

MINUTES  
CITY COMMISSION MEETING  
November 12, 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.
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	:	Bruce Bowman
Public Works Director:	:	James Valandingham
Recorder	:	Beth Millsaps

Others in Attendance: (Not Inclusive) Tom and Diane Miller, Mike Griffith (Bay Beacon), Clark Browning, Obie O'Brien, Don Caverly

Welcome  
by Mayor

Mayor Arnold welcomed everyone to the meeting and said he appreciated their attendance, since the weather conditions are deteriorating outside. He also welcomed Mr. Bruce Bowman, who is sitting in this evening for Mr. Hayward Dykes. Mayor Arnold asked if anyone would like to speak to please raise their hand to be recognized by the Commission, come to the podium and state their name and address.

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

Citizens'  
Concerns  
Resident

Mrs. Diane Miller, 2 Hickory Lane, said she would like a question answered that goes back to some previous business with Dr. Harris. Mrs. Miller said she understands that he did not follow proper procedure to put his fence up by requesting a variance and she thought those guidelines had to be followed. She said she received a letter from Mr. Scott regarding this matter that didn't answer any of her questions and insulted her intelligence, he wrote about something that happened in 2010 and he knew that wasn't what she was asking about. She would like to know why Dr. Harris didn't have to ask for a variance.

Mrs. Miller said her next issue was with Mr. Scott, she understood that he is now doing code inspection work for the City of Niceville and wanted to know on whose time was he doing the work and who was paying for him to do the work. Mrs. Miller said a week ago today she was at the CVS pharmacy in Niceville around 3pm and she saw Mr. Scott get to a City of Niceville code enforcement truck and drive away. She said she got home and called city hall to ask if Mr. Scott had the day off, she was told he did not, therefore he was working for the City of Niceville on Valparaiso's city time. She said she didn't recall any request for Mr. Scott to work for the City of Niceville going before the Commission and she thought it would have had to be approved. She asked Mr. Scott if he was on the City of Niceville's payroll. Mr. Scott responded that it wasn't any of her business. Mrs. Miller said yes it was her business, her taxes pay his salary and it was her business. Mr. Scott said what he did on his own time was none of her business. Mrs. Miller said it is her time because he is working for the City of Valparaiso. Mr. Scott asked why she thought this time was hers. It was his he is entitled to an hour lunch every day and he can pretty much set his own hours. Mrs. Miller said she didn't believe he was on his lunch hour at 3 o'clock in the afternoon. Mr. Scott said he was not going to argue with her and she said nor she with him. Mrs. Miller said she still believed that the request for Mr. Scott to work for another city should have gone before the Commission for approval and she knew that it had not. She said she knew the Mayor gave Mr. Scott approval to do so. Mayor Arnold said yes he did on a noninterference basis and that is the way it had been. Mrs. Miller said she was trying to get them to understand that Mr. Scott was on city time doing work for the City of Niceville. Mayor Arnold said that Mr. Scott was telling her that he was on his lunch break, which she does not believe. Mrs. Miller said she has also heard from someone at the City of Niceville that when he does work for them he has to go into either the City of Ft. Walton Beach or the county she didn't know which and have the work certified there because he is not certified to do so. Mayor Arnold said he didn't know about what she was speaking, he said he did give Mr. Scott approval to work with City of Niceville on a noninterference basis on his own time. Mayor Arnold said many times Mr. Scott is here at six in the morning meeting with builders and he also works on the weekends. Mrs. Miller said that would be rare, her son had to wait for two hours for Mr. Scott so that he could get concrete poured, and no one could find him and then she called Mayor Arnold and he had Mr. Scott there right away. Mrs. Miller said she still feels this is something that should have been brought before the Commission as a whole to vote on.

Mrs. Miller said the position of city administrator was approved by the Commission years ago to have said person look into grants for the city, to enhance our city that was to be the primary concern for the job back then. She said she didn't know of any grants that Mr. Scott had found for the city, she doesn't feel he is in the office often enough to do that work. Mrs. Miller said she is aware there is a lot of grant money out there and we could use that money to beautify

our city. Mayor Arnold said we recently received money for John Sims Parkway for beautification. Comm. Morgan said the money was received about a year ago and we had met with the citizen's committee and we are in the final plans. Mrs. Johnson said it was the median beautification project. Mrs. Miller said she would like an opinion from the attorney on the issue of Mr. Scott working for the City of Niceville. Mayor Arnold said he doesn't approve what Mr. Scott does on his off time, his requirement is to put in a full day with City of Valparaiso and he does his job in a professional manner and he does that. Mrs. Miller asked if he worked 8 to 5 with the city and receives an hour lunch. Mayor Arnold said Mr. Scott has no set hours because he has to inspect construction work at all odd hours for the city. Mrs. Miller asked if this is for our city and Mayor Arnold said yes it is for our city. Mr. Miller said isn't it possible to request that something like this be voted on by the Commission instead of one person giving this permission. Mrs. Miller said she knew at one time Lavon Mason did this type work for us and the City of Niceville and that approval went through the Commission.

