

MINUTES
CITY COMMISSION MEETING
May 12, 2014

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Comm. Strong 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.
	:	Kay Hamilton
	:	Joe Morgan
	:	Clark (Tom) Browning, IV
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
City Attorney	:	Hayward Dykes
City Engineer	:	Roy Petrey
Recorder	:	Beth Millsaps

Others in attendance: (Not Inclusive) Mike Matthews (camera), Marcia Anne Sanders (Bay Beacon), Caroline Maffei, Brad Maffei, Terry Griffin, Obie O'Brien, Bob and Charlotte Bachelor, Diane Kelley, Matt Zinke, Don Caverly, Chris Mikles, Lori Green

Welcome Mayor 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.

Resident Citizen Concerns 1. **CITIZENS' CONCERNS (non-agenda items) – Resident**
There were no resident comments.

2. **CITIZENS' CONCERNS (non-agenda items) – Non-resident**
There were no non-resident comments.

Non-Resident Citizen Concerns 1. **NEW ACTION ITEMS – Added Agenda Items**

Mr. Petrey asked to have the emergency debris removal contract placed on the agenda for discussion and vote. **COMM. MORGAN MADE A MOTION TO ADD THE EMERGENCY DEBRIS REMOVAL CONTRACT TO THE AGENDA. COMM. BROWNING SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.** Mayor Arnold said this item would be the last item under new actions.

Added Agenda Items 2. **NEW ACTION ITEMS – Ordinance No. 654 Granting Vacation of ROW – Wolverine Avenue**

Ordinance No. 654 Grant Vacation ROW Mayor Arnold said this will be the first reading of the ordinance with the second to be held in June. Mayor Arnold read Ordinance No. 654, an ordinance granting the request of Valparaiso Realty to vacate a portion of Wolverine Avenue and providing for (1) findings, (2) repeal of conflicting ordinances, (3) severability and (4) an effective date. Mr. Dykes said the owner of the property has agreed to provide an additional easement that would encompass the city water main. Comm. Morgan said there is a 30' part of Plat 7 we don't currently have easement to but the property owner will grant that to us additionally with vacation since we have a line going from north to south, he will grant an easement for the maintenance of that line which would give us a significant space to do maintenance. Comm. Morgan said he would include the survey as an attachment.

Obie O'Brien, 324 Glen Avenue, said he had been listening to the meeting from April 14th and listening to what Comm. Strong thought and it is a benefit that he has such historical experience to know the history of the city. Mr. O'Brien said that Comm. Strong made a point that right-of-ways are very important, had the city not had this right-of-way when there was a need to tie two water towers together it could have been difficult or impossible. He would ask the city to deny this vacation of right-of-way based on Comm. Strong's comments in the last meeting.

Matt Zinke, Gustin, Cothorn & Tucker, is here on behalf of Valparaiso Realty in case anyone had any questions. Mayor Arnold said if any questions arise most likely be at the second reading. **COMM. STRONG MADE A MOTION TO APPROVE ORDINANCE NO. 654, MOTION SECONDED BY COMM. HAMILTON.** Comm. Strong said that this has been looked at and there is sufficient room for the easement to be maintained. He said the only thing we need for right now is a water line, waste water line comes in from a different area. Comm. Morgan asked if we would need to give description of Wolverine Avenue, we have a survey so that should be sufficient. Mr. Dykes said after the vacation they will have their survey and deeds will be prepared. Mr. Dykes said this situation is different usually with a vacation of road the property owner gets to middle of road with this vacation Valparaiso Realty will get entire road. Comm. Morgan said he thought a section maybe needed to be added in the ordinance as to specify what is allowed to the city for utilities as far as the easement is concerned, because it is a vacation with an easement. Mr. Dykes said the easement is a separate document. Comm. Morgan said we are vacating a road and it has a restriction. Comm. Morgan said he would like to see this added to Section 2. vacate a portion of the city's right-of-way for a portion of Wolverine Avenue with easements as depicted. Mr. Dykes said that is why we discuss the ordinance now so that any changes that need to be made to it can be advertised before final reading. **VOTE OF 5 TO 0 UNANIMOUS VOTE OF COMMISSION TO CONTINUE ON WITH ORDINANCE WITH MINOR ADDITION.**

3. **NEW ACTION ITEMS** – **Ordinance No. 655 Deny Vacation of ROW Wolverine Avenue**
Mayor Arnold deleted.

