

MINUTES
CITY COMMISSION MEETING
June 16, 2014

The City Commission met this date in a special session in the Commission Chambers. A quorum being present, the meeting was called to order at 6PM with the following in attendance.

Mayor	:	John B. Arnold, Jr.
Commissioners	:	Kay Hamilton
	:	Joe Morgan
	:	Clark Tom Browning, IV
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
City Attorney	:	Bruce Bowman
Chief of Police	:	Joe Hart
Fire Chief	:	Mark Norris
Public Works Director:	:	James Valandingham
Library Director	:	David Weatherford
Recorder	:	Beth Millsaps

Others in attendance: (Not inclusive) Amber Elledge (camera), Marcia Sanders (Bay Beacon), Brandon Wilson, Joe Arthur, Lorelei Berryhill, Rebecca R. Koelzer, Thomas Koelzer, Barbara Cunningham, Bill Cunningham, Diane Kelley Smith, Bill Smith, Lyn Knowles, Obie O'Brien, Wayne Justice, Terry Griffin, Wendy Justice
Comm. Heyward Strong, Jr. is out of town.

1. Malpractice Claim

Mr. Bruce Bowman said we would be calling Mr. Bruce Davey, our attorney in the malpractice claim against Doug Wyckoff and Sundstrom, Rose & Bentley, you have received a confidential memo under Florida Statutes 119.071 from Mr. Davey for the Commission's information with recommendations as to how to proceed. He said without being specific in this meeting Mr. Davey is looking for authority to settle and in referring to amounts refer to a general amount without a specific amount. A call was placed to Mr. Davey, he said in his memo he basically went through the facts of the case bringing everyone up to date on the events from 2008 thru to 2014, he said he knew some Commissioners were aware of everything while some are new to the Commission. Mr. Davey said after going over the issues and issuing a demand letter, that letter outlined the damages and he is looking for authority to act on that demand. He said he needed direction from the Commission on how to proceed and in what fashion to proceed. Mayor Arnold said he thought that Mr. Davey did an excellent job in presenting the matter. Mr. Bowman ask if anyone had any questions for Mr. Davey. Mayor Arnold said he understands that Mr. Wyckoff owns property and wanted to know if that could be used. Mr. Davey said first you had to go through and get a judgment and then collect on the judgment in order to go after someone that does not have insurance. Mr. Bowman said assets would be subject to a judgment but that homestead property would not be involved, Mr. Davey concurs. **MAYOR ARNOLD MADE A MOTION TO ACCEPT PARAGRAPH 1 AND GIVE MR. DAVEY AUTHORITY TO NEGOTIATE WITH ROSE, SUNDSTROM AND BENTLEY. COMM. HAMILTON SECONDED THE MOTION.** Mr. Bowman asked if the motion was to negotiate within the parameters? Comm. Morgan said paragraph 1, 2, and 3 of the authorization and recommendations from the confidential memo dated 06/13/2014 on page 11. **MOTION PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.** Mr. Davey asked what exactly passed. Mr. Bowman said a motion was made to approve the recommendations you made 1, 2, 3 under authorization and recommendations on page 11. Mr. Bowman leaves the meeting.

Malprac-
tice
Claim

2. Plat I Docks

Mayor Arnold said that Comm. Morgan volunteered to take this on and he had received some favorable comments and appreciates his work. Comm. Morgan said he wanted to thank everyone for their comments, he said that a lot of the residents have been frustrated and anxious in regards to Plat I docks and he has undertaken this project to give residents a clear picture of what is needed to apply for a dock or to repair a dock. He said our ordinance needs to be clear and precise. He said most of the residents he spoke with have knowledge of the previous dock rulings and that they are happy to have docks within a community atmosphere. Comm. Morgan said this information is only for docks in Plat I from Tom's Bayou to the Spencer boat dock area, T pier to Bayshore Point. He said at this time Ordinance No. 361 is in effect, however Plat I is different from all other plats because of the dedication papers. He said what he is proposing to do is to codify, to make the process transparent for all too easily understand the process and explain it from cradle to the grave, beginning to end. He feels if this is integrated up front and everyone knows the rules it will be a win win for our community. Comm. Morgan said he had received a lot of input, not just from residents on the water but from all of Valparaiso. He said not one of the residents on the water that he had spoken with had a problem with public access that is clearly defined. Comm. Morgan said the essential components would be to permit the docks or repairs, he said this would provide both rules and guidelines upfront. He said key principles

