

MINUTES  
CITY COMMISSION MEETING

April 14, 2014

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.
	:	Joe Morgan
	:	Clark (Tom) Browning
Deputy City Clerk	:	Della Rhodes
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
City Attorney	:	Hayward Dykes
City Engineer	:	Roy Petrey
Library Director	:	David Weatherford
Public Works Director:	:	James Valandingham
Recorder	:	Beth Millsaps

Others in attendance: (Not Inclusive) Mike Matthews (camera), Mike Griffin (Bay Beacon), Beth Anne Woods, Kendall Wagner, Mike Jenks, Matt Zuke, Lauren Reinlie, Dianna Dylewski, Geno Dylewski, Terry Griffin

Mayor Arnold welcome the audience and stated that the Commission as interested in hearing their thoughts and welcomed any comments. He asked that anyone wanting to make any comments should raise his/her hand to be recognized and use the microphone at the podium to address the Commission.

Welcome

Mayor Arnold welcomed Comm. Browning to his first regular Commission meeting and said that Comm. Hamilton will not be in attendance this evening. Mayor Arnold also welcomed Mrs. Della Rhodes who will be sitting in for Mrs. Johnson this evening.

Citizens' Concerns Resident

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

Comm. Strong introduced Ms. Beth Anne Woods from Relay for Life. Ms. Woods presented the Commission with a proclamation from the American Cancer Society. She introduced Mr. Wesley Landon, a 14 year old 8<sup>th</sup> grader from Ruckel Middle School as the Relay for Life event chair. She said Mr. Landon is a cancer survivor who had received a chemo treatment today. Ms. Woods said Relay for Life will be holding their event May 9<sup>th</sup> and May 10<sup>th</sup> at Niceville High School stadium, purple paradise celebration from 6pm on the 9<sup>th</sup> until 6am on the 10<sup>th</sup> in honor of all survivors. She said the reason for the timing from night until the next morning is because cancer never sleeps. Ms. Woods said this event will provide the funds for research, patient services, help with travel, awareness more than just work in a laboratory. Ms. Woods request that Mayor Arnold sign the proclamation, sign in purple ink in honor of the event. **COMM. STRONG MADE A MOTION FOR MAYOR ARNOLD TO SIGN THE PROCLAMATION. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED BY 4 TO 0 UNANIMOUS VOTE OF THE COMMISSION.** Mayor Arnold said it was a pleasure to sign the proclamation and said he appreciated the cause and wished them great success on their event.

Citizens' Concerns Non Resident

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

There are no non-resident comments

Added Agenda Items

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

Mayor Arnold said that Valparaiso Realty had submitted a letter regarding vacating an easement that he would like to add to the agenda. **COMM. MORGAN MADE A MOTION TO REVIEW THE LETTER FROM VALPARAISO REALTY, THAT IT BE ADDED TO THE AGENDA. MAYOR ARNOLD SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

Removal of City Assets From Inventory

2. **NEW AGENDA ITEMS – Removal of City Assets from Inventory**

Mayor Arnold said the Commission had plenty of time to review the information. Comm. Morgan said he would like for the department heads to review before anything was implemented. Comm. Morgan also feels verbiage should be included that allows for items that were included in the budget process. He believes a stair stepping plan is needed \$1,000 department head approval, \$2,000 with Commissioner approval and anything over that would need Commission approval. Mayor Arnold said the discussion will be tabled until all department heads have been allowed to review.

Proclamation Child Abuse Prevention Month

3. **NEW AGENDA ITEMS – Proclamation Child Abuse Prevention Month**

Mayor Arnold read a proclamation declaring April be Child Abuse Prevention Month. **COMM. MORGAN MADE A MOTION TO PASS PROCLAMATION AS STATED. COMM. STRONG SECONDED THE MOTION WHICH PASSED BY UNANIMOS VOTE OF THE COMMISSION 4 TO 0.**

