

MINUTES
CITY COMMISSION MEETING
September 23, 2013

The City Commission met this date in special budget 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	:	Diane Kelley
	:	Kay Hamilton
	:	Joe Morgan
City Clerk	:	Tammy Johnson
City Attorney	:	Hayward Dykes
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
VBCS General Manager	:	Burt Bennett
Public Works Director	:	James Valandingham
Library Director	:	David Weatherford
Recorder	:	Beth Millsaps

Others in attendance: (Not Inclusive) James Butler and Mike Matthews (camera), Daniel Elsesser (Bay Beacon), Emily Ruff, Tom and Diane Miller, Nathanael Ransom

Comm. Strong is out of town this evening.

Mayor Arnold said we only have two items on our agenda this evening, adopting the 2014 budget and approval of the revised charter for a future ordinance. Mayor Arnold said we have certification from the Northwest Florida Daily News for our 2nd hearing, he read the notice of public hearing that appeared in the paper.

Final Budget Hearing

Mayor Arnold said at the first public hearing on September 10th the Commission agreed total budget of \$7,393,345. He said the General Fund is \$3,047,615. \$45,050 Stormwater budget, \$397,590 Street fund, \$1,420,690 Utility fund, \$1,506,150 CATV fund, \$976,250 Sanitation fund. Mayor Arnold said the Utility Fund, CATV Fund and Sanitation Fund are enterprise funds and must be balance and they are. Mayor Arnold said this budget doesn't contain in ad valorem tax increases and no increase in service fees, he said it is an austere budget. Mayor Arnold asked for any questions.

Final
Budget
Hearing

Nathanael Ransom, 1243 North Bayshore Drive, said he would just like to thank the Commissioners, Mayor and staff for a job well done. Tom Miller, 202 Hickory Lane, asked if the money we received a few years back from the Gulf Power lawsuit regarding pole attachment fees is still in the cable reserve, any of it used for anything. Mayor Arnold said no, money is still in reserve.

Mayor Arnold read Resolution No. 10-09-23-13, to adopt the millage rate. COMM. KELLEY MADE A MOTION TO ADOPT RESOLUTION NO. 10-09-23-13 AS READ. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED AS A UNANIMOUS VOTE OF THE COMMISSION 4 TO 0, PASSED AT 6:10 PM.

B. Ordinance No. 647 Adopt FY 2014 Budget – Final Reading

Mayor Arnold read Ordinance No. 647, to adopt the proposed budget. Mayor Arnold asked if there are any questions or comments. Comm. Morgan said we had a change from the General Fund reserve what we expected to go to streets. The difference was \$19,000. Comm. Morgan said there are two items that are two true needs and it would be wise and prudent to include in budget for next year, a trim mower of \$8,000 and a finishing mower for \$4,000 so a total of \$12,000 that is needed for next year. Comm. Morgan said instead of the \$19,000 not used from reserve it would only be \$7,000 not used in order to purchase the two needed items. Mayor Arnold said he would prefer to do this as a budget amendment by resolution next year, instead of messing with the figures for now. Comm. Morgan said these are currently needed items it still leaves us with the lease purchase for the flatbed truck and the tractor that we are making do with. Mayor Arnold said he thought Mr. Valandingham had agreed to delete these items. Mr. Valandingham said regardless of how we do this having gone through this years current budget we are going to have a carry forward from the Street's budget of approximately \$23,000 which would more than cover the \$12,000 needed for the finish and trim mowers. Mayor Arnold thought Mrs. Johnson had already used the carry over in the new fiscal year budget. Mrs. Johnson said she had only used the carry over from General Fund, she had not used any carry forward from the Street's fund. Mr. Valandingham answering Comm. Morgan's question said these would be state contracts and they do not have to be bided out. Mr. Valandingham said he suggests we carry forward \$12,000 from Streets for the next fiscal year and use those funds for the two needed mowers. COMM. MORGAN MADE A MOTION TO AMEND THE BUDGET TO INCLUDE CARRYOVER TO PAY \$12,000 EXPENSES, \$4,000 FOR FINISH MOWER AND \$8,000 FOR TRIM MOWER FOR NEXT YEAR'S BUDGET USING THE CARRYOVER MONEY FROM THE STREET FUND. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 4 TO 0 VOTE OF THE COMMISSION. Mayor Arnold said we had one additional amendment of \$12,000 to the budget. MAYOR SAID NOW WE HAVE TO VOTE ON THE BUDGET, ALL THOSE IN FAVOR OF ORDINANCE NO. 647 ADOPTING THE BUDGET AS AMENDED PLEASE

Ordinance
No. 647
FY 2014
Budget

SIGNIFY BY SAYING AYE, WHICH PASSED UNANIMOUSLY WITH A VOTE OF 4 TO 0 AT 6:20 PM. Mayor Arnold said he would like to commend Mrs. Johnson for all of her work on this budget and past budgets. Mrs. Johnson said the amount of the Ordinance will change from \$7,393,345, with the increase of \$12,000.