Plat I
Docks

would be the aesthetics, effect on navigation, both seaward and adjoining, and environmental concerns. He said permits could restrict and include: requirements for letter of exemption or permit, 'de-minimis build' may join with a neighbor, no decks or overhead structures, boatlifts to be permitted one per owner, two if shared. He said maybe restrictive as to type for example area near approaches to bridges, and normal boat traffic patterns – restrictions to 'marginal docks', docks that are generally parallel to beach. He said guides for establishing 'littoral lines', upfront info on use private property, public access, no renting, power and water allowed but must be contracted thru city, normal repairs to be allowed. Also environmental guides 6" boards, 1/2' spacing, mesh decking, and so on. Comm. Morgan said the encroachment agreement would make acknowledgement of public property, and affirmation not to make any claim of ownership, allow public access, give residents ability to repair, a liability letter of release, assumption of liability, and posting of 'use at own risk' signage for the public.

Mr. Brandon Wilson, 1267 Bayshore Drive, said he has been a homeowner in Valparaiso for over 20 years, tonight he is in attendance representing his own property as well as Mr. and Mrs. Petruit and Mr. and Mrs. DeLuna who are out of town this evening, he said they support public use and access. He said they believe it is a win win situation for the residents and the city and supports going forward to explore new ordinances.

Mr. Bill Cunningham, 1286 Bayshore Drive, said not all of the neighbors get along so well so what would we do in the instance that we would like a dock but the neighbor does not allow for a dock. He said if the neighbor is strictly being unreasonable there should be a higher authority to appeal too. Comm. Morgan said the letter of agreement from the neighbor is important but the Commission will have the final authority in the situation.

Comm. Morgan said he had spoken with DEP official in Pensacola received some information from them, also spoke with Gulf Breeze official who sent over information guidelines that are used there, he said there isn't a lot of public property in those cities in this exact situation but there is some and the guidelines are clear. Mayor Arnold said he would like for Comm. Morgan to proceed further and bring a straw man ordinance before the Commission regarding Plat I docks.

Mr. Obie O'Brien, 324 Glen Avenue, said he had listened to this discussion for a couple of meetings now and wasn't aware there was a meeting regarding public access, he knew that Comm. Morgan had agreed to meet with one resident on May 9th in regard to a dock repair. He said that Plat I is special, it provides for an unobstructive view. Mr. O'Brien said at this time the city has 57 lots, seven have docks and two have questionable docks, the ordinance before was to eliminate the seven we have and he would like for Plat I to do away with all the docks from the T pier to Bayshore Point. Mr. O'Brien said by getting rid of the docks that are there now it would allow for better beach access for all and that would provide the city with an even more unique shoreline to walk from begin to end.

Mr. Wilson said while he appreciates Mr. O'Brien's opinion there is no way he would be able to walk along the shoreline, due to the rip rap, he would have to be in the street regardless of docks being there or not. He said most docks have been there for 30 to 40 years and that the homeowners would be upset to have them removed.

Mr. O'Brien said he is aware of the rip rap, and that you could walk on the grass if you didn't have to climb across walk ways.

Comm. Hamilton said she is very impressed with what Comm. Morgan has accomplished.