Comm. Morgan said part of the concern is the matter of appearance, not the legalities and functionality of what Mr. Scott is doing. Comm. Morgan said he knew that when we needed a building inspector we paid the City of Niceville to use their inspector, that it was a city agreement and this situation is a city to an individual agreement and the perception is if they were paying us for the work then Mr. Scott and the Mayor would set the time of how he would work but since the City of Niceville is paying him directly it is looked at differently. When he is being paid in addition to his salary a separate stipend by another entity and it is happening during normal work hours. It appears we are at cross odds to our best interest. Comm. Morgan asked if we could revisit the agreement that has been made and have the money be paid thru us as a stipend. Comm. Hamilton said this is beyond silly, that anyone that works for the city in this day and age and has a full time job and you are meeting all of your requirements you can have a part time job with whomever you want to. She feels this is boarding on invasion of Mr. Scott's privacy, we are not the military we do not own these people twenty four hours a day. Mr. Browning, 227 S. Bayshore Drive, said it seems like the hours to our city is being defrauded. Comm. Hamilton said then if it is being said that Mr. Scott isn't working enough hours for the city then that is a legitimate complaint that could be looked into, but what he does on his off hours are his business. She said it is clear Mr. Scott's hours are determined by the need and she has seen him working on weekends and as long as he is performing to the Mayor's satisfaction, because that is his direct supervisor and his duties are being taken care of then there should not be a problem, but she believes that the Mayor is in charge of making sure Mr. Scott's doing what he is supposed to. Mrs. Johnson asked just to make sure everything is clear is it all employees or just salaried employees, or just Carl Scott Comm. Hamilton added, that can work part time during normal business hours. Comm. Hamilton said Mr. Scott's job isn't relative to city business hours. Mrs. Johnson said no salary employee who works for the city works normal business hours, Mrs. Johnson said is it possible that Mr. Valandingham could go to the City of Niceville and read meters. Comm. Hamilton said if Mrs. Johnson wants clarification that is one thing but she didn't think that she should be putting an opinion out there. Mrs. Johnson said she wasn't stating her opinion she was asking a question, can all salary employees, none of which work regular hours our fire chief works calls after hours as does our police chief, the public works director is called out for emergencies and even she works late and weekends especially during budget time, so can all salary employees, she wouldn't think that hourly employees could do it, but could all salary employees be allowed to have a part time job. Comm. Hamilton said as long as they are meeting their job requirements and it is approved by their supervisor, she wouldn't mind. Mayor Arnold said Mr. Scott's job is not a 9 to 4 job every day, there are times when he is needed on the weekends and after hours, he has to be able to work around the clock. Mayor Arnold said that he feels like you all (Mr. and Mrs. Miller) people have a vendetta against one of our employees that you have disliked for some reason, an employee that is functioning in an exceedingly efficient manner and doing a very good job. Mrs. Miller said she has seen things with the city where he is supposed to be there at a certain time and he is not and he will show up three hours late. Mrs. Miller asked if Mr. Scott had the qualifications to be a building inspector. Mayor Arnold said he has more than enough qualifications and certifications to do the job. Mayor Arnold said he did agree to help Mr. Corbin out with building inspections while they are shorthanded.

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

Obie O'Brien, 324 Glen Avenue, had some observations that he would like to pass along to the Commission. He said it involves the area of litigation on Plat II, he has also prepared slides, he said there had been a lot of construction for a retention pond, he said the land is posted as private property, the property of the owner. Mr. O'Brien said he read in Mr. Bowman's response on how the various property owners are able to mark their own property lines. He said the people placing the signs knew exactly where their property line ended and public property begins. Mr. O'Brien asked that Mrs. Johnson would provide the photographs to the city attorney on this case. He said he noticed an increase in traffic on Bayshore Drive in Plat II. Mr. O'Brien said there are periods of infrequent use and then periods of frequent use, it is used by members of the public and property owners no issues of abandonment. Mr. O'Brien said he has noticed a