4. **NEW ACTION ITEMS** – **Plat I Dock Repair**

Mr. Scott said that something has to be done, a decision has to be made. He has had three applications in the last year, Mr. Petruit would like to replace part of his dock making that number four. Mr. Scott said this is not a situation that we can continue to ignore. Mr. Dykes said the ordinance that we have now says there will be no repairs to dock nor new docks added. Mr. Scott said no repairs until the permit is granted by the DEP, he said the Dibler's have requested repairs to their dock, Ms. Kelley wanted to be build a dock, a decision must be made. Comm. Morgan said he would like to prepare a document and have a special meeting workshop to address these issues. He thinks with stronger language in the encroachment agreement that states it is public property, public access is granted and, neighborhood approval and etc. Comm. Morgan said he would look at other cities with similar situations and take a stab at coming up with something that works for everyone. Mayor Arnold said the general feeling at the time was the Commission wanted to eliminate the docks in Plat I, let the existing docks rot away. Comm. Morgan said with clear permitting process and guidelines that would take the problems out of the situation, if the residents know that the steps are in the process to approve. Mayor Arnold said if Comm. Morgan would like to take that on he could feel free to do so.

Mr. Scott said he would like to speak as a resident. Carl Scott, 339 Okaloosa Avenue, said Plat I beaches are for the general public, if the owners in Plat I would like a dock they need to move to another Plat. He feels the purpose of Plat I is not to be developed for personal docks but for everyone to enjoy, that the city should preserve that for the residents, for some of us this would be the only way we would have to enjoy the water.

Dr. Kelley, 1281 Bayshore Drive, said she had not planned to speak but would respectfully like to address Mr. Scott's comments, he is basically stating this to be a have or have not situation. She had to work very hard to obtain what she has and it is her wish for everyone to be able to do this. Mrs. Kelley said she lives in a city that has sixteen public parks and feels our residents have more access than residents of other city to enjoy the water and beach. She said there are five houses on her street that do not have docks. Mrs. Kelley said not to be redundant in telling her story but fifteen years ago after talking to a Commissioner he encouraged her to go through the process he went through and that is the only reason she put pilings up on adjoining property, received a cease and desist order. She said she has not joined any of the lawsuits regarding this matter against the city in contrast she has donated her talent, her time and her own money. I would like the opportunity my neighbors have had. Mrs. Kelley said she appreciates Comm. Morgan's attempt to work something out and she respects Mr. Scott's opinion. She feels that the city should not pick and choose who gets to do what with docks because the monitoring of this situation so far has been inconsistent. Mayor Arnold asked Comm. Morgan to have a preliminary draft to review at the June 16th budget meeting. Mayor Arnold said that meeting is a budget meeting that will be reviewing what capital items are needed for the coming year.

5. **NEW ACTION ITEMS** – **Stormwater Drainage**

Comm. Strong said it took us three years and a two star general to solve our issue with Eglin and the runoff. He said the idea was to hold the water on the reservation to keep it from coming into the citizen's yard since then they have paved more property with more water runoff. He asked what the plan was to resolve the issue. Comm. Morgan said these stormwater events have been both good and bad, the bad part is they flooded some properties the good part is it showed us the weakness we have with our stormwater management plan. Comm. Morgan said we have a 2006 inventory of our stormwater assets and we compared it to the contours and what is really going on. He said our staff has gone out and looked at many weaknesses to include Okaloosa, Spencer, Bayshore Point and Indian Shores and including going on Eglin to look everywhere from the hobby shop back north and how the water is flowing back into Indian Shores. Comm. Strong said the hobby shop problem was solved, Mayor said they built tennis courts and basketball courts now. Comm. Morgan said those don't appear to be the real issues causing this problem. He said part of our improvements have several dams along the fence line that are higher than the berm that adjoins Indian Shores, those have to be reconstructed. Comm. Morgan said all of that fence line in that area where the berms are is on Eglin property and we will be working with Eglin to resolve the problem. Comm. Morgan said the issue on Spencer isn't Spencer but goes all the way up to north to Okaloosa. He said some quick fixes aside from the berm would be some "t cup" strainers to prevent major trash coming down. Comm. Morgan said we have a conservation easement along that drainage basin we have to look at exactly what that means. He said we would work with landowners to provide their rights of use but also establish correct retention area so that our waters are not polluted. Mayor Arnold asked Mr. Petrey what would be the cost to develop a stormwater plan because we need something documented to look for state and federal help. Comm. Morgan said because of this event money has become available in the form of grants that we can start to look at. He said right now stormwater budget hasn't accrued much by end of September almost \$92,000, we add only \$25,000 in income and that is not a lot for stormwater management. Mayor Arnold said he knew that Mr. O'Brien and Mr. Bachelor have problems that still need to be resolved. Comm. Hamilton said she would like to compliment the public works staff for all of their hard work. She said she saw them out working diligently during the really bad storm and she wanted to express her appreciation. Comm. Morgan said they are working to come up with short and long term solutions. Comm. Hamilton said she appreciated Mr. Petrey's plan it was nice to see the property not become a river. Mr. Petrey said he wanted to say again the public works staff and even the DOC crew they were