Dock Length

4. **NEW AGENDA ITEMS – Dock Length**

Mr. Scott said Mr. James Bennes has applied to extend his dock at 199 Highland, he has enclosed in the package for the Commission's review, a copy of the generic permit from the DEP and application for building permit with the city. He felt the Commission should review and decide as opposed to him making the decision on his own. Mr. Scott said he felt Commission should hear about the situation because there are citizen's that are concerned, in regards to riparian rights, he said the map doesn't do it justice, it isn't a small addition it goes a lot further out into the Bayou. Mayor Arnold said he is concerned in that area there is a lot of activity by boaters and skiers the longer dock could cause navigational safety hazard. Mr. Terry Griffin, 253 Grandview Avenue, said in looking at diagram 72' as opposed to 64', he said the water drops in the middle there isn't a lot of water and it is very muddy it would put you having to turn out at 72' and that pushes you too far out. Comm. Morgan said he thinks it would be remiss in the Commission's part to say no or yes without a physical inspection. Comm. Browning said he drove the area this weekend in his boat, he doesn't think it should be any further out. Mrs. Dianna Dyleskwi, 198 Highland Street, said she feels that before an extension of the dock is granted the property owners should have a full scale plan drawn up. Mrs. Dyleskwi said the plans for this project are inadequate. She said the dock he has right now with a walkway infringes on property line, he should have a minimal dock to protect her set back rights. Mrs. Dyleskwi said the dock is not centered on the lot, it doesn't comply as it is now and the area is already congested and clogged. **MAYOR ARNOLD MADE A MOTION THAT IT BE DENIED BECAUSE IT POSES A HAZARD TO NAVIGATION. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

**5. NEW AGENDA ITEMS – Ordinance No. 653 Development Order Amended**

Mayor Arnold read Ordinance No. 653 an ordinance of the City of Valparaiso amending chapter 94, Article VI, Division 2, section 94-166 of the Valparaiso Code of Ordinances and providing for (1) findings, (2) repeal of confliction ordinances, (3) severability and (4) an effective date. Mayor Arnold said this ordinance has an elaborate check list for landscape procedures. Mr. Scott said any part of a development whether it be minor or major this is part of the process. Mr. Scott said he would like to amend in this ordinance and add right after Tree Replacement Fund if it is located in an Industrial Zoning District. (They could trade trees for dollars by right) and for all other zoning districts if it is demonstrated...Mr. Scott stated in looking at ordinances around the \$125 per tree is average. Mayor Arnold said the second reading would be at the regular commission meeting in May. **MAYOR ARNOLD MADE A MOTION TO GENERALLY APPROVE THE FIRST READING OF ORDINANCE NO. 653. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

Ordinance  
No. 653  
Develop-  
ment  
Order  
Amended

**6. NEW AGENDA ITEMS – Etc.**

Mayor Arnold said Valparaiso Realty had submitted a letter requesting partial right-of-way release (highway 85 to the lift station). Mr. Scott said the request was to drop 10' of an existing 30' easement. Mr. Valandingham said he has looked at it and there would be no harm in going from a 30' easement to a 20' easement the will still able to maintain and repair when needed. **COMM. STRONG MADE A MOTION TO VACATE 10' OF THE EXISTING 30' EASEMENT AS REQUESTED BY VALPARAISO REALTY. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

Etc.  
ROW  
vacation

**1. OLD BUSINESS – Plat I Docks**

Mayor Arnold said we asked Mr. Dykes to look at the request for docks in Plat I. Mr. Dykes said in short based on research those areas are owned by the City as to how it relates to the ordinances in place it is lawful to prevent or allow dock requests in this plat. Mayor Arnold said Dr. Kelley had requested permission to build a dock on city property on North Bayshore Drive. Comm. Morgan said with a formal review we need to look at the request again. Mayor Arnold said there were too many problems with dock permits in the past and that is why the city put a moratorium on all docks in that area. Mayor Arnold said there are so many problems with permitting docks but if someone requests then it needs to be reviewed.

Plat I  
Docks

**2. OLD BUSINESS – City Hall Roof Update**

Mr. Petrey said that at this time it is out for bid.

