

MINUTES
CITY COMMISSION MEETING
October 14, 2013

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Comm. Kelley after which the Pledge of Allegiance was recited. A quorum being present, the meeting was called to order at 6:00PM 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
VBCS General Manager:	:	Burt B. Bennett
Library Director	:	David Weatherford
Public Works Director:	:	James Valandingham
Recorder	:	Beth Millsaps

Others in attendance: Shelley and Ashton Normand, Katie Crowell, Scott Barmi, Gail Cornelius, Obie O'Brien, Tom and Diane Miller, Jason Hamilton, Joseph Cobb, Michael Harris, Deb Cliff, Steve Griner, Bob Webb, Geno Dylewski, Nat Ransom, Mike Griffith (Bay Beacon), Terry Griffin

Mayor Arnold welcomed the audience and stated that 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 right hand to be recognized and use the microphone at the podium to address the Commission.

Welcome
by Mayor

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

Dr. Michael Harris, 205 Highland, said he was asked to be here this evening by Mr. Scott in case there were any questions about the wall in his back yard between himself and the Burroughs'. He said it had come to his attention that is has been brought up at a previous meeting by another resident and he thought he would come and explain the wall. Dr. Harris made a few announcements regarding his restaurant the Compass Rose and there upcoming benefits. Dr. Harris said Mr. Scott asked if he would attend and comment on how the wall in his backyard came to be, he said the wall would not be an issue except for the personal vindictiveness of Eugene Dylewski, a person he barely knows and has little contact within the last 25 years that he has lived in Valparaiso. Dr. Harris said he believed the personal vendetta that Mr. Dylewski had begun when Dr. Harris began the Oyster Bar. Dr. Harris said on August 26th Mr. Dylewski approached two of his employees at the Compass Rose and violently cursed them and himself and Mr. Steve Griner. The workers called Mr. Griner Mr. Dylewski fled and when the police arrived Mr. Dylewski was nowhere to be found. Dr. Harris said two days later on August 28th Mr. Dylewski showed up at the Oyster Bar with chicken wings, scotch, cigar and a music box, when Dr. Harris asked him what he was doing there, he said Mr. Dylewski threatened him and asked him to take a swing at him. Dr. Harris said the police were called and he was escorted away. Dr. Harris said last night the police were called by Mr. Dylewski at 7 pm to the Oyster Bar where he met the officers at the entrance to swear out a complaint against his father-in-law. Dr. Harris said all of this occurred at the main entrance to the Oyster Bar which shut down business for 20 minutes and who wants to come to a place with two police cruisers sitting out in front. Dr. Harris said he understood the police officers had no choice but to meet Mr. Dylewski wherever he requested to swear out his complaint. Dr. Harris said Mr. Dylewski has complained about the backyard wall that borders his good neighbors the Burroughs, about three years ago he sought permission to raise the height which was 6 to 8 feet, after receiving a permit he raised the height so that Gary his neighbor who has since passed away wouldn't be disturbed by his music after 10pm from his porch. He said Gary added a large section by the water which was over 11 feet in height. Dr. Harris said once the height was raised Gary never complained again. Dr. Harris said the most disturbing thing about all of this is that Mr. Dylewski would try to take advantage of Mrs. Burrows, an 80 year old widower and get her involved in the complaint to further his agenda against him. Dr. Harris said from what he understands Leanne, Mrs. Burroughs daughter and caretaker, is not happy with the situation because Mr. Dylewski has a domestic violence injunction against him and he is visiting her mother when she is alone. Dr. Harris said he doesn't feel Mr. Dylewski should be afforded the time of day by this city government he feels when you entertain him it encourages his behavior. Mayor Arnold thanked Dr. Harris and said they had not made plans to discuss the fence situation tonight and Mr. Dylewski is not here this evening. Mayor Arnold told Dr. Harris we all appreciate and commend him for his civic mindedness and activities to support local charities and efforts, it was real fine and thank you for that work.

