

MINUTES  
CITY COMMISSION MEETING  
AUGUST 12, 2013

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
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
City Attorney	:	Hayward Dykes
City Engineer	:	Roy Petrey
Deputy Public Works Director:	:	Nathan Kelley
Recorder	:	Beth Millsaps

Others in Attendance: (Not Inclusive) James Butler (camera), Mike Griffith (Bay Beacon), Bill Bellamy, Terry Griffin, Jim Bateman, Clark (Tom) Browning, Geno Dylewski, Obie O'Brien, JC Baltz, Lyn Knowles

Welcome  
by the  
Mayor

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

Citizens'  
Concerns  
Resident

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

George Murphy, 1173 Bayshore Drive, said he and his wife had recently returned home from vacation and found they'd had a major leak in the plumbing, he said they called a plumber and on two occasions he had to call the city to have the water crew come out and they actually beat him to the house. He said the water department did a fantastic job and he wanted to compliment them. He said he would also like to compliment James Butler, who works for the cable and he compliments all of the cable and water departments for all the work that they do for the residents. He said he thought everyone needs a raise.

Gene Dylewski, 198 Highland, thanked the Commission for serving the city. Mr. Dylewski is requesting to play a video that is about 4 minutes long that he and his wife recorded regarding an area along North Bayshore Drive and Spencer Place. He said about two months ago Dr. Harris's attorney spoke about this area and how much it is not used and unable to drive down this certain area and this video would show that was not true. He said he is concerned that this is an area that is about to face legal action. He felt the city should be more prepared for legal action. Mayor Arnold said he didn't feel this is the time to be discussing that. Mr. Obie O'Brien would like to support his request to show the video as would Mr. Murphy. Comm. Strong said he didn't think this was pertinent to what we are doing tonight, Mr. Dylewski said it was pertinent to what he would like to discuss tonight. Comm. Morgan said as a resident he would be allowed to speak for up to four minutes so he thinks he should be allowed to show the video. Mr. Dylewski said he knew that the encroachment agreement had been debated that was signed and testified and Mr. Scott, witnessed the signature of Dr. Harris, as he reads the agreement it makes him question what is going to be done with the structure that is built there. He asked Comm. Kelley, Commissioner over Parks, if we would be able to post a sign on the property to say that the City has bathrooms available for use? He said there is an additional structure there that he doesn't believe was permitted. This is on city property so it is to be enjoyed by everyone. He said this is what ties into his video, so that the Commission could see the opportunities of the green spaces that the City might be giving up. Comm. Kelley said there were procedures and processes that something like a vacation went through before it came to the Commission, she said she wasn't prohibiting Mr. Dylewski from going forward but wanted to make him aware of the procedure. Mrs. Johnson said what went before the Technical Review Committee was the application to vacate, not an application to build anything. Mr. Dylewski again addressed looking at the video. (Mr. Butler, our cameraman is working with getting the video to show in the audio/video room). The video shows driving down John Sims Parkway, he said there is no sign and he would like the city to erect a street sign properly recognizing North Bayshore Drive. He would like to request that a sign be erected there. (There is still a delay in showing the video.) Comm. Hamilton said she felt the Commissioners were all familiar with the area since it had been such a hot topic, she didn't think anyone hadn't walked the area, she doesn't feel the video is necessary. Mr. Dylewski said he wanted to show the video to have it in as part of the public record, that was why he was here tonight. Mr. Dylewski said he felt that Dr. Harris's attorney and surveyor had put onto record inaccurate statements and he wants to voice his opinion on that. All of the members of the Commission have been down through the area so Mr. Dylewski said to just forget the video then, they should understand what he is talking about. Mr.

