewalk
Update
Plat I

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Park Update

Mayor Arnold continuing from the paperwork prepared by Mr. Valandingham said the second annual Easter egg hunt in Lincoln Park was a huge success. He said the start times were staggered by age groups, the “Valparaiso Express” train and kid favorite bounce house were filled to capacity throughout the event. Estimated 250 kids from 0 to 12 participated, approximately 3500 eggs, toys, stuffed animals and prize baskets were given away. Mr. Valandingham wanted to extend a special thank you to A Ceramic Studio located on Chicago Avenue in Valparaiso and Wal-mart in Niceville for their support and generous donations. Mr. Valandingham would also like to extend a very special thank you to city staff, family members and volunteers who gave of their time to make this event so successful: Nathan Kelley, Tony Holstein, Jill Holstein, Nick Bragg, Laura Destin and Tammy Johnson.

City Park
Update

T. J. Brooks Park had several sections of wooden fencing installed for safety: along Echo Drive at playground equipment to provide a barrier between the playground area and street and around storm drainage area. The final touches include additional sod installation around park sign at Lincoln/Echo corner and placing decorative stone in right of way on Eco Drive next to restroom facility. Regarding the Lincoln Park Boating Improvement Grant we are awaiting price quotes from contractors to complete construction, anticipated work completion June 30, 2013.

3. OLD BUSINESS – Etc.

Mayor Arnold continued reading from the paper work prepared by Mr. Valandingham in regards to the North Bayshore Drive Utility Improvements the contractor has completed installation of both Phases of the Sewer according to Engineering plans. The sewer line has been cleared by Florida Department of Environmental Protection (FDEP) meaning customers are now able to connect house plumbing to installed sewer connections located in the right of way. The contractor has completed installation of water line and service taps in accordance with Engineering plans, bacteriological samples have been taken. Polyengineering is awaiting results from Analytical Services. Upon receipt Polyengineering will submit the permit packet to FDEP requesting line be placed into service. City staff to connect water services upon receiving clearance. City staff installed fire hydrant extension on newly installed fire hydrant located near midway point of project in order to bring it to proper grade.

Etc.

4. OLD BUSINESS – Ordinance No. 637 Fences & Retaining Walls

Mayor Arnold asked if anyone had any questions prior to final reading of Ordinance 637. Comm. Morgan said just for public record he would like to make sure it is known that the changes regarding vegetation obnoxious and electric fences have been added. Mayor Arnold said notices had appeared in the Northwest Florida Daily News on March 29th and April 8th and we have a sworn affidavit from the paper. Mayor Arnold read Ordinance 637. COMM. HAMILTON MADE MOTION TO ADOPT ORDINANCE NO. 637 AN ORDINANCE AMENDING CHAPTER 98, ARTICLE VIII, DIVISION 2, SECTION 98-174 OF THE VALPARAISO CODE OF ORDINANCES AND PROVIDING FOR (1) FINDINGS, (2) REPEAL OF CONFLICTING ORDINANCES, (3) SEVERABILITY AND (4) AN EFFECTIVE DATE, COMM. KELLEY SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Ordinance
No. 637
Fences &
Retaining
Walls

- Cable Authority
5. **OLD BUSINESS – Cable Authority Update**
Comm. Strong said he believed we covered all the latest on the cable.
- TPO/DOT
1. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT**
Comm. Morgan said he will be attending a conference in Orlando in the coming week for two days and will bring that information back to the Commission.
- Storm-Water
2. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater**
Mr. Scott said the MPDF had been applied for years 6 through 10 that has been received by the State, also phase II applied for previous plan years 1 through 5 has also been approved by the State the applications fee for years 6 through 10 is \$5,625 and has been sent so we are in the process of being renewed. We had no stormwater issues.
- Legal Activities
3. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities**
Mr. Dykes said the offer had been made on Robert’s litigation still waiting to hear back on that. The Willingham case is still in a holding pattern, there will be additional discovery request and there has been a new judge assigned the case and waiting for summary judgment. On the malpractice case we are still in process, our firm has contacted Sundstrom, Rose and Bentley and we are waiting.
- Planning Comm.
4. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Report**
Mr. Browning said we had a large turn out for our March 19th meeting regarding the docks. He said the Planning Commission asked that the Commission find out who owns the property in order to move forward with the docks, who owns the property in Plat I from Bayshore all the way around and he said until Plat 1 was solved they were going to leave Plats II and III. He said at the April 2nd variance request by Compass Rose for a roof top sign that was denied because it didn’t met the criteria and the residents were not in favor of the sign.
- Median Beautification Update
6. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Median Beautification Update**
Comm. Morgan said we are going to go ahead and find another well driller, and although that has delayed us it isn’t all a bad thing. He said they had talked to Lewis School, they have a well we might be able to utilize it. Comm. Hamilton asked if it would have enough flow, Comm. Morgan said yes it will be used as a trickle system so not a large demand, our engineer is going to get with Lewis representative and go forward. He said hopefully we won’t lose the grant in the process.
- Visioning Comm.
7. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Visioning Committee Update**
Mayor Arnold said he felt the Visioning Committee had been worked on with regarding to adopting the Ordinance.
- City Charter Wkshop
8. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Charter Workshop**
Mayor Arnold said we would have our next city charter workshop on the 22nd of April at 6 PM.
- OLOC Meeting
9. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – OLOC Meeting**
Mayor Arnold said he would like to express the importance of attending the Okaloosa League of Cities meeting and workshop at the Ft. Walton Beach Yacht Club on the 23rd April and to let Mrs. Johnson know if they will be able to make it.
- Budget Wkshop
10. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Budget Workshops**
Mayor Arnold said budget workshops would start in May, things should move a little faster because there isn’t a lot of money for capital improvements, hopefully three meetings, four at the most.
- Minutes 11 Mar 13
1. **ADMINISTRATIVE ITEMS – Minutes**
COMM. STRONG MADE A MOTION THAT THE MINUTES OF MARCH 11, 2013 BE APPROVED WITH CORRECTION ON PAGE 4, LINE 11 TO MAKE “PIECEMIL” ONE WORD, SECONDED BY COMM. KELLEY; WHICH PASSED WITH A UNANIMOUS VOTE OF COMMISSION, 5 TO 0.
COMM. STRONG MADE A MOTION THAT THE MINUTES OF MARCH 18, 2013 BE APPROVED WITH A CORRECTION ON PAGE 2, LINE 24 “LOOK” SPELLING CORRECTION, SECONDED BY COMM. MORGAN; WHICH PASSED WITH A UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.
COMM. MORGAN MADE A MOTION THAT THE MINUTES OF MARCH 28, 2013 BE APPROVED WITH A CORRECTION ON PAGE 2, LINE 9 IT SAYS IF NOT GREAT IT SHOULD READ BUT IF NOT GREAT, SECONDED BY COMM. STRONG; WHICH PASSED WITH A UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.
- Minutes 18 Mar 13
- Minutes 28 Mar 13
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), COMM. MORGAN SECONDED THE MOTION; WHICH PASSED WITH A UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.
- Bills Payable

3. **ADMINISTRATIVE ITEMS – Etc.**

Chief Norris said the fire department will be testing the flow of the fire hydrant system, should the water look a little discolored just run the tap a few extra minutes and it will clear up. He said public works will try to keep up with the hydrant bleeds to avoid the problem. Mayor Arnold said the discoloration was due to chlorine residue.

Etc.

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 7:18 PM.

Adjourn

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

April 8, 2013

The DVD labeled April 8, 2013 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.