out there doing a yeoman's job of preventing what could have been a catastrophic situation, he wants to commend them for that work. Mr. Petrey said he also wanted to compliment Mr. Valandingham for the work that he had done at Bay Street and North Bayshore for the first time in history those streets didn't flood and he did that on his own. Mr. Petrey said the public works staff was doing yeoman's work negating some problems. Mr. Petrey said what they found from Comm. Strong's house and Mr. Blake's house that the swell didn't go far enough North. He said we need to get with the Corp of Engineers, because Eglin said that is who we need to get with. Mr. Petrey said it probably wouldn't hurt for Mr. Blake to contact Congressman Miller's office and help get things into action. Mr. Petrey said he feels Eglin wants to be good stewards and he knows that most of this building took place before there were stormwater runoff rules. Mr. Petrey said he would get with Comm. Morgan and they would get in contact with civil engineering on base and they would probably refer him to Mr. Chuck Ford with the Corp of Engineers.

Mr. Bob Bachelor, 154 Grandview Avenue, I'm here tonight about lot 36 on Bayshore Drive North, this lot has an opening from an underground french drain which collects surface water from neighboring properties along Bayshore Drive and causes water to collect onto lot 36. It was originally constructed the drain collected surface water from 1180, 1182, 1184, 1188, 1190 and 1192 Bayshore Drive they are actually located down hill from the southern boundary of lot 36. This results in the surface water being collected in the french drain being directed uphill and northward due to the slope of the french drain. Mr. Bachelor handed out a drawing his artwork and the actually Plat map, he said on lot 36 is the intersection of Bayshore Drive and the road that goes into townhome area that is the highest elevation as you go southward to you go a lower elevation when the french drain was constructed it ran the entire length of the townhomes and turned the corner and dumped on lot 36, water is flowing uphill. He said with the rains we have received and will be receiving that lot 36 will continue to take on surface water from the french drain. He said the bottom line is lot 36 should not be receiving water from lower lining properties. Mr. Bachelor said he would like to ask that the city fix the drainage problem. Comm. Morgan said he would like to meet with Mr. Bachelor after the meeting.

Mr. Obie O'Brien, 324 Glen Avenue, had a handout to give to the Commission. He wanted to talk primarily about stormwater problem but would like to make a positive comment on something Mr. Scott said. He said he would like for Mr. Scott's grandkids to be able to walk the shoreline as he did back in the 50's and he would include the public area of Plat 2 not just Plat 1 I'm encouraged by Mr. Scott's opinion.

Mr. O'Brien said there is an enormous amount of stormwater going into Tom's Bayou that is untreated full of trash and sediment, he said he started this discussion with Public Works Director Mr. Piper in 2006. He said Mr. Piper worked to patch the problem and that worked for a while. In 2010 I wrote to the city about the problem. His primary issue is to fix the problem not just patch the problem. He believes the city's top priority should be to protect the bayou. We have property available for stormwater outfall we could use our right-of-ways. Valparaiso Realty has a large parcel of property maybe we could use a portion for stormwater collection. I'm opposed to the "t-cup" strainer idea. I spoke to all of the property owner's on the creek and we all want the city to fix the problem. Most of the problem comes from Glen Avenue, need to reconfigure Spencer Place so the stormwater would go away from the bayou. Mr. O'Brien showed pictures of where trash has collected in the creek and several pictures of trash on his property. He also showed pictures of work the city did that made it look nicer but did not fix the runoff. It is all coming from Glen Avenue and Spencer Place. I want the problem fixed. He showed pictures of sod on a right-of-way not a justifiable use of staff time. There is no reason for the road from the Oyster Bar to Spencer Place to be closed. I want the road opened tomorrow.

