

MINUTES
CITY COMMISSION MEETING

January 14, 2013

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Comm. Morgan 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.
Commissioner	:	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
Public Works Director	:	James Valandingham
Library Director	:	David Weatherford
Cable Director	:	Burt B. Bennett
City Attorney	:	Hayward Dykes
City Engineer	:	Roy Petrey
Recorder	:	Beth Millsaps

Others in attendance: (Not inclusive) James Butler (cameraman), Mike Griffith (Bay Beacon), Don Caverly

Mayor Arnold welcomed our visitor to the meeting.

1. CITIZEN CONCERNS (non-agenda items) – Resident

There were no comments from the resident.

Citizens'
Concerns
Resident

2. CITIZEN CONCERNS (non-agenda items) – Non Resident

Mayor Arnold would like the record to reflect that we did not have any non-residents in attendance.

Citizens'
Concerns
Non-Resident

1. NEW AGENDA ITEMS – Added Agenda Items

Mayor Arnold asked for any items that anyone wanted to add, since no one had any additional the agenda would be followed as published.

Added
Agenda Items

2. NEW AGENDA ITEMS – New City Logo and Seal

Mayor Arnold said he would like to have a new logo and seal for the City something that is more up to date. He believes this is something that was talked about at an earlier meeting and would like to see something set into motion. He said he would like to open up the competition of design to local Valparaiso students and that the winner's school would receive a cash prize. Comm. Hamilton said she would like to make a motion to revise the City's logo; Comm. Kelley seconded adding that she would like to have the present logo put into the pile to be considered. Mayor Arnold opened the topic up for discussion. Comm. Morgan said he would like to think that our new Valparaiso Vision Committee should have a role in determining what a new seal and logo would look like. He feels that by doing this we would be putting the cart before the horse. Comm. Kelley said maybe the Vision Committee could add to what we come up with. Mayor Arnold said that regardless of the Vision Committee comes up with we will always be the Home of Eglin AFB, no one is going to change that. Comm. Morgan said we already have that reflected on our City letterhead, he said he is open to looking at redoing the seal and logo but feels we need to wait until the Vision Committee is underway. Comm. Strong said he feels we need to wait to see what the vision for the City is going to be before we change the logo and the seal but that he would be fine with whatever the Commission decides. MOTION PASSED WITH A 3 TO 2 VOTE BY COMMISSION WITH COMM. MORGAN AND COMM. STRONG VOTING THE NEGATIVE. Mrs. Johnson would like to verify what the motion is proposing and the Mayor said that we would be the home of Eglin AFB; this would be a new logo and have a seal designed around that logo. Comm. Kelley said she believes that is more of a slogan, she feels we are looking for a new seal, a new picture image and new logo. Mr. Dykes asked for Comm. Hamilton to again state what she proposed in the motion so that it was clear on the record. Comm. Hamilton said that she made the motion to offer changes to the logo, nothing specific as of yet but have the kids of the community come up with concepts about Valparaiso. She said we do know that we are the home of Eglin AFB. Comm. Hamilton said the motion was to look for new designs for a seal and that we would look at those and vote on one. Mr. Dykes said the motion wasn't actually to change anything tonight just to go forward with the idea. Mayor Arnold said he doesn't feel that we should leave it to the younger generation to say what we are he feels they would need some guidance. Mr. Dykes said the best thing to do is make a motion for reconsideration someone who voted in the affirmative to consider the issue again. Comm. Hamilton said so moved and Comm. Kelley seconded motion. Comm. Morgan

New City
Logo and Seal

said he feels that the guidance should come to the students with input from the Vision Committee. Motion on the floor to reconsider passed unanimously by the Commission.