1. **REVISED CHARTER**

Mr. Nathanael Ransom said he had only this afternoon become aware of the situation to revise the charter and would like for the discussion to be tabled to be able to look further into the changes. He said it looks like we are taking away the power of several people and turning that over to just 2 or 3 people and that is a big move, unfortunately in today's world money rules and he pays a lot of money in property taxes for his home and he also maintains the area across the street and this looks like we are trying to predate the 1919 map of boundaries. Mr. Ransom believes that when Valparaiso Realty bought what was then the property owned by Mr. Perrine, Mr. Perrine didn't claim waterfront property ergo he could not sell it if he didn't own it. Mr. Ransom said ergo he is claiming his and some of his neighbors are claiming theirs. He said he does not want a lawsuit, is only asking to do what is fair, he is willing to pay for it, he said he believes Comm. Kelley is wanting to build a dock and has her pilings in and he thinks she should be able to build her dock, this would increase the value of the property and in doing that increase the value of the community. Mr. Ransom would like to have this discussion tabled, he mentioned having the audio and video for transcribing the meeting and would like to request that be done. Mr. Dykes said he would have to get the video and pay for his own court reporter to transcribe.

Mayor Arnold said everyone should have a copy of the proposed amended charter, the way it would work, it is what we would like to see on the ballot and what we would like to see in an ordinance, we would have to pass an ordinance for it to go on the ballot as a referendum. Mayor Arnold said we are looking for approval for the ordinance, he said the first reading of the ordinance would be in October and the second reading will be in November, there will be workshops prior to the election in March so that everyone will be clear on what is intended and what the ramifications are, he said we are just getting ready for the process.

Mr. Tom Miller, 202 Hickory Lane, said he appreciated being able to come before the Commission this evening and doesn't believe that an ordinance needs to be approved to change the charter because there are only two or three people who are driving for a charter change. He said a lot of time was spent to get a clean copy and that article II and article IV had been massaged around to provide for a city manager type government regardless of what you try to call him, that would give him compensation as a city manager and also the power to hire and fire at will, the charter has been well massaged on that. Mr. Miller said article VII section 1 apparently no time was spent there because it says you can have a telegraph plant it says nothing about broadband communications, if you are going to correct the charter lets make sure and put in the right words. He feels this is short sighted. Mayor Arnold said that is something that we could take a look at.

Mr. Ransom said he has a family lawyer and yesterday he retained a real estate lawyer and he feels this discussion needs to be tabled until such time as we are able to mediate that doesn't cost anything and he knows there are more important things in the city to spend money on than another lawsuit. Comm. Kelley asked if there is something specific in the new charter that points to what Mr. Ransom is having a problem with. Mr. Ransom said it is pointed out in specific lots that they are trying to claim unclaimed property pointing out specific lots. Comm. Kelley said she is aware of that but asked if it is in charter form of government somewhere. Mr. Ransom said it is giving the executive power to a certain person to make a decision once and for all. Comm. Kelley is asking what he is speaking to exactly. Mayor Arnold said he is talking to the boundaries. Comm. Hamilton said we are not changing that. Mayor Arnold said we are not changing boundaries. Mr. Ransom said yes you are, do we mean the mean high watermark or the original survey, what survey are we basing this on 1919, 1921, 1979, 2013. Mr. Dykes said those questions might be for later. Mr. Ransom asked why waste time and money when we can work on it in mediation. Mr. Dykes said what is in section 1 in the boundaries the Revised Charter as well as the 1921 Charter the language is identical. Mr. Ransom said there is a slight gray area. Mr. Dykes said he thinks he is referring to the plat not what is in the charter. Mr. Ransom said you are over lapping by extending your powers. Comm. Morgan said the question of issue, is there a difference in boundaries in the current charter and the revised one. Mr. Ransom said yes there is definitely a difference from the 1921 charter and the one today and the mapping of today.

Mr. Dykes said he could represent to the Commission and to the public we didn't change the language as it relates to article I. Mr. Ransom said you did change the power to claim the property and then you can delegate to others at your whim, he isn't saying anyone would do anything wrong but he thinks it should be up to the individual. Mr. Dykes said he thinks his concern would be the same with the current charter we would have that authority now. Mr. Ransom said no we would not because it previously wasn't claimed. Mr. Dykes said that argument would still be asserted even if we changed the charter. Mr. Ransom said sure but why muddy the waters fix it right the first time. Mr. Ransom said he would be happy to explain it if there is mediation and he has maps also.

