

MINUTES
CITY COMMISSION MEETING
March 28, 2013

The City Commission met this date in special session in the Commission Chambers. 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	:	Kay Hamilton
	:	Heyward H. Strong, Jr.
	:	Joe Morgan
City Clerk	:	Tammy Johnson
City Attorney	:	Hayward Dykes
Attorney	:	Bruce Bowman

Other in attendance: Brenda Douglas (Court Reporter), Joan Morse (Camera)

EXECUTIVE SESSION

Mayor Arnold stated that the meeting was duly advertised. Mayor Arnold read aloud the “Notice of Special Meeting and Executive Session” concerning settlement negotiations or strategy sessions in Roberts VS. City of Valparaiso, Case No 11-CA-1663. Anticipated time is 15 to 20 minutes. The Mayor declared the meeting recessed at 6:02PM.

Executive Session

SPECIAL MEETING

The Special meeting resumed at 6:22 p.m.

COMM. STRONG MADE A MOTION THAT MR. BOWMAN BE ALLOWED TO ACCEPT THE LAST OFFER MR. ROBERTS MADE TO THE CITY. COMM. HAMILTON SECONDED THE MOTION, NO DISCUSSION TOOK PLACE, WHICH PASSED UNANIMOUSLY WITH A 3 - 0 VOTE OF THE COMMISSION. Mr. Morgan abstained from voting.

Special Meeting
Roberts
Litigation

1. CONSTRUCTIVE NOTICE TO PROCEED FOR COMPASS ROSE

Comm. Morgan said he had a question Compass Rose has filed for a Vacation of ROW I was concerned with they are still continuing to proceed on an encroachment agreement it might conflict with a ruling on a Vacation agreement. Comm. Hamilton stated that even if it was vacated the encroachment agreement would still stand. Comm. Morgan stated that as he (Dr. Harris) stated that the reason for the vacation was he had a need for use. He had to have a vacation in order to utilize the property. I do not want to have the city put in a position where we are allowing for something to happen that he is not going to be able to use for his intended purpose. We do not want to inhibit him from building. I wanted Dr. Harris to understand that if we did not vacate the property he may have restricted use. Comm. Hamilton asked for clarification. Comm. Morgan stated that the reason Dr. Harris is asking for the vacation is because he is unable to get a liquor license. Comm. Hamilton stated that he is able to obtain it so that is not an issue. Comm. Morgan said then that removes my concern in part. Mr. Dykes stated that Comm. Morgan was just concerned that Dr. Harris was building something that later on he might not be able to use it to the potential he thought he could. I explained to Comm. Morgan that I did not think that would be a problem that his understanding was that he is building currently under the rights he has with the encroachment agreement. The vacation of ROW is on a separate track and we need to keep the two separate. I suggested that we bring up Comm. Morgan’s concerns at a public meeting to see if any of the other commissioners have your concern then maybe we need to do something if they do not then we do not need to do anything additional. Com. Morgan said he was unaware that there was no issue, the last thing he knew in talking to Mr. Scott that there was there an issue (liquor license) but if not great.

Notice to
Proceed
for
Compass
Rose

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 6:22PM.

Adjourn

John B. Arnold, Jr.
Mayor

Heyward H. Strong
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

The DVD labeled March 28, 2013 contains the audio and video and will be kept as a permanent part of these minutes.