3. NEW AGENDA ITEMS – Resolution No. 01-01-14-13 Temporary Moratorium on Fence Permits

Resolution
No.
01-01-14-
13 Temp
Mor-
atorium
Fence
Permits

Mayor Arnold said the next item on agenda is Resolution No. 01-01-14-13 said this request was made by Mr. Scott. Mr. Scott said that this situation has occurred in Kelly estates, where most houses are in the center of the property the houses on Carie Way are all built to the left lot line so in theory you could have a fence within an inch of the house. He said a surveyor went out and took a look between 23 and 21 and what it does now is cause all electric meters to be in non-compliance with the code and exterior windows have no available egress because you would climb right into a fence. He said the only way to fix this is to change the ordinance on zero lot line properties. To give the Commission time he proposes to put a moratorium on those properties which could either be in R2 zoned district or any zero lot line properties. Mayor Arnold read A RESOLUTION OF THE CITY OF VALPARAISO ESTABLISHING A MORATORIUM ON FENCING PERMITS FOR PARCELS LOCATED IN R2 ZONING DISTRICTS AND ALL ZERO LOT LINE PROPERTIES UNTIL A REVIEW OF THE CITY OF VALPARAISO LAND DEVELOPMENT CODE IS CONDUCTED AND REVISING ORDINANCE AS CONSIDERED APPROPRIATE BY THE CITY COMMISSION ARE PROPOSED AND ADOPTED. COMM. MORGAN MADE THE MOTION TO ACCEPT RESOLUTION 01-01-14-13 AS PRESENTED, SECONDED BY COMM. STRONG, WHICH PASSED WITH A UNANIMOUS VOTE OF THE COMMISSION.

4. NEW AGENDA ITEMS – Building Purchase Opportunity

Building
Purchase
Oppor-
tunity

Mayor Arnold said the property that Coastal Bank used as there data center is up for sale and this might be an excellent opportunity to centralize all of our services in a more ornate, better looking facility and get off the parkway. Mr. Scott said the square footage is within 1000 square feet of what we have now within the two structures, however their structure was built in 1990, ours in 1959, City Hall is in bad need of repairs, basically it is falling apart. The offices in City Hall where the Mayor, Mrs. Johnson and Mr. Scott work have leaks in the walls and windows, the stucco has been lifted off we are looking at major repairs. Our electrically on the outside is very sound because of recent updates however not very sound on the inside. Mr. Scott said he would like for everyone to consider the options, he would like each Commissioner to look at the building on Edge Avenue if there is interest and come to February meeting with their thoughts. Comm. Morgan asked what the other advantages would be other than a newer building, would the library fit on one floor, and is there a possible floor plan. Mr. Scott said this is something that needs to be discussed as you walk around and get a vision of what the building has to offer. He said the bottom floor only has 7' foot 9" ceiling and that the library couldn't use that floor but the seconded floor has ten foot ceilings that could be used, he said that Mr. Weatherford doesn't like the idea of the library being on the second floor but Mr. Scott said the trusses are 2 x 12 and that would easily be able to hold the weight of the library. He said there is a section that is unfinished that could be turned into anything, there are garage doors, and it is adaptable for whatever we want to do. Mr. Scott said the next question would be what we are going to do with the buildings we have now which could be leased or sold, divided into offices and rented. He said that Richardson electric has made an inquiry into the City Hall building so he is interested in looking at that. Comm. Kelley asked if there is grant money that is available for this purchase. Mr. Scott said there is no grant money that he knows of that would be used to purchase a public facility. Comm. Kelley asked Mr. Weatherford if there is any grant money that could be used through the library. Mr. Weatherford said it is something that could be looked at however; the State would want the library to have the prime part of the building if grant is used. He said the bookshelves will not fit on first floor and he cannot see putting all of the books and shelves that we have in the library on the second floor without there being a problem, it is a lot of weight. Mr. Scott said the weight will not break the 2 x 12's. Mrs. Johnson asked if we would have to pay the money back for the recent grant to the library and Mr. Weatherford said no as long as you are going bigger and better, Comm. Kelley suggested maybe purchasing short shelves with grant money and Mr. Weatherford said there are just too many books. Mr. Scott said the second floor would be almost ready for the library as it is today and it would double the space for them the only problem would be installing an elevator. Comm. Morgan asked if there was any other difference in the buildings other than the age, he feels \$56. a square foot is too high and with the budget as it is he would like to look further into things before deciding. Mayor Arnold asked if each of them would get with Mr. Scott before the next meeting and look at the property and it would be discussed at the next meeting.