Citizens'
Concerns
Resident

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

There were no non-resident comments.

Citizens'
Concerns
Non
Resident

Com-
munity
Service
Awards

1. NEW AGENDA ITEMS – Presentation Community Service Awards

Mayor Arnold said it was a pleasure tonight to give two awards to two individuals who have given so unselfishly of their time in working with the Air Force regarding the F35 and the EIS study, over the last four years. Mayor Arnold said that Mr. Bob Webb and Mr. Bob Bachelor have given their time and technical talent. He said both gentlemen have worked with us and military personal and worked on the Noise Committee as our representatives. Mayor Arnold presented the plaque to Mr. Bob Webb, who is in attendance this evening and asked if he could give Mr. Bachelor, who is out of town this week, his plaque and appreciation.

Proclam-
ation Red
Ribbon
Week &
Young
Marines
Program

2. NEW AGENDA ITEMS – Proclamation Red Ribbon Week & the Emerald Coast Young Marines Program

Mayor Arnold read a proclamation supporting the Red Ribbon Week and the Emerald Coast Young Marines Program. The City of Valparaiso proclaims October 23 to 31, 2013 as Red Ribbon Week and recognizes the Emerald Coast Young Marines commitment to living a drug-free life and participation in Red Ribbon Week. Mayor Arnold said we are proud to have with us a few young marines this evening and suggested everyone wear the Red Ribbon in support. Three young marines addressed the Commission to explain who the Young Marines are what they stand for and how the organization is a tribute to Kiki Kamarcon who was a DEA agent killed in the line of duty trying to get drug lords off the street. The Red Ribbon week is a celebration of Kiki's life and vision. Mayor Arnold said we are pleased to have you with us this evening and we would do everything in our power to support the young marine's and their program.

Broad-
band
Update

3. NEW AGENDA ITEMS – Valparaiso Broadband Communications Update

Mr. Bob Webb said he would like to present the VBCS progress report. He said we have 1,256 residential cable television customers out of 1,750 households. He said we have 1,015 internet customers out of the same number of homes. The new 12 Mb service has grown to 43 subscribers, steadily increasing. He said originally we had a 150 Mb/sec "pipe" and we are exceeding our capacity at higher usage times so now we have a 500 Mb/sec "pipe" from Century Link. He said at some point in the future, we will add another 500 MB/sec "pipe" from a different vendor to provide both added capacity and increase reliability.

Mr. Webb said however on our phone we only have 175 phone customers out of 1,750, we have set a goal to double the number of customers for the near future. He said our prices are a good bit lower than Century Link so we don't feel it is a price issue so we have decided to run a promotion for new subscribers, the promotion will run from Nov. 1st, 2013, to Jan. 2nd, 2014. Mr. Webb recommends two months free service, a \$60 to \$100 value, free installation which is a \$50 value and free porting of their old phone number so that the resident's number doesn't have to change. He said it is also recommended to advertise this special on our electronic sign, our local Channel 37 and in the Bay Beacon. COMM. STRONG MADE A MOTION TO ADOPT THE SPECIAL PHONE PROGRAM PROMOTION OUTLINED BY MR. WEBB, COMM. HAMILTON SECONDED THE MOTION. Comm. Strong answering Mayor Arnold's question said we have the sufficient resources we need. UNANIMOUS VOTE OF 5 TO 0 TO ADOPT THE RECOMMENDATION AS OUTLINED.

Reschedule
Nov.
Meeting

4. NEW AGENDA ITEMS – Resolution No. 11-10-14-13 Reschedule November Regular Meeting Date

Mayor Arnold read Resolution No. 11-10-14-13, a resolution of the Valparaiso City Commission, to reschedule the regularly scheduled November 2013 meeting. Mayor Arnold said the regular meeting would be the 11 November which is Veteran's Day and it would be a better idea to have the meeting on the 12 November due to some people being at ceremonies or out of town for the long weekend. COMM. STRONG MADE A MOTION TO APPROVE RESOLUTION NO. 11-10-14-13, COMM. MORGAN SECONDED THE MOTION. UNANIMOUS VOTE OF THE COMMISSION OF 5 TO 0.