Citizens'  
Concerns  
Resident

new vehicle that has been traveling down Bayshore Drive that is transferring materials and supplies for the Oyster Bar and the Compass Rose. Mr. O'Brien said he just wanted to keep the Commission informed of the continued use of this road as it is designated in the Plat. Mr. O'Brien said he would like to request each member of the Commission to drive Bayshore Drive from John Sims Parkway down to Spencer Place or Glen and to provide Mr. Bowman with a memo regarding the evidence of travel on this road and he would appreciate being copied on that. Mr. O'Brien said one of the things constantly mentioned by the plaintiff's attorney is the issue of a wetland, he said it would be great if in your memo if you find a wetland as part of Bayshore Drive that you identify it. Mr. O'Brien said he is willing to help in anyway, to help establish a solid and cohesive effort to prevail on this legal matter.

Citizens' Concerns Non Resident

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

There were no nonresident comments.

Added Agenda

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

There are no added agenda items for the meeting.

Interlocal Agreement Library Coop

**2. NEW AGENDA ITEMS – Interlocal Agreement Library Cooperative**

Comm. Kelley said this is an agreement signed yearly, it gives Valparaiso their share of the county funding. COMM. KELLEY MADE A MOTION TO SIGN THE INTERLOCAL AGREEMENT LIBRARY COOPERATIVE. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 TO 0 VOTE OF THE COMMISSION.

Purple Heart City

**3. NEW AGENDA ITEMS – Proclamation Valparaiso Purple Heart City**

Mayor Arnold read the proclamation which will establish Valparaiso as a Purple Heart City and fully recognize and support our country, Okaloosa County, as the first "Purple Heart County" in the State of Florida. COMM. STRONG MADE A MOTION TO ADOPT THE PROCLAMATION AS WRITTEN. COMM. MORGAN SECONDED THE MOTION WHICH PASSED UNANIMOUSLY WITH A 5 TO 0 VOTE OF THE COMMISSION.

Resolution No. 13-11-12-13 Amend Budget

**4. NEW AGENDA ITEMS – Resolution No. 13-11-12-13 to Amend Budget**

Mayor Arnold read Resolution No. 13-11-12-13, a resolution amending the fiscal year 2013 budget of the City of Valparaiso, Florida; due to an increase in expenditures; authorizing revisions to be made to the monthly financial statements and providing for an effective date. COMM. MORGAN MADE A MOTION TO PASS RESOLUTION NO. 13-11-12-13, TO AMEND THE 2013 BUDGET. COMM. STRONG SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

DOC Work Squad Contract

**5. NEW AGENDA ITEMS – DEPARTMENT OF CORRECTIONS WORK SQUAD CONTRACT**

Mayor Arnold said a copy of the contract had been provided to Mr. Dykes for his review to check the legalities. Mr. Bowman said he doesn't believe that Mr. Dykes has any objections. Mayor Arnold said it is a one side contract that has to be adopted before the inmates can begin work. Mr. Valandingham said this has been approved in the budget for this year and there is a 60 day clause in the start date, we will not have delivery of the van until December so Mr. Valandingham recommends the start date for January 6, 2014. COMM. MORGAN MADE A MOTION TO SIGN THE DEPARTMENT OF CORRECTIONS WORK SQUAD CONTRACT WITH A RECOMMENDED START DATE OF JANUARY 6, 2014. COMM. STRONG SECONDED THE MOTION. Mrs. Johnson said she only had a couple of clerical corrections on page 6 instead of having the official representative to whom invoices shall be submitted be listed as "Beth Millsaps", that be changed to "City Clerk". And also under Section IV C listing for the Agency's Representative that it be changed from "James Valandingham, Director" to "Public Works Director". COMM. MORGAN MADE A MOTION FOR THE CLERICAL CHANGES MENTIONED ON THE CONTRACT TO BE MADE. COMM. HAMILTON SECONDED THE AMENDED CHANGES. COMMISSION VOTED ON THE AMENDED CHANGES TO BE COMPLETED WHICH PASSED BY 5 TO 0 UNANIMOUS VOTE OF THE COMMISSION. COMMISSION VOTED ON THE ORIGINAL MOTION TO ACCEPT THE CONTRACT WITH A START DATE OF JANUARY 6, 2014, WHICH PASSED UNANIMOUSLY BY 5 TO 0 VOTE OF THE COMMISSION.