City Hall  
Roof  
Update

**3. OLD BUSINESS – Dangerous Building**

Mr. Scott said one of the buildings, 59 Kelly Way, still needs to come down. Mayor Arnold said the next step would be to go to the magistrate. Mr. Dykes said he does not recommend going to the magistrate with this matter, our ordinance provides for the City Commission to have the hearing. Better to seek compensation for the city once property is demolished. Comm. Browning asked how long this matter had been discussed. Mr. Scott said one time in front of the Commission but this property has been like this for almost 6 years, probably spent 10,000 discussions in this matter over the years. Mr. Scott said the dangerous home on Johnson Street had recently been leveled it cost approximately \$3,500 to remove and that home was similar in size to the one on Kelly Way. Mr. Dykes said it is best to fall back on the city policy, this decision would not require a bid. Mr. Dykes said if you go through the bid process you run the risk of further disrepair to the property or something happening to someone

Dangerous  
Building

on that property and the city would be responsible because they are aware that the property is in disrepair. Mayor Arnold asked Mr. Scott to get an estimate by phone on what it would be to demo the home, Mr. Scott said he would. **COMM. STRONG MADE A MOTION TO RAISE THE HOME LOCATED AT 59 KELLY WAY. COMM. BROWNING SECONDED THE MOTION.** Comm. Morgan asked if ownership had been verified on the property. Mr. Dykes said both properties had title searches run to identify the owners and sent notices to all that had an interest in the property. Comm. Morgan asked what the next notice would be. Mayor Arnold said there will be no other notices. Mr. Dykes said that is the reason the previous meeting was held to recognize the property as a dangerous building. Mayor Arnold said the interested parties in the property failed to comply; now the city is exercising its right to tear down. **COMMISSION VOTED UNANIMOUSLY 4 TO 0 TO RAISE THE HOME AT 59 KELLY WAY.** Mayor Arnold said he and Mr. Scott would take the necessary actions needed to make this happen.

Fleet  
Maintenance  
Program

**4. OLD BUSINESS – Fleet Maintenance Program**

Mayor Arnold said he had requested that Mr. Valandingham come up with a program to provide safety and maintenance for the entire city fleet. Mr. Valandingham said the draft came by way of the safety committee after they had reviewed it, it is a program to cover all vehicles within the city. This plan would also cover maintenance requested by the Florida League of Cities. Mr. Valandingham said that a copy of this program had been sent to all department heads. Mayor Arnold said he had received no feedback regarding this program. Mr. Valandingham said the goal is to be in compliance with the safety program. Mr. Scott said this program would reduce the insurance rate that the city pays. Mayor Arnold said we would table this discussion until next month's meeting and he will solicit the department heads for the feedback.

TPO/DOT

**1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT**

Comm. Morgan said the next meeting will be Thursday, nothing to report at this time.

Storm-  
water

**2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater**

Mr. Scott said in the last few weeks some issues with Spencer Place, with it being a river on both ends, which is a situation we are working on. Comm. Morgan said we are also working an issue with Doc's Oyster Bar, their retention pond is not working optimally so that is being reviewed. Mr. Scott said we have notified four residences that they have stormwater violations. Mayor Arnold said with Spencer Place that the residents didn't want to pave the street so they will have to suffer the inconvenience; they chose to build their homes there.

Legal  
Activities

**3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities**

Mr. Dykes said in the case regarding Gerald Sullivan we will need a substitute magistrate, Mr. Bowman has recused himself. Mr. Dykes said they have reached out to Mr. Steve Hall, an attorney recommended by Mr. Bowman, and he has agreed to work on the Sullivan matter. Mr. Dykes said Mr. Hall had handled municipal work in the past and is willing to do the work at Mr. Bowman's rate. Mayor Arnold said that Mr. Hall is a past city attorney. **COMM. STRONG MADE A MOTION TO APPROVE MR. STEVE HALL AS OUR REPRESENTATIVE IN THE SULLIVAN MATTER. MAYOR ARNOLD SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.** Mr. Dykes said in reference to the Rose, Sundstrom, Bentley, Wyckoff matter in the malpractice case their attorney has stated they would pay \$35,471. Mr. Dykes said that amount comes from invoices that the city owes to the Rose, Sundstrom and Bentley firm. Mr. Davey based on the facts advised that the counter offer be no lower than \$225,000. Mr. Dykes advises the previous demand was \$400,000. Mr. Davey wants to have authorization to accept that amount of \$225,000 he doesn't think they will take it but if they do he wants authorization to accept. The consensus of the Commission is to move forward. Mr. Dykes also advised that the deductible on the Rose, Sundstrom, and Bentley firm's malpractice insurance policy is \$50,000. If this doesn't work there is a possibility of protract litigation.