Appoint
New
Planning
Comm.
Member

5. NEW AGENDA ITEMS – RESOLUTION NO. 12-10-14-13 APPOINT MEMBER TO THE PLANNING COMMISSION

Mayor Arnold read Resolution No. 12-10-14-13, a resolution appointing Mr. Nathanael Ransom to the City's Planning Commission and providing an effective date. Mr. Ransom would serve on the Planning Commission until September 30, 2017. Mayor Arnold said also attached was the application for appointment from Mr. Ransom that outlined his qualifications. COMM. STRONG MADE A MOTION TO APPOINT MR. NATHANAEL RANSOM TO THE PLANNING COMMISSION. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Proclam-
ation Com-
munity
Planning
Month

6. NEW AGENDA ITEMS – PROCLAMATION COMMUNITY PLANNING MONTH

Mayor Arnold read the proclamation supporting community planning month and designing the month of October as such. COMM. STRONG MADE A MOTION TO APPROVE OCTOBER AS COMMUNITY PLANNING MONTH. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

7. **NEW AGENDA ITEMS – CITY ATTORNEY TO DISCUSS COUNTERCLAIM CASE 2013 CA 3764 CAJTDM, LLC; AJTDM.LLC; JASON W. ROSENBLEETH AND ANGELLE H. ROSENBLEETH V. THE CITY OF VALPARAISO**

Counter-claim 2013 CA 3764 CAJTDM,LLC.; AJTDM,LLC.; Rosenbleeth vs. City

Mr. Dykes said he asked that this be brought forth before the Commission and the public to show the answer and the affirmative defense of this case by the City of Valparaiso, he said the case is currently the defense is being paid for by the League of Cities and Mr. Bruce Bowman is the attorney, who is out of Mr. Dykes firm. He said the reason he brought this today instead of an executive session is part of the answer to the claim is the fact that Mr. Bowman provided a counterclaim so basically the city is counter suing. Mr. Dykes said in the past regarding authorization he brought this before the Commission, while the case could be made for counterclaim, he wanted to openly discuss it and he asks after talking he would ask the Commission to either approve the counterclaim or that they do not approve it. Mr. Dykes said if it is not approved then we can withdraw the counterclaim, however if it is approved then it would stay as it is. Mr. Dykes said they believe that the defense for the city in this suit and the counterclaim are intertwined, however in an abundance of caution he spoke with Mr. Bowman and said he would like for this to be reviewed in a public meeting because based on any decision tonight the future meetings will be in executive session. COMM. MORGAN MADE A MOTION TO PROCEED WITH THE COUNTERCLAIM. MAYOR ARNOLD SECONDED THE MOTION. Mayor Arnold said we now open the floor to discussion. Mrs. Diane Miller, 202 Hickory, asked who these people are and what is the issue? Mr. Dykes said they are plaintiff's that abut Tom's Bayou on the Northside. Mayor Arnold said Dr. Harris's Oyster Bar and his neighbor. Mr. Dykes said the suit deals with the vacation of right-of-way, in general that is what it is about.