Mr. Miller mentions riparian rights and there is a brief discussion regarding the riparian rights.

Mayor Arnold said he didn't know how to move forward, Comm. Hamilton said she was a bit confused as well. Mr. Dykes said what he would advise we are currently in litigation on one of the cases on the other he doesn't think it is germane to the issue of whether or not the Commission wants to approve this to present to the electorate to approve this. Mayor Arnold asked if there is a motion to approve the revised charter to go forward with an ordinance. Mr. Dykes said just for everyone's information there would be two readings of an ordinance where additional changes can be made but we do need to firm up with what we are trying to present. Mr. Dykes said he would make sure everything is complaint in how we write our ordinance. Comm. Hamilton asked if we can state somewhere that the section Mr. Ransom is talking about is not being changed from the old charter to the revised charter. Mr. Dykes said if you look at the language I proposed in the ordinance it states "all portions of the city charter be amended except that part thereof describing the boundaries of the city," so it states we are not trying to change boundaries. Comm. Hamilton said she just wanted that clarified before we voted.

Mr. Ransom asked Mr. Dykes if his answer to Comm. Hamilton was yes or no. Mr. Dykes said no. Mr. Miller asked if this will affect how new city streets are paid? Mayor Arnold said no. Mrs. Johnson said that part was being removed from the charter. Mrs. Miller asked who would pay. Mr. Dykes said he believed that was removed from the charter so that it could be put in an ordinance for the city instead of being in the charter. Mrs. Miller said if the street needs to be paved and there are houses on it who pays. Mayor Arnold said the attorney has advised that be put into an ordinance instead of in our charter, that is why the section was removed it was very lengthy. Mrs. Miller asked how would the ordinance read. Mayor Arnold said that is up to the Commission. Mr. Dykes said he believed it would almost mirror what had been in the charter. Mrs. Miller said then why remove it at all. Comm. Morgan said Mrs. Miller is not alone and other people that he represents have voiced the same concerns that the charter is fine the way it is and only a few minor changes need to be done and this has larger changes, there a two of the Commissioners that have been less supportive of the change than the others and be aware this has been a process of discussion. Mayor Arnold said he doesn't feel this is the time to get into all that, this is only the process needed to be done to get things under way. Comm. Morgan said the bottom line is the residents on hand are not alone in their concerns, but the concerns can be vetted in the future, the majority has spoken to move on in the current form. Mrs. Miller asked why it had to be done now. Mr. Dykes said this has to be approved so that it can be submitted to have on the ballot in March, there are time constraints on how the referendum must be adopted to have on the ballot. Comm. Morgan asked if during the public discussion would there be time to amend another version to present to the voters. Mr. Dykes said yes. Comm. Morgan said is it possible for there to be two versions. Mr. Dykes said no only one version can be submitted, because if you want to change it then the language of the ordinance would have to be changed. Mayor Arnold said we have to confirm by motion that the amended charter the one we have now is the one to put before the electorate in an ordinance. COMM. HAMILTON SAID MOTION MADE TO AMEND THE CHARTER TO WHAT WE HAVE NOW AND USE IT TO PUT BEFORE THE ELECTORATE IN FORM OF AN ORDINANCE. COMM. KELLEY SECONDED THE MOTION. Mr. Miller said he would like it on record that articles II and IV are what are driving all of this. Mr. Ransom said are you saying no to mediation, Comm. Kelley said that isn't part of this, it hasn't been brought up. Mr. Ransom said he brought it up. VOTE WAS CALLED ON THE MOTION WHICH PASSED BY 3 TO 1, WITH COMM. MORGAN VOTING IN THE NEGATIVE.

Mr. Ransom was asking how a meeting is usually conducted if there are time constraints or how things worked. Comm. Hamilton said this is not a regular meeting, at a regular meeting if you wish to address the Commission you get with Mrs. Johnson and complete a form and have your name and issue placed on the agenda to be addressed at that time.

Mayor Arnold said now the ordinance can be prepared and there will be two readings on that along with public hearings to discuss what to do and then in March it will be on the ballot for the citizens to vote.

ADJOURN

With no further business before the Commission, the meeting adjourned at 6:45 PM.

Adjourn

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
VCA, Chair

ATTEST:

Tammy Johnson, CMC
City Clerk

September 23, 2013

The DVD labeled September 23, 2013 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.