

MINUTES  
CITY COMMISSION MEETING  
January 12, 2015

The City Commission met this date regular session in the Commission Chambers. The Invocation was given by Mayor Arnold 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
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
City Attorney	:	Hayward Dykes
City Engineer	:	Roy Petrey
Library Director	:	David Weatherford
Recorder	:	Beth Millsaps

Others in attendance: (Not inclusive) Amber Elledge (camera), Joe Cartenuto, Gail Cartenuto, Walter Williams, Tommy Browning, Doug Fannon, Gueary H. Clendening, Marcia Sanders (Bay Beacon), Brian Cartenuto, Don Dudas, David McKoy, Joseph Melton

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. Mayor Arnold recognized Ms. Kelly Humphrey from the Northwest Florida Daily news and the gentlemen from Channel 3 news station.

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

There were no resident comments.

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

There were no non resident comments.

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

Mayor Arnold noted there aren't any added agenda items this evening.

**2. NEW ACTION ITEMS – Resolution 01-01-12-15 Reappoint Planning Commission Members**

Mayor Arnold read Resolution No. 01-01-12-15, a resolution reappointing two volunteers to the Planning Commission and providing an effective date. COMM. HAMILTON MADE THE MOTION TO REAPPOINT MS. ROBIN HELMER AND MR. JACK CARSON TO THE PLANNING COMMISSION WITH A TERM EXPIRATION OF SEPTEMBER 30, 2019. COMM. STRONG SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION.

**3. NEW ACTION ITEMS – Equity Portfolios**

Mayor Arnold read Resolution No. 02-01-12-15 a resolution authorizing the City of Valparaiso to invest in equity portfolios with the Florida Municipal Investment Trust (FMIvT) and provide an effective date. COMM. STRONG MADE A MOTION TO PLACE \$50,000 IN FMIvT HIGH QUALITY GROWTH PORTFOLIO, \$50,000 IN FMIvT DIVERSIFIED VALUE PORTFOLIO AND \$50,000 IN FMIvT RUSSELL 1000 ENHANCED INDEX PORTFOLIO. COMM. BROWNING SECONDED THE MOTION. Comm. Hamilton is concerned about such large amounts going to the portfolios that can be more risk than bonds. Comm. Morgan told her the \$150,000 would be in bonds, this \$150,000 in the portfolio which is somewhat riskier and then remainder of the funds would stay in reserves. Comm. Strong said while this is money is in for long term return if need be it can be removed up to twice a month. Comm. Browning suggests designating someone to present a monthly report on how the investments are performing. Comm. Hamilton agrees, she said Mrs. Johnson could set triggers on when and what to report and that should be happy to remind Mrs. Johnson to do so. VOTE OF 5 TO 0 UNANIMIOUS TO PASS RESOLUTION NO. 02-01-12-15.

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

Comm. Morgan said some progress has been made but still working on it.

**2. OLD BUSINESS – Plat I Docks**

Comm. Morgan said a rough draft plan had been sent out to the interested parties, continuing to work on it.

**3. OLD BUSINESS – Ordinance No. 658 Conditional Use (Alcohol Permit)**

Mayor Arnold read Ordinance No. 658, an ordinance providing that the Code of Ordinances, City of Valparaiso, be amended by revising part II, chapter 6 alcoholic beverages to include sections 6-1 through 6-4; providing for a local conditional use provision; providing for consistency with state law; providing for severability; providing for repeal; and providing an effective date. Mayor Arnold said this is the first reading of the Ordinance and there would be no decision made this evening. COMM. HAMILTON MADE A MOTION TO APPROVE ORDINANCE NO. 658. COMM. BROWNING

Welcome

Citizens' Concern Resident

Citizens' Concern Non-Resident Added Agenda Items

Resolution No. 01-01-12-15 Reappoint Planning Comm. Members

Equity Portfolios

Removal City Assets Inventory

Plat I Docks

Ordinance No. 658 Conditional Use

SECONDED THE MOTION, to open the floor for discussion. Comm. Hamilton said the goal with this ordinance in working with Mr. Dykes is not to allow for conditional use, we aren't saying yes but someone can ask. She said this is a path, a proper way to explore the issue. Mr. Dykes said this ordinance will allow the Commission to establish conditions as they come before the Commission, not a variance, it wouldn't stay with the property. He said the Ordinance doesn't approve anything just provides an established path. Comm. Morgan said the previous Ordinance is not very clear, this is our attempt to clarify. Mayor Arnold said he is not in favor of this Ordinance doesn't like the Commission to have the authority to override the code and give special favors. Mr. Dykes said this Ordinance along with the previous Ordinance on this issue are married to one another, there are a lot of businesses on top of one another in this area it is hard to expand with these issues, our attempt to establish a path not just for Tucker Duke's but for all businesses. Comm. Morgan said this provides a clear path, we are not talking about an alcohol license for hard liquor simply for beer and wine. Comm. Hamilton said this way the Commission can really work with businesses, Tucker Duke's is doing a great business, wants to serve kraft beers with burgers, she is pro-business and believes Tucker Duke's is for Valparaiso. Mayor Arnold argues this is not only means to accomplish, rules have always been what they are, Tucker Duke's put themselves into a box.