Mr. Obie O'Brien, 324 Glen Avenue, said he would like to thank Mrs. Johnson for her timely responses to his request for documentation regarding this legal action. Mr. O'Brien said he has read the suit, and the counterclaim filed by Mr. Bowman. He said it becomes a bit tedious to have this situation continue to come up but he thinks it is very important and he wants to be on the record, on April 29th he gave a report to the Technical Review Committee about his statement and explanation of Bayshore Drive as a road and he made sure that all the Commissioners had a copy. He said it is titled "Bayshore Drive the Road", he has been on record for quite some time that this is in fact a road, he has been on record since 2006. Mr. O'Brien said on Google the definition of road is generally public way for vehicles, people and animals and that is exactly what it is between Spencer Place and John Sims Parkway. He said the plaintiffs purchased their property between July and September 2008, he said he had enjoyed the area they wish to have vacated as a public area for more than half a century. In 2001 I began using the area as a road. Mayor Arnold asked if Mr. O'Brien had a question or concern about the case or the motion before the Commission. Mr. O'Brien said he has the desire to make it abundantly clear that he uses that right of way and that the city should do whatever necessary to protect the rights of the citizens to have access to this area. Mayor Arnold said that is the purpose of the counterclaim. Mr. O'Brien said he thinks he can best explain to the Commission his concern in spite of Mr. Dykes' concern that he moves on. Mr. Dykes said the issue is do you have a question related to the matter other than you reciting facts, or things that you feel are pertinent, we are just beginning the case you may or may not be called as a witness, those minutes may or may not be used as part of evidence in the case. Mr. Dykes said all he is looking for tonight is whether the city to aggressively pursue the counterclaim, that the city's stance has been the Bayshore Drive is a public right-of-way. Mayor Arnold said that everyone still has their package that was given to them regarding this matter from a few months ago. Mr. O'Brien said he wants to make it abundantly clear that as a resident and property owner in the City of Valparaiso view this as a right-of-way no different from any other right-of-way in the city. Mr. O'Brien said he wants the city too vigorously, forcefully and with great determination to defend mine and every other citizen's right. Mayor Arnold stated that is the purpose of this motion. Mr. O'Brien said his usage of the right-of-way precedes the property owner's by 7 years. Mr. O'Brien said he does have some specifics in some of the items that we filed in the plaintiff's action. Mr. Dykes said he would ask that Mr. O'Brien to submit those items to the city that way they could be sent to Mr. Bowman for the case to review. Mr. Dykes said his stance is well taken and feels the city is looking at aggressively defending, if he has information he would like to submit for Mr. Bowman's review he asked that Mr. O'Brien please do that. Mr. O'Brien said this isn't quite the way he wanted this to go but never the less he wants to be completely clear that when he read Mr. Bowman's response he was disturbed that Mr. Bowman didn't make enough of a pointed comment about the fact that there is public interest, beyond him in using this area. Mr. O'Brien said he is a bit concerned that we are in the remote, abandon, never used circumstance and that the plaintiff is claiming that the city is trespassing on their property. Mayor Arnold said let's not try the suit tonight, Mr. O'Brien said his experience with the executive sessions has not been good when he has read some of the Commissioners actions in protecting the public interest and he wants to stay as far ahead of this as he can.

Mr. Nathanael Ransom, 1243 N. Bayshore Drive, he said seems like we are spending a lot of time of these properties that have neither been vacated or addressed when it could be

solved with an environmental easement. He said the city would settle the problem once and for all, he feels that is what the founders of the city had in mind. Mr. Ransom said to try and avoid legal action at all cost. Mayor Arnold said that it has been our intention and thought that the property did belong to the public and was given for that purpose by the founders in perpetuity. He said but others feel it is theirs and they have the right to claim it and the courts are open to them as well. Mayor Arnold said we have to defend it and we will defend it vigorously.