Comm. Morgan said he appreciated Mr. O'Brien's excellent presentation in the process sometimes it is taking one step back to go several steps forward. He said the action on Spencer Place is not the best but however it is a fix for the immediate time. He said the road might have to be closed for about a month. Comm. Morgan said we are looking at long term solutions and right now those are still a work in progress. He said Spencer would be closed until the sod has been established, Bayshore for about a week. He said is sod the best solution, no not for roadway but I'm trying to prevent the bayou from pollution. Mr. O'Brien said it should not disadvantage him to do that, alternative move area of travel few feet to the east on Spencer Place, little work to accomplish that and not mess with the sod. Comm. Morgan said he would meet with Mr. O'Brien on some of the other alternatives as soon as he could. Mr. O'Brien said he would like Bayshore Drive open tomorrow, it has to have been closed for a 10 to 14 day period, and would like to meet with Comm. Morgan. Comm. Morgan said he wouldn't promise anything he has to work with our engineer and public works and will do the best we can. Mr. O'Brien said he needs that road, that is what he wants, that is his expectation. Comm. Morgan said that is a stormwater issue and that is what he is trying to work on.

6. NEW ACTION ITEMS – Sewer Board Executive Committee

Mayor Arnold said we had been looking at the bylaws one member of executive committee has to be a charter officer of county government, City of Valparaiso or City of Niceville. Mayor said he questions this because there may come a time where we don't have a Commissioner interested or with sufficient knowledge to take that volunteer position, not that he wants to change anything now. Mayor Arnold doesn't feel we should have to have charter official and wanted to know how the Commission feels so that bylaws can be amended accordingly. Comm. Strong said he would like to think about it and there is quite a bit of our money goes into the regional sewer system. Mayor Arnold said we pay

for the processing but regional sewer board can't obligate the city or spend any city fund. Comm. Strong said they do give us a budget we have to budget for. Mayor Arnold said yes and there is a proposed budget for the fiscal year in the Commissioners packages. Comm. Strong said he would think about it. Mayor Arnold said if everyone would think about it for the next meeting.

7. **NEW ACTION ITEMS** – Etc. Bamaco, Inc. Contract

Mr. Petrey said that the city has contracted with Bamaco, Inc. in 2010 for a standby contract for emergency debris removal services. He said the contract allows for an annual increase in their rate based on the CPI, he would like permission to move ahead and prepare order to increase their rates 1.5 %. After a brief discussion, [COMM. BROWNING MADE A MOTION TO ALLOW MR. PETREY TO PREPARE A CONTRACT WITH BAMACO, INC. WITH AN INCREASE OF 1.5 %. MAYOR ARNOLD SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.](#)

1. **OLD BUSINESS** – Plat I Dock

Plat I
Dock

Mayor Arnold said we had discussed this earlier.

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

City Hall
Roof
Update

Mr. Petrey passed out a letter of recommendation with bid tabulation attached, lowest bid for reroof option came from Edwards Roofing for \$46,864. Mr. Petrey said bid was broken into two parts option A and option B, B being a coating option only one of four bidders bid coating option and that amount was from Bel-Mac Roofing \$67,570. Mr. Petrey said option A is the preferred method. The next lowest is Bel-Mac at \$77,100, Trident Construction at \$98,000 and Porter Roofing at \$107,000. He said quite a variation, he said that led to quite a few discussions between himself, our architect and bidder that they did not have any material defect in their bid. Mr. Petrey said that Edwards Roofing reverified their measurements, prices and all costs and they stand behind their bid. He said we do have a bid bond, performance bond, and payment bond to be included. Mr. Petrey said the recommendation is to accept the bid from Edwards Roofing, they being the lowest responsible bidder at \$46,864.

[COMM. STRONG MADE A MOTION TO APPROVE BID FROM EDWARDS ROOFING IN THE AMOUNT OF \\$46,864 FOR CITY HALL/POLICE DEPARTMENT REROOF. COMM. BROWNING SECONDED THE MOTION.](#)

Mr. Petrey said honestly they thought bids would come in between \$75,000 to \$90,000 that was the budget. He said since they were that low they took the opportunity to get a price on adding ½ inch insulation on roof to help somewhat with the noise, following tabulation of bid \$12,134 for additional ½ insulation, by adding this it does double labor. He said the architect couldn't find anything that was out of line in this, maybe a little high but nothing extreme. Mr. Petrey said if the city has the money the recommendation of Polyengineering and our senior architect Jim Clark exercise this as a change order to the original contract and add ½" insulation. He said the total would be approximately \$58,998. [MAYOR ARNOLD MADE THE MOTION TO APPROVE CITY HALL REROOF FOR \\$46,864 AND THE CHANGE ORDER TO ADD INSULATION AT \\$12,134 FOR A COMBINED PRICE OF \\$58,998 AND FUNDING WOULD COME FROM RESERVE FUND. COMM. STRONG SECONDED THE MOTION.](#) Mayor Arnold said this has to be done due to the buildings deterioration. Mr. Petrey said all this includes is the reroof, gutters and downspout, it doesn't address the damage behind the wall and stucco, will not be able to address that until water infiltration is stopped. He said once that is done and we know the extent of the damage we will probably contract with someone else for that, first order is to get the envelope sealed. [VOTE OF COMMISSION UNANIMOUS APPROVAL 5 TO 0.](#) Mr. Petrey said they would start preparing contracts immediately and get them to the Mayor for signature.