3. Public Input on Non Agenda Items

Mayor Arnold said we need to give instructions if an individual would like more than five minutes to speak that person would need to be listed on the agenda. **COMM. HAMILTON MADE A MOTION TO LIMIT DISCUSSION OF NON AGENDA ITEMS TO NO MORE THAN FIVE MINUTES. COMM. BROWNING SECONDED THE MOTION.** Mayor Arnold said he would entertain discussion but didn't have any public comments. **MOTION PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

4. Budget Workshop Fiscal Year 2015 **POLICE DEPARTMENT**

Chief Hart said he has three requests. He said one is a new patrol vehicle that would be a Dodge Charger. He said we have an aging fleet, two vehicles well over 100,000 miles and the department was only allowed to purchase one vehicle last year. He said the \$30,116 would include transfer of radios and equipment, this vehicle would be a V6 and would be satisfactory for our needs and save as much money as possible the state contract bid ends on 30 September.

Chief Hart said they also need a computer upgrade which would cost \$12,560. He said the justification is we are currently using the old XP professional, he said they are using newer applications that need Windows 7 or above to operate and some of the units we have are seven or eight years old, I need them replaced. He said the software application for the RMS CAD system which is the backbone needs an upgraded version, the vendor will not longer support legacy version.

Chief Hart said lastly he would like to respectfully submit for a 4% across the board pay increase, for everyone not just his department. He said he had one person retire this past year

Public
Input on
Non
Agenda
Items

Budget
Workshop

and two leave. It is hard for a young officer to make a living on what we pay, unless he is a retired person from the Air Force or another agency or has a spouse working. He ask that the Commission take a hard look at 4% increase across the board no matter what step they are at.

FIRE DEPARTMENT

Chief Norris said he is requesting \$6,000 for bunker gear two sets. Chief Norris said he is always asking for fire hose and nozzle replacements approximately \$11,310.

NON-DEPARTMENTAL

Mayor Arnold said the city hall is in process of having the roof repaired and inspections done of the damage. He has also asked for approximately \$20,000 to upgrade Doolittle Park, he said there are a lot of memorial activities held there each year and it is in need of an upgrade as well as increase in parking.

CEMETERY

Mr. Valandingham said this is a carry over from previous years with previous Commissioners Johnson and Kelley an estimate for a mausoleum \$250,000.

PARKS

Mr. Valandingham said the Tpier \$15,000 has some structural deficits, we have some funds for that in this years budget about \$5,000 that could go towards that. Upgrade pavilions, benches and playground equipment that is a carry over from last years budget request \$300,000. He knows he is shooting for the stars but included in that is Doolittle that Mayor Arnold previously mentioned so he thinks that expense is covered twice. Mr. Valandingham said to replace/repair playground equipment at Lincoln for the approximate cost of \$5,000.

Mr. Valandingham said the Florida Park boat launch is something that has been mentioned before talked about expanding the area with the boating improvement grant, there is area the city owns next to ramp area we could make a roadway to travel down pave it to make a circular entrance, the way that the launch is designed now is a little tight even for the city john boat cost approximately \$30,000.

Mr. Valandingham said Lincoln Park boat ramp is also something that has been on the agenda many times. The concrete slab has deteriorated; cost approximately \$50,000. Mayor Arnold asked about the boating improvement funds from the county, Mr. Valandingham said that is about \$15,000 a year a small amount. Mr. Scott said we have applied to six or seven grants for boat ramps and improvements and nothing has been successful as of yet. Mr. Valandingham said he keeps putting on the budget wish list and Mr. Scott keeps applying for grants and waiting for something to happen.

SANITATION

Mr. Valandingham said requesting \$14,000 for the two additional cart tippers that will enable all the trucks to have two tippers instead of just one. He said the new truck has two tippers.

SANITATION/SHOP

Mr. Valandingham said the item that is listed is the fork lift used in both departments. He said the make and model are unidenfiable it is very old, converted years back and in dire need to be replaced. He said they use it with the recycling facility and it the shop for many various projects \$30,000.