Dylewski asked how he would go about getting a street sign, Mr. Petrey said it is not a street, it is platted but not a street, not constructed as a street. Mr. Dylewski said he didn't understand. Mr. Dylewski said there is a sign that says Spencer Place and Bayshore Drive. Mr. Petrey said there are a number of streets that are platted but haven't been constructed. Mr. Dylewski said it doesn't have to be constructed to be recognized as a street, he thinks that is what the whole debate is about. Mr. Petrey said that point that he is making that the public should be able to recognize it as a street but it has never been constructed, all it is effectively is a utility easement. Mr. Dylewski said no it is a trail and you could consider it to be a street, he said he just drove it and would be glad to drive everyone there. Mr. Dykes said he thinks Mr. Dylewski's point has been made, it would be up to city staff to take it up from here. Comm. Morgan said he had met with Dr. Harris offline about this and that Dr. Harris is wanting to move forward with this in a positive way. Comm. Morgan said maybe we can think of ways to have more public recognition so the agreements of the encroachment are not infringing on his business but also making sure the public knows their rights and ability to use the property, he feels sure we can move forward on that. Mr. Dylewski said he had two points from the video, one being the street sign and the other there is an area where Spencer Place joins North Bayshore Drive and that has not been properly shored up and wanted to know if there was anything that could be done from a city engineer point of view. Comm. Hamilton said they have already been looking at that and she had met with the city engineer on that, the location is right behind her house and they are thinking about making an easement. Comm. Morgan said that is a stormwater management problem that is being worked on. Mr. Dylewski asked if there was anything the city could do about the limbs and debris over running the place or is it a resident issue? Mrs. Johnson asked if he was still talking about Spencer, he said no North Bayshore. Comm. Morgan said that would be something decided down the line within the confines of the development of Bayshore Drive which we aren't close to deciding at this time. Mr. Dylewski said all he was asking was for the sign and the erosion issue. He said he wasn't trying to challenge anyone tonight he was just here tonight as a concerned citizen. Mr. Dylewski said he knows many Commission members personally and he said he knows how important it is to the city to have a strong tax base and that it has come to light that we are not friendly toward businesses. He said his comment about that is those who have lived in the area for so long like he and his wife recognize that we are more like a village or a town not like a city, we don't lend ourselves very well to a lot of businesses. Mr. Dylewski said he knows that Mayor Arnold is stepping down after this term and he has done so much for the city and he is very concerned that the idea of a city administrator doesn't sit very well with him. He said he feels someone will step up and fill the Mayor's space to some degree as well as the Mayor has done. He said he knew that Mr. Corbin did a good job in Niceville but he doesn't fit here. He said he felt we had great Commissioners.

Mr. Obie O'Brien, 324 Glen Avenue, said he would like to thank Mr. Dylewski for taking the time to recognize this very special place, the North Bayshore Drive area. He said in two attempts of vacation he had written a lengthy letter to the Technical Review Committee about the use of this area. Mr. O'Brien said he set through a couple of meetings where people had just given complete distortions of this area and its use. He said the area needs to be recognized so that the public knows what they have here in the city, it is a wonderful place to walk and water access. Mr. O'Brien said in 2007 when there was an action, that a petition had over 200 signatures for something to be done with the area but still waiting for that to happen. Mr. O'Brien said that it is a right of way that we all have access to, he said he has used for twelve years. He said he supports Mr. Dylewski that we should identify it so that everyone knows what they have and can enjoy it. Mr. O'Brien had a handout that he gave to the Commission and said he wished the video could've been played because it showed how easy the access was.

**2. CITIZENS' CONCERNS (non-agenda item) – Non – Resident**

There were no non-resident comments.

**1. NEW AGENDA ITEMS – Added Agenda Items**

Mayor Arnold asked Comm. Strong if he wished to discuss the county gas tax sharing and Comm. Strong said yes he would like to add to agenda. MAYOR ARNOLD MADE THE MOTION TO ADD THE COUNTY GAS TAX SHARING TO THE AGENDA UNDER OLD BUSINESS, COMM. MORGAN SECONDED THE MOTION WHICH PASSED WITH A 5 TO 0 VOTE OF THE COMMISSION.

**2. NEW AGENDA ITEMS – Chamber of Commerce Resolution in Support of the F35 Mission**

Mayor Arnold read Resolution 2013-03, a Resolution of the Niceville Valparaiso Chamber of Commerce supporting the Military Mission at Eglin Air Force Base. NOW, THEREFORE BE IT RESOLVED BY THE NICEVILLE VALPARAISO CHAMBER OF COMMERCE BOARD OF DIRECTORS THAT WE: Continue to welcome and support further incorporation and bed-down of the F-35 Joint Strike Fighter Integration Training Center at Eglin Air Force Base, Florida, and Continue our commitment to our nation and to Eglin Air Force Base for this and all defense industry matters. Resolve that the local Business Community, local Citizens and local Government strive to continue a successful, prosperous relationship between our residents and the F-35 JSF ITC at Eglin Air Force Base. Adopted the 24<sup>th</sup> day of July, 2013.