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

Fleet
Maint-
enance
Pro-gram

Comm. Strong said he believes this should go back to the safety committee, doesn't understand why the Commission has been involved. Comm. Morgan said he thinks it is a good idea part of the policy is up to the Commission's digression, the issue he has is that there are several fleets within the city but feels it is a good idea to have a plan overall. He thinks the language should be as such that the chiefs and directors are in charge not one manager. Comm. Hamilton feels Mr. Valandingham should be here to present.

4. **OLD BUSINESS** – Plat I Dock Repair

Plat I
Dock
Repair

Previously discussed.

5. **OLD BUSINESS** – Removal of City Assets from Inventory

Remove
City Assets
From
Invent-ory

Mayor Arnold said we need to have some type of policy. Comm. Morgan simplifying our asset inventory is critical. He said we need to have a plan in place to replace all durables. Comm. Hamilton said the department heads should have a limit on their authority. A brief discussion followed. Comm. Morgan said he would take a stab at coming up with something to resolve this situation and have for the June meeting.

6. **OLD BUSINESS** – Ordinance No. 653 Development Order Amended

Ord.
No. 653
Develop-
ment Order
Amend

Mayor Arnold said this was not advertised in time for discussion will be for next meeting.

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

TPO/
DOT
Storm-
water
Legal Activ-
ities

Comm. Morgan said they had a productive meeting and will provide the Commission with the minutes. He would like to invite Comm. Strong to a symposium at the end of the month in Pensacola.

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

Nothing to report.

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

Mr. Dykes said there are depositions in the Willingham case for this week. He said court hearing would have to be waived by federal judge and that has been submitted but only been three weeks, have to go at the judge's pace. Mr. Dykes said it is his understanding that in the Rose, Sundstrom and Bentley case the offer is in the process of being sent to them.

Median
Beauti-
fication

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

Comm. Morgan said there has been a problem with the type of plants along John Sims Parkway. He said he is going to discuss the situation further with Brad and see what they need to submit, may keep the crepe myrtles. Comm. Morgan said what they had wanted matching plants, flowers and shrubs on both ends but that is not to be. He said will set a meeting to talk again to the committee and go from there.

Plan-
ning
Comm.

5. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission**

Mayor Arnold said there is no one from the Planning Commission in attendance this evening.

Vision
Comm.
Update

6. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Visioning Committee Update**

Mayor Arnold said he had spoken with Dr. Jill White, Chair of the Committee, and she said they are still in the process of evaluating the survey results and feels that the Committee will have a plan by the end of this year or beginning of 2015.

CDBG
Update

7. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – CDBG Update**

Mr. Scott said there hasn't been anything new on the CDBG.

Appoint
Cable
Director

1. **ADMINISTRATIVE ITEMS – Appointment of Cable Director**

Mayor Arnold said we had received two applications, one local employee and the other from the outside. Comm. Strong said after reviewing everything and observing Mr. Butler for the past six months he recommends Mr. James Butler, as the next Director for the TV Cable. He asked that he also be allowed to negotiate a salary with Mr. Butler. **MAYOR ARNOLD MADE A MOTION TO APPOINT MR. JAMES BUTLER AS DIRECTOR FOR THE TV CABLE AND THAT COMM. STRONG BE ALLOWED TO NEGOTIATE THE SALARY FOR THE POSITION. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

Minutes
14 April
2014

2. **ADMINISTRATIVE ITEMS – Minutes**

COMM. STRONG MADE A MOTION TO APPROVE THE MINUTES FROM APRIL 14, 2014 MEETING AS PRESENTED. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Bills
Payable

3. **ADMINISTRATIVE ITEMS – Bills Payable**

COMM. HAMILTON MADE A MOTION TO PAY THE REGULAR BILLS AND VCA BILLS AS OUTLINED IN THE FINANCIAL STATEMENT(S). COMM. STRONG SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Adjourn

ADJOURN

There being no further business to be brought before the Commission, the meeting was adjourned at 7:51 PM.

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

May 12, 2014

The DVD labeled May 12, 2014 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.