Comm. Hamilton said she is not clear on this, when she ran for office she wanted to promote cooperation not litigation and here we are in another lawsuit. Comm. Hamilton even though we are not having to pay for it the League of Cities is, she said we have had very similar lawsuits, 14 of them she believes, that we have not won and she wonders if it isn't frivolous, she has been coming to these meeting long before she was a Commissioner and she has heard a lot of different things on it and even from Mr. Wyckoff and perpetuity is not the stance that she heard before. Comm. Hamilton said she doesn't think it is that clear, why have we not had any other options, why is it a forgone conclusion to file suit, did we ever get to have a choice or possible talk about a settlement. She doesn't feel this is appropriate government. Comm. Hamilton asked why Mr. Bowman hasn't come to the Commission and said okay a suit has been filed against you and laid it out. She feels we should be having an executive session. Comm. Hamilton said the Mayor is saying we want to vigorously respond, she doesn't want to vigorously respond. Comm. Morgan said we had a vote on this and she might not have been there but there was a vote. Comm. Hamilton said she didn't know what he was talking about she has been at every meeting. She said we would vigorously respond. Comm. Morgan said it was voted that we would respond. Mr. Dykes said in question to the response if you don't file anything within 20 days then they could have a default judgment and find for the plaintiff on the pleadings themselves. Comm. Hamilton said that is what she would like to hear before she just agreed to something. Mr. Dykes said these facts are different from facts in the past, there are some similarities but there are also some differences. Mr. Dykes said that is something that will be flushed out as discovery goes forward. Mr. Dykes said again there reason he brought this tonight is that previously there had been a suit involving the Air Force and the city says they didn't authorize the attorneys to move forward, and he didn't want that to be the case tonight. He wanted everything out in the open for comment and discussion, but it wasn't something that Mr. Bowman had to bring before the Commission to file the counterclaim but in abundance of caution Mr. Dykes wanted it to be out in the open. Mr. Dykes said if we do not want to file the counterclaim then it can be withdrawn. Comm. Hamilton ask what the other options would be if we didn't file the counterclaim. Mr. Dykes said if the counterclaim is not filed then we would just have our answers and an affirmative defense, he said if you look at the counterclaim there are facts alleged that the city could claim. Comm. Hamilton said is it possible to mediate instead of a big old lawsuit. Mr. Dykes said that could happen at any time, some may know and then other may not but this is just the first step in the process, putting everything out on the table. Mr. Dykes said if there is an opportunity to resolve and knowing how Mr. Bowman practices and their firm if there is that opportunity then he will bring it back to the Commission to make a decision. Mr. Ransom said he agrees with Comm. Hamilton that it would be better to try and resolve the matter outside of court. Mr. Dykes said again the city didn't file suit, the plaintiffs did and the city has to defend itself. He said the alternative is not to respond and allow them to get a judgment which would give them everything they ask for which includes trespass removal of the utilities, ownership of the property and what not. Mr. Ransom said he didn't know all that and now that he does that makes more sense but he still feels everything could be solved with the environmental easement. Comm. Kelley asked why we would file the countersuit. Mr. Dykes said the countersuit is part of our defense. He said if you look at the complaint there is no acknowledgment by the plaintiffs about the acknowledgement agreements that they signed, those are things brought up by the counterclaim. Comm. Hamilton said what is the next step. Mr. Dykes said that is why he is here, all of this has been filed because of the timing it had to be filed within 20 days so now we are after the fact asking if it is ok with the Commission. Mr. Dykes said in his opinion Mr. Bowman could've filed the counterclaim as part of the defense and been within his rights. Comm. Hamilton asked if Mr. Bowman had time to come before the Commission in executive session before he filed. Mr. Dykes said he didn't think Mr. Bowman needed the Commission's approval to file the counterclaim because it is part of the defense. Mr. Dykes said the reason he wanted to bring it forward now was due to what has occurred in the past. Mr. Dykes said he did this for an abundance of caution, he said next would be discovery and then depositions, he said other solutions can be explored down the road, what the plaintiff's end game might be and the city's end game might be. Comm. Hamilton said she felt uncomfortable just moving along. Mr. Dykes said the counterclaim can be withdrawn at any time. Comm. Hamilton asked when Mr. Bowman would come to us and ask our thoughts on how this suit should be handled. Mr. Dykes said that is all part of the executive session, he can come when there is an offer or expenses or guidance. Comm. Hamilton said as a Commissioner for the city she would like to know what type exposure the city has what are the downsides for the city if we lost. Mr. Dykes said an executive session can be requested whenever the city wants to.