Citizens' Concerns  
Non-Resident

Added Agenda Items

Chamber of Commerce Resolution

Comm. Hamilton said she brought this to the attention of the Commission tonight as she is on the Chamber's board. She said she doesn't think anyone can say that any place has been more supportive of military than us. Comm. Hamilton said she feels the timing is an issue because it makes a statement that any issues that Valparaiso might have going forth with the F35 runways, they are making it clear that the chamber doesn't support us. Comm. Hamilton said she made sure they understood it is the Niceville Valparaiso Chamber not just the City of Niceville Chamber. She said she understood their point of view in supporting the economic growth of the communities and we are all interested in it. She said she was pretty heartfelt but that she was the only one to vote against the resolution. Mayor Arnold said we have always supported the Air Force and we support the F35 program and in every briefing that we have given or letter we have written. Comm. Hamilton said that was what she said, she didn't disagree with the wording but with the timing of the resolution, she felt the timing was wrong. Comm. Hamilton said she met with Mr. Gallagher and Ms. Brunson, Chairman of the Board and President and CEO, and a few others after the meeting about going forward in a productive and positive way, not a decisive way. She said she remembers when she and Comm. Morgan were running for office one of the things to deal with was how much animosity was coming up and she would like to avoid that in the future. Comm. Hamilton believes City of Niceville wants to be supportive of Valparaiso and that is the plan. She said they are working on some positive ways that the Niceville portion can support us. Comm. Hamilton said she thinks it is good for us to have public support from Niceville. She said Comm. Morgan has put together two presentations and would like for him to be able to present one at the earliest convenience to the Chamber. Comm. Morgan said he has met with the 33<sup>rd</sup> Fighter Wing commander last week and it was very productive, met for about two hours and we are looking forward as to how we can work together. Mr. J C Baltz, Bayshore Drive, said the resolution by the Chamber was very well written and for our council woman to vote against it, how do you expect me as a city resident to go all over the world and he meets a lot of military people with his job, and Valparaiso comes up quite a bit and if you don't think voting against that become decisive toward our city then he believes Comm. Hamilton is wrong. He said that doesn't say anything other than we are going to support the F35. Mr. Baltz believes that what Mayor Arnold has done the whole time is correct in that you have to hold the government's feet to the fire, a pilot training base for the F35 is loud, he has been to other pilot training bases, he has trained others to fly planes it takes a lot of time, but that by the Chamber should've been supported by the city. He said Mayor Arnold is going about things correctly in voicing using different traffic patterns and using different airports, but by not supporting that from our city was incorrect. Comm. Hamilton thanked him for his opinion.

Ordinance  
No. 646  
Sanitation  
Revision

**1. OLD BUSINESS – Ordinance No. 646 Sanitation Revision**

Mayor Arnold said this would be the second and final reading of Ordinance No. 646 our sanitation revision, we have proof of publication from Northwest Florida Daily News which ran on August 2<sup>nd</sup>. He read the legal ad. Mayor Arnold read Ordinance No. 646 an Ordinance of the City of Valparaiso amending chapter 70- sold waste of the Valparaiso Code of Ordinances and providing for (1) findings, (2) severability, (3) repeal of conflicting ordinances and (4) an effective date. Comm. Hamilton said this had been reviewed very carefully by Mr. Valandingham and he apologizes that he could not be here this evening, she thinks everything has been covered and would just like to move forward with it. She said Mr. Kelley is here for questions. Comm. Morgan said in regards to construction waste and debris, will we be charging for pick up now, since we haven't in the past and other organizations do not. Mr. Kelley said this is bringing what we actually do and updating the Ordinance to correspond with that. Mr. Kelley said as far as fees go, when it is a large accumulation of material that has to go to Arena Landfill which is in Crestview so that is an additional trip, we aren't looking to make money off of it but to break even on the fees. A brief discussion regarding the Ordinance followed. Comm. Hamilton answering Mr. Griffin's question says the existing residents will not have to pay for the sanitation cart. Chief Hart asked if the intent of the ordinance was to allow burning of trash at a residence per Sec. 70.8 (3). Comm. Morgan stated the old Ordinance had the same verbiage. Chief Hart stated the way this is written even if they had a burn permit we would have to deny it because of the distance to another occupied building. If the intent is to allow residents to have small fires we need to change the wording. If we do not want to allow burning why don't we just say that? Com. Morgan said maybe we should look at a better solution. Mayor said he would suggest we amend it and say the burning of trash is prohibited. Mr. Dykes said if that was done we would have to go back and do a first reading. He would suggest we take that up at a later time. COMM. HAMILTON MADE A MOTION TO PASS ORDINANCE NO. 646 AS WRITTEN, COMM. MORGAN SECONDED THE MOTION. Mr. Petrey asked if it was Department Environmental Quality or Department of Environmental Protection that had jurisdiction over this, the Ordinance mentions Environmental Quality but he believes that is now DEP. Mr. Kelley said it is DEP. Mrs. Johnson mentioned the incorrect phone number for the fire department, Mr. Dykes said the name can be changed and also phone numbers can be changed without having to start the Ordinance process anew. MOTION PASSED BY A VOTE OF 5 TO 0, A UNANIMOUS VOTE OF THE COMMISSION.

