

MINUTES
CITY COMMISSION MEETING
December 9, 2013

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Comm. Strong, 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.
	:	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
Library Director	:	David Weatherford
Recorder	:	Beth Millsaps

Others in Attendance: (Not Inclusive) James Butler (camera), Mike Griffith (Bay Beacon), Lloyd Dean, Cindy Junger, Meredith McQuagge, William B. Pattison, Gus Siniger, Sam Houston, Tyler Vaughn, Fred Rall, Joe Cobb, Fred Hess, Don Caverly

Mayor Arnold welcomed everyone to the meeting and said he appreciated their attendance. He also said that Comm. Kelley was unable to attend our meeting this evening due to a prior commitment. Mayor Arnold asked if anyone would like to speak to please raise their right hand to be recognized by the Commission, come to podium and state their name and address.

Welcome
by Mayor

1. CITIZENS' CONCERN (non-agenda items) – Resident
There were no resident comments.

Citizens'
Concern
Resident

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

Mr. Sam Houston, member of the Military Order of the Purple Heart, said there were several of the Chapter 811 members were in attendance this evening including a city resident, Meredith McQuagge, the chapter commander. Mr. Houston said about a month ago he talked to Mrs. Johnson and Mayor Arnold about becoming a Purple Heart City, he said that is why they are here this evening. He appreciates the city's continued support of our Armed Forces each and every day, especially to those that are combat wounded. Mr. Houston said we are luckily to live in such a unique community that shares an active duty community, along with veterans and our combat wounded veterans, all who have made this area their home. He said some may ask why but he would say because of communities like Valparaiso who honor and recognize the contributions to the defense of freedom that we all enjoy today. Mr. Houston said it is an honor of the Military Order of the Purple Heart to recognize what this great city gives back to us each and every day, he ask that Mayor Arnold come to the podium along with Ms. Meredith McQuagge, Commander of the MOPH and Mr. Gus Sininger, Vice Commander of the MOPH, for the presentation. Mr. Houston said this plaque is presented to Mayor Arnold and the City of Valparaiso and wants to thank the city on behalf of the Military Order of the Purple Heart and all military members, past and present. Mayor Arnold said thanks on behalf of the city, he would like to thank each of the members for all they have done for our city and our country. Mr. Houston said they would also like to present each and every member of the Commission with a Purple Heart pin, he said each January of every year is Purple Heart month in Okaloosa County and he hopes to see everyone on the 18th of January when they honor the fallen at the Air Armament Museum.

Citizens'
Concern
Non-
Resident

1. NEW AGENDA ITEMS – Added Agenda Items

Mayor Arnold said there were no items to be added for this evening.

Added
Agenda

2. NEW AGENDA ITEMS – Discuss Malpractice Claim

Mayor Arnold said we would be having a telephone conference. Mr. Dykes said we would be speaking to Mr. Brian Davey from the firm out of Jacksonville, Florida that has been investigating the potential malpractice suit against Sundstrom firm and Mr. Wyckoff, Mr. Dykes said he would likely discuss some details but not get into everything in an open meeting, this is not considered litigation. Mr. Dykes told Mr. Davey that he was on speaker phone and he had the Commission on conference call all except Comm. Kelley who is not in attendance this evening. Mr. Davey said he had looked at a number of matters regarding this situation, he had looked at court transcripts, review documents, looked at billing records and court orders and he said they believe there is a malpractice case that should be brought by the city. Mr. Davey said at the law firm of St. Dennis and Davey that is what they handle is legal malpractice across the State of Florida. He said there is a case that should be pursued, he said that matter regarding Mr. Bradley, he said there should be a case brought against Chris Bentley, Frederick Aschauer, Sundstrom, Freeman, and Douglas Wyckoff. Mr. Davey said a lawsuit has not been instituted as of yet, what he would like to do is send out a command letter that is sent out before litigation. He said this letter saying that they have looked at the matter and based on what they see these are the damages that they see. Mr. Davey said you have to show in legal malpractice what the