5. NEW AGENDA ITEMS – Ordinance No. 636 Flood Plain

Ordinance
No. 636
Flood Plain

Mayor Arnold conducted the first reading of Ordinance No. 636 an ordinance amending the Code of Ordinances to repeal Ordinance No. 199, 283, 297, and 318; to adopt a new ordinance no. 636; to adopt flood hazard maps, to designate a flood plain administrator, to adopt procedures and criteria for development in flood hazard areas, and

for other purposes; to adopt local administrative amendments to the Florida Building Code; providing for applicability; repealer; severability; and an effective date. Mr. Scott said that this Ordinance is in regard to our recent FEMA audit that we passed. He said in order to be a CRS community we have to adopt a new FEMA flood plan ordinance, we have several on the books that have never been repealed so this ordinance cleans that up and adopts a new one. Mayor Arnold said we received a visit from the National Flood Insurance program assistance and we have received the report. Mayor Arnold said the report indicates the City is appropriately and effectively using flood plain management program. Mayor Arnold said this is our first reading and will have the second and final reading at the February Commission meeting. After a lengthy discussion, the Commission will conduct final Ordinance at the February Commission.

1. OLD BUSINESS – Sidewalk Update Plat I

Mr. Valandingham said they are $\frac{3}{4}$'s complete. Comm. Hamilton wants to know what is going on with the parks that are torn up; she said the parking in Lincoln is going the wrong way. Mr. Valandingham said that the parking is indeed going the wrong with and with the grant money that will be corrected and repaired. He said with Brooks Park there has been a lot of washout and they are working to repair and complete, he said the majority of not being able to get to everything done is due to lack of staffing.

Sidewalk
Update
Plat I

2. OLD BUSINESS – City Charter Study

Mayor Arnold said that this topic was discussed in the previous meeting to a 2 to 2 split and the decision is to be made this evening. Mayor Arnold said he composed a letter to all the Commission explaining why he feels a review is necessary. He said this would entail a lot of workshops and hard work to revise the charter and bring it into the modern age but he feels it is necessary. COMM. HAMILTON MADE A MOTION TO PROCEED WITH CHARTER REVIEW STUDY, Mr. Dykes said this would be a review because any charter change would have to be done through a referendum on a ballot. Mayor Arnold said next election is March 2014 and feels that by then it could be on the ballot. Mr. Dykes said we must get with the Supervisor of Elections to find out when the charter would need to be submitted to go on the 2014 ballot. Mr. Dykes said the first step would be what kind of language would be used in the referendum for the ballot before it goes to the public. Mayor said we might decide to stay where we are but these are things that we need look into. COMM. KELLEY SECONDED THE MOTION TO PROCEED WITH CHARTER REVIEW. Mayor asked for any discussion, Comm. Strong said he is happy with what we have. Comm. Morgan said he feels this is going to be a real problem, that the problems we have we can work with the form of government that is currently in place. Comm. Hamilton said we are not taking a vote on changing our form of government. Comm. Kelley said that a new form of government might show us new ways to do things. Comm. Morgan said he feels we are looking into form of government to answer questions that can be answered in the form of government that we have now. Mayor Arnold said our agendas would not be as lengthy with another form of government but have to be now to keep everyone informed of what is going on within the City. Comm. Morgan said he would hope that would continue. Comm. Strong said he feels there isn't anything wrong with what we are doing now, he doesn't agree with the Mayor, he thinks we have good executive leadership and doesn't see the problems the Mayor sees. Comm. Morgan said again why are we looking at changing the form of government. Mayor Arnold feels we owe it to our citizens to look at a better way of providing services. Comm. Morgan feels we need to attack the issues, we can do whatever we need under the Commission form of government once it is given away it is given away for good. Comm. Kelley asked what was being given away other than personal power. Comm. Hamilton said the Commission form of government gives way too much power to each Commissioner and that is why it is an antiquated form of government. She said if you go back and look at all form of governments and see what is working and what doesn't the vast majority of the cities of our size have changed from the Commission form of government because it gives too much power to the Commission. Comm. Morgan said everything one Commissioner does has to be approved by all of the Commissioners. Mayor Arnold said at this time we are going around in circles and we need to vote. MOTION TO BEGIN A CHARTER REVIEW VOTE IS 3 TO 2, WITH COMM. MORGAN AND COMM. STRONG VOTING IN THE NEGATIVE.