SHOP

Mr. Valandingham said with all the traffic coming and going from public works the parking lot is needs to have asphalt applied \$40,000. He said the bucket truck that is used for lighting, wiring, hanging things and doing the Christmas lights every year is in need of replacing \$100,000. Mr. Valandingham said with one more bulk oil container we would be able to supply all our needs with hydraulic fluids and oils \$2,000.

STREETS

Mr. Valandingham said is requesting a 40hp tractor, be it new or used, currently we have a transmission problem and it is sitting at a repair facility and the repair bill is close to \$7,000 The tractor is used to grade roads into streets, we have a smaller one that will do the job but it takes about 3 times the staff hours \$32,000 for a new one \$5,000 for a used one.

STORMWATER

Mr. Valandingham said these problems have been identified with the recent rains. He said on Charles Drive they have had sinkholes. There are joint problems on that concrete pipe, it is deep not something we could manage it would need to be contracted. The next one is on Southview but it is headed toward the bayou and the sinkholes were very exposed but we could probably do with a lining contract like the one the county has now, we could have the joints grouted to keep the sediment from forming in there. Cost is about \$300,000. Mr. Valandingham said he did receive a request from Comm. Morgan to check with FEMA regarding these three issues and he has contacted FEMA to see what they might be able to do to help with funding, he said they would get back with us. Mr. Valandingham said there maybe funds available for each of those projects, singularly or as a combined projects up to 85% or 100%.

UTILITIES DEPARTMENT

Mr. Valandingham said the metering system we have is adequate, it is however becoming aged and outdated. A new radio system would be a dream of mine because it would allow us to monitor everything out there \$500,000.

Mr. Valandingham said another wish is to have two more generators at wells 3 and 5 so that if we had a complete outage for an extended period of time we would be able to operate all wells for even distribution \$160,000. Mr. Valandingham said next on the list is to convert the water wells from oil lubrication to water lubrication, part of that is for efficiency and less potential for contamination. He said we don't have issue with contamination but it is standard for the industry to use water lubrication \$120,000.

Mr. Valandingham said the next items on the list are rehabilitation for lift stations. Everything from small to large, number 5 is a control panel, number 7 is the station at the Tom's Bayou Bridge by South Bayshore he would like to convert from dry pit to wet well with pumps for efficiency and standardization, also for numbers 9 and 10. Mr. Valandingham said numbers 8, 9 and 10 are in the CDBG process if that is approved then those requests would go out of the budget requests. He said he got all of his calculations for the rehab work on the lift stations from the CDBG. Station 11 is also in need of control panel. The list of rehabilitations would be for everything to be complete, just a wish list cost for all \$327,000. A complete lift station telemetry would cost \$112,000.

Mr. Valandingham said one utility truck is on its last leg, we have been nursing it for some time \$25,000. It is possible that if we can't do another truck we could use a gator for the same work.

Mr. Valandingham said where the work is being done on Valparaiso Parkway and highway 85 he is requesting funds to beautify the lift station there, he said it looks really bad and up until all the land was clear you couldn't see it so it didn't matter as much but now it is clearly visible and will only continue to be as the new business is built. He would look to enclose the lift station and make it more aestically pleasing \$10,000.

Mr. Valandingham said in the smoke testing from last week we are only about 30% into the testing on Plat I, try to do once a week for next few weeks. He said we should be able to identify infiltration as the tests move along. To line manholes and structures that are deficient we are looking at. He said the \$75,000 to \$150,000 this is conservative, depending on what is found.

Mayor Arnold said there are a lot of things on the list and a lot of things the city would like to have but as the budget process moves forward we will prioritize things and go forward with what is necessary. Mayor Arnold advised the audience not to let the numbers scare them this is only the beginning.

ADJOURN

With there being no further business before the Commission, meeting adjourned at 7:08 PM.

Adjourn

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

June 16, 2014

The DVD labeled June 16, 2014 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.