Mr. Gene Dylewski, 198 Highland, he said he was not going to comment on whatever Mr. Harris said tonight because it is irrelevant. He said it is not Mr. Harris's property that is Tyler's property and Mary's property and everyone's property it is not Mr. Harris's property, the kids should be allowed to enjoy it. Mr. Dylewski said he wants the city to defend Tyler's property. Mayor Arnold said that is what we are going to do. Mr. Dylewski said he just wanted to voice that, he hears a lot of discussion back and forth and that a vote is going to be taken and it looks simple to him. Mr. Dylewski stated again it is not Mr. Harris's property. VOTE OF THE COMMISSION 5 TO 0 TO CONTINUE WITH THE COUNTERCLAIM.

8. NEW AGENDA ITEMS – Ordinance No. 648 Referendum for Revised City Charter

Ordinance
No. 648
Revised City
Charter

Mayor Arnold read Ordinance No. 648 Referendum for Revised City Charter. Mayor Arnold said this is the first reading and that the final reading would be at the regular meeting in November, he said that the proposed charter amendments would be available at city hall and the public could contact Mrs. Johnson or Mr. Scott or himself.

Mr. Thomas Miller, 202 Hickory, said they have lived in Valparaiso since 1965 and in the last few years their respect for the Commissions' action has decreased. Mr. Miller said a local university recommended for the charter to be changed. Mayor Arnold said it was a group of senior professionals that suggested the charter be changed. Mr. Miller asked whose idea was it to have someone look at the charter. Mayor Arnold said it was the Commission in general and if you want to blame someone he would take the blame. Mayor Arnold said it is the responsibility of the Commission. Mr. Miller asked why we went to an outside source. He said 10 years ago it was suggested to do a charter revision and nothing was done at the time and now all of a sudden everyone is in a hurry to get it done.

Mr. Miller said we have a city administrator that is supposed to be obtaining grants for the city and he would like to review how many grants we have received, the last grant we received wasn't from him. He said he would like to review his qualifications since we want to elevate his position to a higher position being able to hire and fire people at will. Mr. Miller said if he can't do his present job then why would we increase what he is to do. He said we are disguising the position by continuing to call it a city administrator and yet giving the position the power of a city manager. He is furious with what is going on at this time with the Commission.

Mr. Miller said in looking at the questions in the ordinance why are there nine of them? He said it was like a Las Vegas stacked deck, because some of the questions he agreed with and yet with other he didn't and you have only one answer. He feels there should be nine yes or no questions not just one. Mr. Miller said the resolution was supposed to have some corrections twice before the Commission has agreed with him to correct the term to broadband communications and yet it still has not been corrected. He said the attorney has not made the changes and yet in talking with the attorney tonight he has been told that he hasn't been directed to make the changes. Mr. Miller feels there is a spin going on and maybe at election time we will find out.

Mr. Dykes said Article VII Section 1 there is some antiquated language the Commission had taken out in communications he put in telephone, wireless internet and communications if the Commission would like for him to change it to broadband communications he can do so tonight. Mayor Arnold said broadband communications is what it should say.