Procedure  
Change  
For  
Ordinance  
Adoption

**2. OLD BUSINESS – Procedure Change for Ordinance Adoption**

Mayor Arnold said this change was suggested by our attorney, Comm. Hamilton said it made sense to her. Comm. Morgan said he would like to see before the first discussion of the Ordinance is the content listed out by bullets, specific points listed out, before time is spent writing it all out. He suggests first and second reading and then actually writing the Ordinance out to be processed and published. Comm. Hamilton said if we did two readings for the bullets then the Ordinance we are adding more time to the process. Mr. Dykes said if you could iron out the issues in the first reading then the second reading would be more of a formality. Mr. Dykes said that is how they use the first reading in other municipalities that he works with. Comm. Morgan said with a first reading he feels we need to have an abstract, purpose and discussion in going forward. Comm. Strong said he agrees with Comm. Morgan, he wants the discussion before the Ordinance is written, a separate procedure. Mayor Arnold said you would have a proposed Ordinance in first meeting, then a first reading of Ordinance and then second reading of Ordinance, is what Comm. Morgan has suggested. Comm. Hamilton said that sounded more like a workshop to her. Mr. Dykes said ordinarily changes to an Ordinance will be proposed by other Commissioners or staff sees a deficiency and that will give you an opportunity to see the changes in a proposed reading. Mr. Dykes said it seems to him this would be adding another layer, it seems unnecessary to have a “bullet” meeting but it is up to the Commission in how they would like to proceed. Comm. Morgan said at the first reading to present a summary, clear presentation. Mr. Dykes said that is what he is proposing that would allow the Commission to do the heavy lifting at the first reading, any changes or questions then the second to complete. He said things seem a little backward here in that no one asks questions or brings up any problems in the first reading but everything comes up in the second. Mayor Arnold said generally the whereas state the problems and solutions so that is almost like bullet statements to start with. Mr. Dykes said as the Ordinance is being prepared for it to be circulated to other departments that will be affected so that everyone has been able to put their input in. COMM. MORGAN MADE MOTION TO ACCEPT MR. HAYWARD DYKES PROPOSAL FOR ACCEPTANCE OF ORDINANCES AS DESCRIBED IN HIS LETTER WITH THE PROVISIO IN ADDITION TO PROCEDURE DESCRIBED IN LETTER A FULL ABSTRACT OF CHANGES AND PURPOSE OF THE ORDINANCE BE DESCRIBED. COMM. STRONG SECONDED THE MOTION, WHICH PASSED WITH A VOTE OF 5 TO 0 A UNANIMOUS VOTE OF THE COMMISSION.

**3. OLD BUSINESS – Revised Charter**

Mayor Arnold said either in the May or June meeting that the Commission essentially approved the draft of the charter revisions, since then the draft has gone to the attorney’s office and he and staff have put everything into legal form and referenced State statues. He asked that everyone review the documents about fifteen pages in all and he asked the Commission to read over all of the material and be ready to discuss it on the 26<sup>th</sup> of August at the Budget workshop meeting, we will look at charter changes before the workshop. Comm. Morgan said he didn’t have a problem per say but he thinks this is such an important issue that it should be held at a regular meeting instead of a budget workshop. Mayor Arnold said there is no new material here, Comm. Morgan said for proper first review it should be at a regular meeting. Mayor Arnold said if this is what the Commission agrees on then it would be presented to the public and hold public hearings but we first have to have something to present. Mayor Arnold said we are at a critical standpoint at this time because of the lead time of what must be done before it can be on the ballot for a vote next year. Mayor Arnold said it is on the agenda for the 26 August meeting making that a workshop and special meeting. Comm. Morgan said the special meeting will be to review the charter. Comm. Morgan asked if that meeting would be the first reading for the new charter. Mr. Dykes said if you approve the charter then language has to be adopted to put in Ordinance for public hearing. Mr. Dykes said that a lot of changes have taken place with Florida Statutes that have taken the charter from a 30 page document to a 15 page document. He asked that the Commission look it over and call him if there are any problems that they find or questions that they have.