Dangerous Buildings

**6. NEW AGENDA ITEMS – DANGEROUS BUILDINGS**

Mayor Arnold said the discussion was on two structures one on Kelly Way and the other on Johnson Street. Mr. Scott said he had completed the appropriate work from the building inspection code requirement and now it is time for the Commission to set a hearing date to allow the owner to come to the Commission and explain why the structures should not be torn down. He said that both structures have been in the same shape since he arrived in August 2009. Mr. Scott said he didn't have any pictures to provide, he did say that one structure was hardly standing it had no roof structure, no windows, very dilapidated. He said the other structure has had a blue roof on it since a hurricane back in 2005 and leaking on the inside, no sheetrock, garage doors and inside are rotting away both of the structures are eyesores. Comm. Morgan asked if there had been any complaints on the properties. Mr. Scott said a lot of complaints on the 59 Kelly Way address, hardly any on the Johnson Street because it is back more toward the woods. Mr. Scott said the Commission has to hold a public hearing. Mr. Bowman said it had to

be a quasi-judicial meeting for the evidence to be presented. Mayor Arnold suggested the 1<sup>st</sup> Monday in December, the 2<sup>nd</sup> at 6 PM. Comm. Morgan asked if Mr. Scott had any thoughts of how the people would respond. Mr. Scott said on one building he doesn't feel there is any way to salvage the structure, on the other building unless he brings an engineering report there would be no way for that building to survive and he doesn't believe the owner would do that. Mr. Scott said we have had no response from the owners. COMM. HAMILTON MADE A MOTION TO HOLD THE QUASI JUDICIAL MEETING REGARDING THE TWO DANGEROUS BUILDINGS ON DECEMBER 2<sup>ND</sup> AT 6PM. COMM. STRONG SECONDED THE MOTION WHICH PASSED BY A UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

**7. NEW AGENDA ITEMS – City Credit Card Policy**

Mayor Arnold said this document outlines our current use of the city credit card by city employees, these are the guidelines that we follow it is just good business to have the policies written. COMM. HAMILTON MADE A MOTION TO ADOPT THE CREDIT CARD USE POLICY. COMM. MORGAN SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION FROM 5 TO 0.

City Credit  
Card  
Policy

**8. NEW AGENDA ITEMS – Resolution No. 14-11-12-14 Amend City Personnel Policy**

Mrs. Johnson said this resolution was suggested by our personnel attorney to document how we measure FMLA over a 12 month period, 12 weeks in a 12 month period, this resolution clarifies how we measure FMLA. COMM. STRONG MADE A MOTION TO ADOPT RESOLUTION NO. 14-11-12-14 A RESOLUTION AMENDING THE CITY OF VALPARAISO PERSONNEL POLICIES ON FAMILY MEDICAL LEAVE ACT (FMLA) AND PROVIDING FOR AN EFFECTIVE DATE. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Resolution  
No. 14-11-  
12-14

**9. NEW AGENDA ITEMS – City Hall Roof Leak**

Mayor Arnold said there is a serious leak at city hall that is starting to rot out the window and the window seal in his office & Mrs. Johnson's and he said commercial roofers have been contacted and we have yet to have anyone give an estimate as to repair. Mr. Scott said there is a seal that runs along the top of the concrete block, that seal is rotted out from one end to the other and that is causing the weep, which is taking out interior sheet rock. He said he has asked several contractors what the fix might be and what could be done and there really isn't a good fix for it and the price has been all over the place, he said it is beyond what we could contract for, we would have to write a list of specifications of what we want to do and bid it out. We could build a roof over the existing roof which would probably cost \$25,000 - \$30,000. Comm. Morgan asked that the plans be approved by an Architectural Engineer. Additionally he would like to see if the Department of Corrections work crew has the abilities to do this. Mr. Scott said the bid could be broken out into a materials and labor type bid. COMM. STRONG MADE A MOTION TO APPROVE ADVERTISING FOR PARTS/LABOR/MATERIALS FOR REPAIRING THE CITY HALL STRUCTURE. COMM. HAMILTON SECONDED, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

City Hall  
Roof Leak

**10. OLD BUSINESS – ORDINANCE NO. 648 REVISED CHARTER**

Mayor Arnold said he had proof of publication from the Northwest Florida Daily News from November 1<sup>st</sup>, he read the advertisement. Mr. Thomas Miller, 2 Hickory Lane, he said he appreciated the chance to speak and had numerous questions. Mr. Miller asked who proposed the changes to the charter. Mayor Arnold said he wrote the majority of it. Comm. Hamilton said it was written by the Mayor but based on the Commission's input. Mr. Miller asked if there was any citizen input? Mayor Arnold said he feels we are getting ahead of ourselves again, if this is approved by the voters it will go into effect on 1 October 2014 and as of March 2014 we will have new members of the Commission. Mayor Arnold said this isn't a change in the form of government, it is just realigning the powers to the appropriate people.