Discuss
Malprac-
tice Claim

attorney did approximately caused these damages, different components of the letter will show the settlement that occurred in the Bradley matter, there were amounts that were paid out to the Rose, Sundstrom and Bentley in that case, there were amounts paid to Mr. Wyckoff also amounts paid to start the appeal process before the case was brought to settlement. Mr. Davey said the amount that would be in the demand letter would be for \$400,000. Mr. Dykes said thanks to Mr. Davey and he opened the floor. Mr. Dykes said this would be the first step, this is prelitigation, a move forward, this would be to try and negotiate a settlement, if we get to a point where we reach the maximum and if there is a reason to file a lawsuit Mr. Davey would be back before the Commission to request permission. Mr. Davey said this evening he is asking for authority to send the demand letter, it would lay out in detail what he sees in legal malpractice and in damages that he sees. MAYOR ARNOLD MADE A MOTION TO AUTHORIZE MR. DAVEY TO INITIATE THE DEMAND LETTER IN THE AMOUNT OF \$400,000, REQUEST TO CHRIS BENTLEY, FREDRICK ASCHAUER, SUNDSTROM, FRIEDMAN & FUMERO, ROSE, SUNDSTROM & BENTLEY AND DOUGLAS WYCKOFF. Mr. Davey said it would be a joint demand that would be sent to all of those parties. COMM. MORGAN SECONDED THE MOTION. Comm. Morgan asked if Mr. Dykes would discuss the fee schedule for this lawsuit. Mr. Dykes said this is on a contingency fee agreement so Mr. Davey and his firm would be paid upon recovery, at this point they have investigated the case without any payment from the city and they will continue without payment from the city and if there is no recovery there would be no payment from the city to Mr. Davey's firm. MOTION APPROVED BY A 4 TO 0 VOTE OF THE COMMISSION, NOTING THAT COMM. KELLEY IS NOT IN ATTENDANCE THIS EVENING. The conference call is terminated.

3. NEW AGENDA ITEM – Proclamation City Election

Proclamation
City Election

Mayor Arnold read the Proclamation of City Election for two Commission seats and the Mayor, that will expire at 12:00 Noon on March 18, 2014 necessitating a General Election to fill the said vacancies. Mayor Arnold read that the general election will be held on Tuesday, March 11, 2014 at the First Baptist Church of Valparaiso, 444 Valparaiso Parkway. Mayor Arnold said it is a short qualifying period in accordance with the law. Comm. Morgan asked if we could investigate with the election commission if we could postpone or delay to January 15th to submit applications. Mayor Arnold said the packages are available today from city hall, time to file is the 30th of the month. Comm. Morgan if we could ask Mrs. Johnson to do that by consensus.

4. NEW AGENDA ITEMS – Resolution No. 15-12-09-13 Approving Financing

Resolution
No. 15-12-09-
13
Approving
Financing

Mrs. Johnson read Resolution No. 15-12-09-13 Approving Finance terms and providing an effective date. The City hereby determines to finance the Project through Branch Banking and Trust Company (BB&T), in accordance with proposal dated December 3, 2013. The amount financed shall not exceed \$55,564.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.89%, and the financing term shall not exceed three (3) years from closing. COMM. STRONG MADE A MOTION TO APPROVE RESOLUTION NO. 15-12-09-13, COMM. MORGAN SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.

1. OLD BUSINESS – Schedule Quasi Judicial Meeting Dangerous Buildings

Quasi
Judicial
Meeting
Dangerous
Buildings

Mayor Arnold suggests January 7th, 2014 at 6 PM. Mr. Dykes said that would give them plenty of time to search the properties and they are several individuals and lending institutions that need to be contacted and that would give them the time to contact all parties.

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

TPO/DOT

Comm. Morgan said they had held a good meeting but nothing of significant to report.

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater

Stormwater

Mr. Scott said everything was great, not problems with stormwater.