**4. OLD BUSINESS – Etc. Gas Tax Sharing**

Comm. Strong said we originally received a letter from the county saying they would like to stay with the original allocation for a year and that was fine, then they changed the county Commission gave them direction to incorporate the “default” formula and went to the cities and gathered information. They had a meeting with the city administrators and managers I went to it to present the 70/30 share for their budget of the \$.05 gas tax which would be a 25% cut to our cities. Comm. Strong said the League of Cities sent a letter in July supporting the 60/40 split, 40% going to the cities, to keep this for a year until further data could be collected. Comm. Strong said a report by Destin for the last five years sharing it shows we are at a 56/44 sharing, he said the county does not agree with these amounts. The county has a report the cities do not agree with. That was the reason to put it off for a year. The county says they will not put it off. Lengthy discussion regarding the gas tax sharing continued. COMM. STRONG MADE MOTION FOR MAYOR ARNOLD TO WRITE A LETTER TO BE SENT TO COUNTY COMMISSIONERS AND COPY TO ALL MAYORS TO REITERATE OUR POSITION ON THE GAS TAX FOR A 60/40 SPLIT TO BE CONTINUED FOR ONE MORE YEAR, WHILE WE LOOK AT STATUTES AS TO HOW THE AMOUNTS ARE TO BE CALCULATED,

Revised  
Charter

Etc.  
Gas Tax  
Sharing

COPIES TO EACH CITY. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED WITH A 5 TO 0 UNANIMOUS VOTE OF THE COMMISSION.

TPO/DOT

**1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT**

Comm. Morgan said there would be a meeting on the 22<sup>nd</sup> of this month. He said they would be voting on the makeup of the TPO which would have an effect on smaller cities. He said all of the smaller cities feel we should be represented but there has been a move to try to consolidate more power to the county level. Comm. Morgan said we are going forward to support smaller cities with their representation.

Stormwater

**2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater**

Mr. Scott said there were no new issues some followup issues regarding run off from Eglin. Mr. Petrey said he has a meeting later this week with the Corp. of Engineers.

Legal Activities

**3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities**

Mr. Dykes said the federal case was still pending, waiting on judge. He said he is doing a presentation sort of a refresher on the Sunshine Laws and Robert's Rules with some legislative updates and how meetings are ran, public participation law that was past this year, some information on procedures that is still left for the Commission. Mayor Arnold suggested at the October regular meeting, Mr. Dykes said it would take about 30 minutes and if anyone had a particular question closer to time that they would like answered to just let him know.

City Parks Update

**4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Parks Update**

Comm. Kelley said everything is looking good, especially Lincoln Park where the boat parking has been redone. She said there were some other plans coming that she thinks the Commission will be pleased with.

Planning Comm.

**5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Report**

Mr. Browning, Chair Person, said we are in need of some more members.

Median Beautification

**6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Median Beautification Update**

Mr. Petrey said the landscape architect was working on some base maps right now and as soon as he had ready they would have a meeting with staff and the committee.

Visioning Comm.

**7. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Visioning Committee Report**

Mayor Arnold said no one is present this evening. Mrs. Johnson said they did meet but did not have a quorum. Mayor Arnold said he has sent a letter to each of the members asking that they make time to get to the meetings or resign so that another member could be appointed.

Budget Workshop

**8. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Budget Workshop**

Mayor Arnold said there would be a budget workshop on the 26<sup>th</sup> of August at 6 PM.

Minutes July 8, 2013

**1. ADMINISTRATIVE ITEMS – Minutes**

COMM. STRONG MADE A MOTION THAT THE MINUTES OF JULY 8, 2013 BE APPROVED AS WRITTEN. COMM. KELLEY SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

July 15, 2013

COMM. HAMILTON MADE A MOTION THAT THE MINUTES OF JULY 15, 2013 BE APPROVED AS WRITTEN. COMM. MORGAN SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Bills Payable

**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. HAMILTON SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Adjourn

**ADJOURN**

There being no further business to be brought before the Commission, the meeting adjourned at 7:31 PM.

---

John B. Arnold, Jr.  
Mayor

---

Heyward H. Strong, Jr.  
Chair, VCA

ATTEST:

---

Tammy Johnson, CMC  
City Clerk

August 12, 2013

\*\*\*The DVD labeled August 12, 2013 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.\*\*\*