Ordinance  
No. 648  
Revised  
Charter

Don Caverly, 113 Choctaw Cove, asked if there was somewhere on the internet or in print what the perceived problem is with our current government. Mayor Arnold said there is no central point, the reason for revising the charter is to bring things up to date, for the Commission to not be as involved in the day to day but in the oversight, to act more as a board that governs. Mr. Caverly said so there are no specific problems that could be laid out. Comm. Kelley brought up her concerns over the Sunshine Law and not being able to talk to other Commissioners, with this restructure and one central person to talk to that problem would not exist. Comm. Hamilton said central oversight is one of the biggest needed changes. Mayor Arnold said there would be public hearings prior to the election to help answer any of the public's questions. Comm. Kelly said 98% of Florida has gone away from the Commission form of government due to the inefficiency. Mr. Valandingham said he is not for or opposed to the charter change but feels inadequate because the problems of not having someone to call regarding a parks or garbage question, they should call him as he is the director of public works. He asks if there are any questions or problems to please call him, he can't fix what he doesn't know is broken. COMM. HAMILTON MADE A MOTION TO PASS ORDINANCE NO. 648 FOR THE REVISED CHARTER. COMM. KELLEY SECONDED THE MOTION, WHICH PASSED WITH A 3 TO 2 VOTE. MAYOR ARNOLD, COMM. HAMILTON AND COMM. KELLEY ALL VOTE

IN THE AFFIRMATIVE, COMM. STRONG AND COMM. MORGAN VOTE IN THE NEGATIVE.

- TPO/DOT 1. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT**  
Comm. Morgan said there is nothing new to report.
- Storm-water 2. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater**  
There is nothing new to report.
- Legal Activities 3. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities**  
Mr. Bowman said he appreciated Mr. O'Brien's input and information regarding the legal action in Plat II, discovery has just begun in that case. Mr. Bowman said that Mr. Dykes will soon be requesting an executive session. Also, he said there is nothing new on the Willingham case at this time.
- City Parks Update 4. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Parks Update**  
Mr. Valandingham said he is grateful to report that there has been no vandalism since the last meeting. Mayor Arnold said we need to make arrangements to present the plaque we have to the benefactor for TJ Brooks Park, he said if we need to make an appoint to go to her home.
- Planning Comm. 5. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Report**  
Mr. Browning said he had nothing to report this evening.
- Median Beautification 6. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Median Beautification Update**  
Comm. Morgan said things were progressing well and heading into the final stages of planning.
- Visioning Comm. 7. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Visioning Committee Update**  
Mayor Arnold said two letters have been sent to ask for two new members.
- Etc. Retirement B. Bennett 8. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Etc.**  
Mayor Arnold said on the 26<sup>th</sup> of November at 2pm we will be holding a retirement ceremony for Burt B. Bennett in Room 3.  
Mayor Arnold also announced the Christmas Parade this year will be December 7, 2013 and once again the route is only in Niceville. Comm. Hamilton complained bitterly to the Chamber of Commerce but to no avail.  
Comm. Morgan said on November 15<sup>th</sup> at 7pm the Amvets Post 78 will have their charity ball.  
Mayor Arnold said City Hall will be closed Thursday the 28<sup>th</sup> and Friday the 29<sup>th</sup> in honor of Thanksgiving.
- Christmas Parade
- Amvets Charity Ball
- Closed Thanksgiving
- Minutes 14 Oct 2013
- Bills Payable
1. **ADMINISTRATIVE ITEMS – Minutes**  
COMM. MORGAN MADE A MOTION TO APPROVE OCTOBER 14, 2013 MINUTES AS WRITTEN. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.
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. MORGAN SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.
3. **ADMINISTRATIVE ITEMS – Etc.**  
Comm. Morgan said he would like to thank Mayor Arnold for an excellent job he did with his Veteran's memorial speech on Veteran's day.
- Veteran's Day Speech
- Adjourn
- ADJOURN**  
There being no further business to be brought before the Commission, the meeting adjourned at 7:35 PM.

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John B. Arnold, Jr.  
Mayor

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Heyward H. Strong, Jr.  
Chair, VCA

ATTEST:

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Tammy Johnson, CMC  
City Clerk

November 12, 2013

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