Mr. Dykes said to answer his other question it is a Florida State Statute that it be a yes or no question, which is why it is positioned that way. Mr. Dykes said the way the Commission has decided to approach the issue is not present nine different questions you may have some approved and some not. He said the Commission has decided to say you either accept all these changes or none of them. Mr. Dykes said that is why there are two readings so that the Commission and the public can discuss the issues and make changes if they need to. Mrs. Johnson said we had discussed at the last meeting the effective date was to be October 1, but in the paperwork it has it to be effective immediately. Mayor Arnold said it would be October 1 and Mr. Dykes said he would make that change. Comm. Morgan said kind of connected to Mr. Miller's comments he feels the questions give kind of a short shrift as to what is going on. Comm. Morgan said it doesn't really address that we are changing the form of government, changing titles and removing the executive authority of the Commission, there are significant changes in this charter that make it a different form of government and they are not highlighted well enough. COMM. HAMILTON MADE A MOTION TO TENTATIVELY APPROVE ORDINANCE NO. 648. COMM. KELLEY SECONDED THE MOTION, WHICH PASSED WITH A 3 TO 2 VOTE OF THE COMMISSION WITH COMM. MORGAN AND COMM. STRONG VOTING IN THE NEGATIVE. Mr. Miller asked if the city will be using any money to pass this ordinance, Mayor Arnold said he does not for see it. Mayor Arnold said if the ordinance passes in the November meeting the Commission would hold lots of public hearings and answer any and all questions in detail for our electorate to make sure they are totally informed.

9. NEW AGENDA ITEMS – Legislative Conference

Legislative
Conference

Mayor Arnold said the Florida League of Cities will be having its legislative conference the 21st and 22nd of November, this is where they will formulate the legislative policy for the 2014 sessions of the state legislation. Comm. Strong will be attending and Mayor Arnold said

we need to push hard regarding the default formula. Comm. Strong said they have been working and the default formula for the gas tax is on the list.

City Fleet
Fueling

10. NEW AGENDA ITEMS – City Fleet Fueling

James Valandingham said currently we use city facilities to store unleaded and diesel fuel and quite frankly over the last few years it doesn't seem that this is cost effective. Mr. Valandingham said he thinks that using Citgo is a better idea, in case of emergency we would have some unleaded and diesel on hand. He said he would like to go to Citgo to purchase all of gasoline for city fleet vehicles, they offer a very good recording system. Mr. Valandingham said in years past we had our own fuel on hand to save the city money but in researching that is no longer the case. Mr. Valandingham said Citgo will provide each city vehicle a card specific for the vehicle or container along with each employee having their own pin number to keep track of who is getting the fuel and when. At the present time we are using Davision Fuels and Mr. Valandingham recommends continuing to use them for the diesel and to have a small amount of fuel on hand. Mayor Arnold said he appreciates Mr. Valandingham's research and work that he has put into this project. COMM. STRONG MADE A MOTION TO AUTHORIZE MR. VALANDINGHAM TO MAKE THE NECESSARY CHANGES TO IMPLEMENT THE NEW GASOLINE DELIVERY SYSTEM AND ACCOUNTING. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED WITH A UNANIMOUS VOTE OF THE COMMISSION OF 5 TO 0.

Revised
Charter

1. OLD BUSINESS – Revised Charter

Mayor Arnold said we had already discussed this issue.

TPO/DOT

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

Comm. Morgan said he wanted to make everyone aware of the stripes that the DOT had placed near the oyster bar, because there was a visibility issue coming down the hill in faster traffic and they are requiring we keep that clean and clear with the stripes. Comm. Morgan said they will again be meeting with DOT in regards to West Bayshore Drive and intersection to State Road 397.

Median
Beautificati
on Report

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – Median Beautification Report

Comm. Morgan said there was a meeting this week with Brad and he had the initial design. Basically there will be two phases the first will be the planting of the shrubs and trees and then the other plants that will need minimal irrigation. We are looking at water need and low maintenance. He said they had a lot of good public input and the garden club also had contributed to the discussion. No beach environment.

Storm-
water

3. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – Stormwater

Mr. Scott said there are a couple of businesses that will be moving their sediment ponds shortly to increase their parking areas but nothing of any consequence.

Legal
Activities

4. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – Legal Activities

Mr. Dykes said he had no further legal updates for the Commission but said if we would like to have the executive session with Mr. Bowman, he will be covering our November meeting for Mr. Dykes due to a scheduling conflict. Mayor Arnold said that might be better scheduled for later November. Mr. Dykes said according to the Statute we comply as long as we announce that we will be seeking an executive session and then we can just advertise it as we always do.