City Park  
Update

**4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Parks Update**

Mr. Valandingham said the work of the Department of Corrections squad continues to shine, he has received compliments regarding Glen Argyle and Florida Park. Mr. Valandingham said the Saturday before Easter, April 19<sup>th</sup> the city will hold their 3<sup>rd</sup> annual egg dash in Lincoln Park, he wanted to thank A Ceramic Studio in Valparaiso and Walmart in Niceville for the donations. He said on April 26<sup>th</sup> the Heritage Museum will hold their annual Saturday in Park, he said the city will be involved in working that event, they will have activities all day long in the park. Mayor Arnold said he wanted to thank Mr. Valandingham for his civic efforts to utilize the parks.

Median  
Beautifi-  
cation  
Update

**5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Median Beautification Update**

Comm. Morgan said plans have been submitted to FDOT. There are some negotiations happening on three items. Mr. Petrey said one plant selected for use has the DOT concerned, the landscape architect can show where this type plant has been used successfully in other DOT projects. They have concerns on the landscape being proposed by the school entrance, and the trees being proposed along the medians between Eglin gate and the bridge. Once the plans are accepted in Chipley then we will have to submit permits.

Planning  
Comm.

6. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission**  
There are no members of the Planning Commission in attendance this evening. Mr. Scott said they had approved two recent variances to build homes on Edge Avenue and Florida Avenue, two news homes were in the process of being built now.

7. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Visioning Committee Update** Visioning Comm.

Mayor Arnold said he was aware the committee had a meeting last Thursday but there are no members attending this evening.

8. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – CDBG** CDBG

Mr. Valandingham said nothing new at this time, permit application has been submitted.

9. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Audit** Audit

Mayor Arnold said the audit had been completed and we should have a copy in the next week or so, everyone will receive a copy and should there be any questions contact Mrs. Johnson.

10. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Okaloosa League of Cities Meeting April 24<sup>th</sup> at 6 PM** Okaloosa League of Cities Meeting

Mayor Arnold said the meeting was being held at the Coach in Four in Crestview sponsored by Laurel Hill and asked Commissioners to please notify Mrs. Johnson or Mrs. Rhodes if you were planning to attend.

11. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Etc.** Etc. Library Easter Program

Comm. Browning asked if the library would once again be doing an Easter program, Mr. Weatherford said it would be 10 o'clock on Friday morning April 18<sup>th</sup>.

1. **ADMINISTRATIVE ITEMS – Minutes** Minutes March 3, 2014

COMM. STRONG MADE A MOTION TO APPROVE THE MINUTES FROM MARCH 3, 2014 WITH A CORRECTION ON LINE 33 FROM MITIGATION TO LITIGATION. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.

COMM. BROWNING MADE A MOTION TO APPROVE THE MINUTES FROM MARCH 10, 2014. COMM. MORGAN SAID ON PAGE 1 LINE 41 HE WOULD LIKE FOR IT TO READ NOW HAD A WORKABLE FLEET OF VEHICLES AS GENERALLY DISCUSSED IN BUDGET MEETINGS AND WHICH ONE VEHICLE WAS SPECIFICALLY ADDRESSED. HE SAID THAT CLARIFIES HE DID DISCUSS IT AT THE TIME OF GENERAL BUDGET MEETINGS, ONLY ADDRESS ONE EVEN THOUGH THE DISCUSSION WAS ABOUT TWO. COMM. STRONG SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION.

March 10, 2014

COMM. STRONG MADE A MOTION TO APPROVE THE MINUTES FROM MARCH 18, 2014 AS WRITTEN. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.

March 18, 2014

2. **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. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.

**ADJOURN**

There being no further business to be brought before the Commission, the meeting adjourned at 7:20 PM. Adjourn

\_\_\_\_\_  
John B. Arnold, Jr.  
Mayor

\_\_\_\_\_  
Heyward H. Strong, Jr.  
Chair, VCA

ATTEST:

\_\_\_\_\_  
Tammy Johnson, CMC  
City Clerk

April 14, 2014

\*\*\*The DVD labeled April 14, 2014 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.\*\*\*