City
Charter
Study

2. OLD BUSINESS – LEASE RENEWAL SBA

Mr. Scott said we had received paperwork to review and he would get with Mr. Dykes and have before the Commission at the February meeting.

Lease
Renewal
SBA

3. OLD BUSINESS – Ordinance No. 634 Land Use Change R1A to C1 308 Glen Avenue and Ordinance No. 635 Rezoning R1A to C1 308 Glen Avenue

Mayor Arnold read the ad for the notice of the public hearing for Ordinance No. 634 and Ordinance No. 635 that appeared in the Northwest Florida Daily News on January 4th. He then read Ordinance No. 634 and Ordinance No. 635. COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 634 AN ORDINANCE ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE; PROVIDING FOR LAND USE CHANGE TO .26 ACRES OF LAND

Ordinance
No. 634,
635

MOL; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT, AND PROVIDING FOR AN EFFECTIVE DATE AND TO ADOPT ORDINANCE NO. 635 AMENDING ITS ZONING MAP; PROVIDING FOR A PURPOSE; PROVIDING FOR A ZONING CHANGE TO .26 ACRES MIL OF LAND FROM R1A , SINGLE FAMILY RESIDENTIAL, TO C1, COMMERCIAL DISTRICT LIMITED; PROVIDING FOR ZONING MAP AMENDMENT, AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY MAYOR ARNOLD. Comm. Morgan asked if there would be some language regarding the stipulations that were discussed at the last meeting such as the buffer requirements, Mayor Arnold said he didn't think that could be put in the Ordinance; it has to be a separate agreement. Mr. Scott said they didn't have a choice the buffer had to be there it is part of the zoning. Comm. Morgan said he was referring to restricting the use to only parking lot, would the owners agree to that. He said the residents were concerned about it becoming a parking lot but more concerned as to what it might become later if sold or transferred. Mayor Arnold said we have no zoning category for parking lots, Comm. Morgan said Mr. Scott is working on something to change that and asked Mr. Scott how far off was that. Mr. Scott said it is at least a year or more depending what you want to do. Comm. Morgan said because of the buffer requirement it is good that the property is C1 but in the planning meeting they discussed stipulations and then in the last meeting the Commission said those stipulations couldn't carry forward. He recommends we either vote no on this or we vote yes but with a separate letter signed by both parties to accept stipulations until further zoning could be completed. Mayor Arnold said he didn't know how you could enforce that if the doctor sold the property ten years down the lane, it can't carry over to a new buyer. Comm. Morgan said this would just be for the time that it would take to get the proper zoning in place; Mayor Arnold said he didn't think he would be adverse to signing something like that. Comm. Hamilton said she was recusing herself from the discussion because of her personal working relationship with the doctor but she knows him and if we start to put conditions on the zoning he will say I don't have to build any buffers and I will just go park cars over there as it is now. Comm. Hamilton said she is not voting but that she wants the Commission to understand that he will do as he wishes. She said he owns the land and can put the parking lot there as it is now and still not be in violation of the code. She said he was happy to comply but if you start putting on conditions then he would walk away. Mr. Scott said you cannot create zoning you have to follow our zones as they are now, you either approve or deny on the law now, and we cannot do anything else. Comm. Strong said we have to vote on basis of the law and look to the future to change. Comm. Hamilton said she thought before there is a vote she had to go on record as to why she was recusing herself, Mayor Arnold said it is due to her past association with Dr. Harris. WITH THE MOTION ON THE FLOOR MAYOR ARNOLD CALLED FOR A VOTE, BOTH MOTIONS PASSED WITH A 4 TO 0 VOTE WITH COMM. HAMILTON RECUSING HERSELF FROM VOTING.