Planning
Comm.

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – Planning Commission Report

There is no report this evening.

Visioning
Committee
Update

6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Visioning Committee Update

Mr. Cobb said that they are still having a problem with getting enough members to make the meetings. Mayor Arnold said the city had sent out three letters today to select members to replace those that have left the committee.

City Parks
Update

7. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – City Parks Update

Mr. Valandingham said that as part of the Lincoln Park Boating Improvement grant they had placed ballards down on the boat ramp side where the water has been puddling, made it into green space that was required by the grant. Mr. Valandingham said based on resident input they put in the boat parking and they have put in signs that those places were for boat trailers only. Mr. Valandingham said he is making a public plea to the residents for T J Brooks Park, also known as Echo Park, those that live around that area to keep a look out for vandals. He said they have had numerous incidents of damage to the restrooms, the fence and the gate, they repair damage and within a day or two it is damaged again. Mr. Valandingham said even the bench that had been placed by the Eagle Scout's awhile back had been damaged significantly but luckily the parts were just left there on the scene so it had been repaired. Comm. Morgan asked if we could get a security camera in there. Chief Hart said he had a solution and would get with Mr. Valandingham. Chief Hart said that recently on an outing with Mr. Scott on code enforcement issue there is still some confusion on the boat ramp and the parking, want to work on delineating the parking.

Health
Fair Oct.
23th

8. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Health Fair October 23rd

Mayor Arnold said there would be an employee health fair on Wednesday the 23rd of October from 7 am to 9 am, for flu shots and blood work.

9. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Viva Florida 500**
Mayor Arnold said Viva Florida 500 would be the 26th of October outside of the Heritage Museum, the garden club will have exhibits and plants to sale and a lot of vendors on hand for the celebration and a time capsule.

Viva
Florida 500

10. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Booth at Northwest Florida Fair**

City Booth
NWFL
Fair

Mayor Arnold said he would like to thank Mr. Weatherford for the booth at the county fair last week, that it was done very professionally and it was a last minute decision that turned out really well.

11. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Etc.**

Chief Norris said that Fire Prevention Week was very beneficial. He said for the open house they had approximately 30 adults and 45 kids and would post some pictures on with website with the help of Mr. Shipley. He said they went to Lewis School to the kindergarten classes and went to several daycares in the area, they probably saw in the neighborhood of 100 kids. Chief Norris said the message of fire prevention went out and that is why they have fire prevention week. He said it was a success and wanted to thank the volunteers and part time firefighters and the Commission for their support.

Etc. Fire
Prevention
Week

1. **ADMINISTRATIVE ITEMS – Minutes**

COMM. STRONG MADE A MOTION THAT THE MINUTES OF SEPTEMBER 9, 2013 BE APPROVED ONCE THE CORRECTION ON PAGE 7, LINE 14 CHANGING OKALOOSA LEAGUE OF CITIES TO FLORIDA LEAGUE OF CITIES IS COMPLETE. COMM. MORGAN SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Minutes
9 Sept. 13

COMM. KELLEY MADE A MOTION THAT THE MINUTES OF SEPTEMBER 10, 2013 BE APPROVED AS WRITTEN. COMM. MORGAN SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

10 Sept 13

23 Sept 13

COMM. MORGAN MADE A MOTION THAT THE MINUTES OF SEPTEMBER 23, 2013 BE APPROVED AS WRITTEN. COMM. KELLEY 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. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Sunshine
Law

3. **ADMINISTRATIVE ITEMS – Sunshine Law**

Mr. Dykes conducted a brief presentation of the rules and regulations of the Sunshine Law as it is today and how it applies to our Commission and other committees.

Adjourn

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 8:10 PM.

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

October 14, 2013

The DVD labeled October 14, 2013 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.