3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities

Legal
Activities

Mr. Dykes said other than what we addressed this evening, there is some discovery going on regarding the vacation of right-of-way, he said Mr. Bowman asked to postpone any executive session that might have occurred in January to deal with the discovery and then he will ask for an executive session.

4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Park Update

City Park
Update

Mayor Arnold said he didn't believe there was anything new.

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Report

Planning
Comm.
Report

Mr. Joe Cobb said they have some ideas about a possible rezone of some areas. Comm. Morgan said a suggestion that came up was not just limited commercial but also a mixed use. Mr. Cobb said limited commercial and mixed use were discussed and the Planning Commission feels they could both be used in some proposed areas. Mr. Cobb said the historical district had been discussed and it was never suggested to move businesses out that are already there but it was suggested to open the area up to limited commercial so that other businesses have an opportunity to enter that area without it being a historical district. Mayor Arnold said there are a couple of homes on the historical register, Mr. Cobb said they are going to look into that. Mr. Cobb said of the homes that they thought might be historical homes aren't due to the update on the homes. Mrs. Johnson said there is a list of historical homes in city hall. Mr. Cobb said he

thought there might be some resistance in the community about changing. Mayor Arnold said that has been a problem in the past, especially in Plat I that people object to changing that area. Comm. Morgan said that is where he believes mixed use would be an advantage because it could be an office but not necessarily look like a business on the store front and they are low traffic type business.

Median
Beauti-
fication

6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Median Beautification Update

Comm. Morgan said that Brad was ready with his drawings, there were some issues with the survey and an accurate portrayal of the areas to be able to submit to FDOT, with the help of PolyEngineering he got the proper placement and is ready to proceed. Comm. Morgan said they are going to try to meet within a week or so and will try to notify everyone when a meeting is scheduled.

Visioning
Committee

7. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Visioning Committee Update

Mr. Cobb had reported that the Committee was able to accomplish so many things last month because they were able to have a quorum. He said Dr. Jill White is doing a fantastic job in leading the group, they are working on a questionnaire that they hope to have ready to be sent out in February. Mr. Cobb said they are almost complete with a vision statement to be submitted for Commission approval. December Visioning Committee meeting has been cancelled.

Yule of
Yesteryear

8. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Yule of Yesteryear

Mayor Arnold said the Yule of Yesteryear will take place on December 14, 2013 from 10 AM to 5PM with the tree lighting at 5 PM. Several activities are planned including caroling by Trinity Presbyterian Church and the burying of the Florida centennial time capsule at 1 PM.

Employee
Christmas
Bonus

1. ADMINISTRATIVE ITEMS – Employee Christmas Bonuses

Mayor Arnold said the concept has been \$100 for all full time employees and \$50 to all part time employees who have been with us for 6 months or more for a total of \$6,050. COMM. STRONG MADE A MOTION TO APPROVE THE EMPLOYEE CHRISTMAS BONUSES AS STATED. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.

Minutes
12 Nov
2013

2. ADMINISTRATIVE ITEMS – Minutes

COMM. STRONG MADE A MOTION THAT THE MINUTES OF NOVEMBER 12, 2013 BE APPROVED AS WRITTEN. MAYOR ARNOLD SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.

Car
Parade
Decoration

Mayor Arnold said he would also like to thank Ms. Connie Terry for providing the decorations in the Chambers and also for decorating his car for the Niceville Valparaiso Christmas Parade earlier this month, his hats off to her.

3. ADMINISTRATIVE ITEMS – Bills Payable

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 UNANIMOUSLY WITH A 4 TO 0 VOTE OF THE COMMISSION.

Etc.
NWFL
Board
Meeting

4. ADMINISTRATIVE ITEMS – Etc.

Comm. Strong said the Northwest Florida Board Meeting would be meeting in DeFuniak Springs, 5PM is the board meeting and 6 PM is the social.

Mayor Arnold said he would like to wish everyone a Merry Christmas and a Happy New Year.

Adjourn

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 6:46 PM.

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

December 9, 2013

The DVD labeled December 9, 2013 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.