TPO/DOT

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

Comm. Morgan said the meeting from December the biggest concern is the Tom's Bayou Bridge. He said these are actually two separate bridges the South bound bridge is functionally obsolescent while the North bound bridge is structurally deficient. Comm. Morgan said he has been told that both bridges will be part of the project in a cost saving measure. However, he has learned from Randy Chamberlain (Assistant Structures Maint. Engineer) and Laura Joyner that doesn't appear to be true, only the North bound will be replaced at this time. He said in regards to the ability to maintain four lanes of traffic, this will be discussed as the design phase progresses. Comm. Morgan also said in regards to costs to move utilities hung from the bridge this will not be covered; issues with buried utilities (cable) parallel to bridge will be addressed in design phase. Comm. Morgan will keep the Commission informed as work progresses.

Storm-water

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater

Mr. Scott said he had nothing to report.

3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities

Legal Activities

Mr. Dykes requested an executive session regarding the appeal of the Roberts case, the Court ruled against the City and a notice of appeal was filed at the end of December, since then the other side has made overtures to settle the case and the executive session is needed to discuss. Executive session will be Wednesday, January 23, 2013 at 6 PM. Mr. Dykes said in regards to the Willingham case we are waiting on summary judgment. He said the Federal Judge that has the case is Mr. Mark E. Walker.

Planning Comm.

4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Report

Mayor Arnold said there is not a Planning member present this evening.

Park Update

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Park Update

Mayor Arnold said he thought this had been covered earlier.

Cable Router Update

6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Cable Router Update

Mr. Burt Bennett said we had received the equipment from CCI that it is in the rack and we are working with our IT consultant we have been running test this week

hopeful to have launch maybe end of this week or first of next week. Mr. Bennett answered Comm. Hamilton's question we use TIG Consulting that was formerly Wavenet, and they are paid on an annual basis. Mr. Bennett added that the school has asked for us to look into fiber connecting Lewis they are talking about having the dark fiber connecting the two schools and once they are able to get into the schools to see the access points then we will be able to provide cost of lease and fiber. Comm. Hamilton asked who provided the internet and Mr. Bennett said he didn't know she thinks Cox and Mr. Bennett said he doesn't believe it is Cox.

7. REPORTS/CORRESPONDENCE/ANNOUCEMENTS – Median Beautification Update

Median
Beauti-
fication
Update

Mr. Petrey said for review we have received a grant for \$165,000 this year for John Sims Parkway and \$125,000 for next year. Mr. Petrey said Mr. Brad Davis selected to help with this project; his fee is still being negotiated. Mr. Petrey said normally the first phase of project is for water, irrigation and larger plantings; the second phase is filling in with shrubs. Mr. Petrey said we need to find out if we have water available. He has contacted Mr. Thomason to have two wells drilled even though Mr. Thomason has reservations of finding water. He will drill on the North side vicinity of Doolittle Park and South side of Tom's Bayou Bridge vicinity of the lift station. Mr. Thomason proposal for the test holes is for \$1300 each plus or minus to verify water availability. Mr. Petrey said Mr. Thomason is a local driller that he has worked with and he has the experience, he will drill two 4" holes. Comm. Hamilton said no one likes to look for water in Valparaiso; she hates to pay the money and find no water. Mr. Petrey said he hates to pay Mr. Davis \$30,000 for plans and have no water. After a brief discussion on the possible places to locate water, Mayor Arnold asked if this is an expense that needed Commission approval, Mr. Petrey said it does not it is in the per view of the grant.

8. REPORTS/CORRESPONDENCE/ANNOUCEMENTS – Visioning Committee

Visioning
Committee

Mayor Arnold said the initial meeting of the Vision Committee will be meeting in the Chambers at 6 pm on the 21st of January, he said he and Mr. Scott will attend to set things in motion.

9. REPORTS/CORRESPONDENCE/ANNOUCEMENTS – Okaloosa League of Cities

Okaloosa
League of
Cities

Mayor Arnold said it is the City's time to host the League of Cities meeting, which will be at the Compass Rose on the 24th of January beginning with 6pm social and meeting beginning at 6:30, there will be a speaker from the Florida League of Cities about legislation.

10. REPORTS/CORRESPONDENCE/ANNOUCEMENTS – Retirement Ceremony for Chief Hart

Retirement
Ceremony
Chief Hart

Mayor Arnold said that Chief Hart will be retiring at the end of this month and there will be a ceremony on January 31st in the Chamber/Mitchell Building at 4pm.

11. REPORTS/CORRESPONDENCE/ANNOUCEMENTS – Etc.

Joint Exercise

Mayor Arnold said that on January 30th the City will have a joint exercise with the Air Force to simulate an aircraft crash in Valparaiso. The event will take place at the city yard at 3 PM.

12. REPORTS/CORRESPONDENCE/ANNOUCNEMENTS – Etc.

Appreciation
Carl Clark

Mayor Arnold said we had received a letter from Mr. and Mrs. Broome with their praise For Carl Clark, our cemetery custodian. The letter recognized Mr. Clark's outstanding contributions to the cemetery and his kindness and compassion upon the loss of their parents. Mayor Arnold asked Mr. Valandingham to pass that along to Mr. Clark.

13. REPORTS/CORRESPONDENCE/ANNOUCEMENTS – Etc.

Aircraft
Update

Mayor Arnold said that Mr. Webb and Mr. Bachelor contacted the City letting us know the revised EIS should be available by the end of next month or March; this is the study that was expected last September.

14. REPORTS/CORRESPONDENCE/ANNOUCEMENTS - Median Beautification Expenses

Median
Beauti-
fication
Expenses

Comm. Morgan said regarding the beautification project before going forward he would like approval of cost out of his per view up to \$30,000, if we are able to find water and proceed. COMM. STRONG MADE MOTION TO ALLOW COMM. MORGAN TO SPEND UP TO \$30,000 IN THE MEDIAN BEAUTIFICATION PROJECT; MAYOR ARNOLD SECONDED THE MOTION WHICH PASSED WITH A UNANIMOUS 5 TO 0 VOTE OF COMMISSION.

1. ADMINISTRATIVE ITEMS – Interim Police Chief

Interim
Police Chief

Mayor Arnold said that Capt. David Bruckelmeyer will be the interim police chief beginning the 1st of February. He will be in charge until there is a final decision made in the August time frame.

2. ADMINISTRATIVE ITEMS – Minutes

Minutes 10
December
2012

Mayor Arnold reviewed the minutes from December 10, 2012, COMM. STRONG MADE THE MOTION TO APPROVE THE DRAFT MINUTES WITH TWO CORRECTIONS ONE IN THE BODY REGARDING ATTORNEY HAYWARD DYKES SPELLING OF NAME AND PG. 3 LINE 12 CHANGE FROM AMENDABLE

TO AMENABLE. MOTION SECONDED BY COMM. MORGAN, WHICH PASSED WITH A UNANIMOUS 5 TO 0 VOTE OF THE COMMISSION.

Bills Payable

3. 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. KELLEY SECONDED THE MOTION, WHICH PASSED WITH A UNANIMOUS WITH A VOTE OF 5 TO 0 OF THE COMMISSION.

Adjourn

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 7:36 PM.

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

January 14, 2013