Doug Fannon, 723 Valparaiso Parkway, said he has been a resident for 23 plus years and would like to speak as a citizen and also as the pastor at Rosemont Church in Niceville. He said the City of Niceville faced a similar issue last summer, which they turned down. Mr. Fannon said in the Ordinance that subparagraph 6-4 is objectionable, likes the add in subparagraph 6-2 of a and c. Mr. Fannon is opposed to any exceptions to the rules, once you allow for exceptions you won't be able to go back, like to see more restrictions from the Commission not less. He said he has raised his children here and has foster children in his home, this community has always been a bedroom community, a family oriented community and any alcohol that isn't already allowed shouldn't be added in.

Mr. Joe Cartenuto, Tucker Duke's representative, said this Ordinance needed to happen to provide a clear path. He said as the Commission if they wish to make more restrictive they should do that, they were elected to make those decisions. Mr. Cartenuto said it is a family community but if you want a drink you should be able to do that to. He said they aren't running a strip joint, the Matador is already here, would like to provide beer and wine for restaurant patrons. Mr. Cartenuto said at Leaf and Ladle many years ago they wanted to add drinks to their menu and somehow that exception was made. He said Tucker Duke's is interested in growing, hiring more people not out of greed but to provide a service to the community. Mr. Cartenuto said this Ordinance is a good start.

Mr. Joe McNulty, 56 Wolverine Avenue, said he is employed by Tucker Duke's and is happy there. He said if the city didn't clear the Ordinance up it would be tying the hands that would allow for growth.

Mr. Walter Williams, Pastor of All God's Children, said he believes in growth for expanding not serving alcohol. He said he is a retired Chief Master Sgt. who started out drinking beer and wine then became an alcoholic and almost destroyed his life. Mr. Williams said when alcohol is allowed to come into the community it creates all sort of problems. He said God bless us with growth but using alcohol as the way is not the right decision.

Mr. Brian Cartenuto, owner of Tucker Dukes', supports the change in the Ordinance, it supports business is a transparent process for the businesses to understand, the current Ordinance only protects the current businesses. He said in one way the current Ordinance is proving favoritism to churches, schools, non profits not to businesses, this Ordinance is a path to make changes. Mr. Cartenuto said to enforce the rules but to allow for compromise, if he is able to sell alcohol he will be able to create 5 to 8 more full time jobs, the restaurant is a good fit here has been here almost four years it brings people into the community. He said he is on Food Network and is a national televised chef, his reputation brings new people to the area.

Mayor Arnold said he believes that Tucker Duke's is an asset to the community. Mr. Cartenuto said if he isn't given the ability to change and add to the restaurant he might have to close, other businesses might not come to this area for the same reason. He appreciates the Mayor's comment.

Mr. David McKoy, deacon with All God's Children, said he agrees with his pastor Mr. Williams, no need to add subparagraph 6 -4. He said the city should stay with the rules it has.

Mayor Arnold called for a vote on Ordinance No. 658, should it continue on to the second reading for February. VOTE 2 TO 3, WITH MAYOR ARNOLD, COMM. STRONG AND COMM. BROWNING VOTING IN THE NEGATIVE. With that vote Ordinance No. 638 will not move forward.

BP  
Restore  
Act

#### **4. OLD BUSINESS – BP Restore Act Projects**

Mayor Arnold said we had requested guidance from our engineer, hadn't received any information. Mr. Petrey said application is in progress as of now, ORAC still developing the web based application about a month away. He said the city would still need to have an idea of what projects they would like to pursue. Mayor Arnold asked Mr. Petrey to get with department heads and see what list they could come up with and how to prioritize.

Tree  
Mainte-  
nance

#### **5. OLD BUSINESS – Tree Maintenance Policy**

Comm. Morgan said he spoke with the City of Pensacola about their current tree trimming policies, the bottom line is staying within required DOT policy, which we have done. He doesn't see any need to change the policy now.

1. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT** TPO/DOT  
Comm. Morgan said nothing new as of yet.
  2. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater** Storm-water  
Mr. Scott said nothing at the moment. Comm. Strong asked Mr. Petrey about the Indian Shores progress. Mr. Petrey said December 16<sup>th</sup> received the go ahead to survey looking at a tentative mid February possible March schedule. The city's department of corrections squad to assist.
  3. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Legal Activities** Legal Activities  
Mr. Dykes said he didn't have any updates this evening.
  4. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS- Median Beautification Update** Median Beautification Update  
Mr. Petrey said the pre bids will be opened this Friday, we have three. He said once the bid is accepted we will start with a schedule.
  5. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Report** Planning Comm.  
There is no Planning member in attendance this evening.
  6. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Visioning Committee Update** Visioning Comm.  
Mayor Arnold said the committee had requested to extend the deadline to February for a final draft report.
  7. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – NWFLC Meeting January 15<sup>th</sup> City of Valparaiso hosting** NWFLC Meeting  
Mayor Arnold said the meeting would be in this building. Comm. Strong has scheduled training for the epicenter group, what the league will be lobbying on this year, then at 5 pm there will be a board meeting, dinner will begin at 6 pm.
  8. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – OLOC Meeting January 22, 2015 6 pm Shalimar** OLOC Meeting  
Mayor Arnold said the meeting would be at the Aegan restaurant in Shalimar, ask for everyone to make plans to attend.
  9. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Etc.** Etc.  
Comm. Morgan said the fire department had received a new air compressor for air tanks, he said we had been using a World War II compressor. He said that Chief Norris had negotiated with the Panama City Fire Department for one of their compressors with filters and tanks, with the price being we would give the old World War II compressor to a person they have that works with old equipment. So basically we received the compressor for free. Comm. Morgan said this brings up the fixed asset issue again, now greater an 1000 items, all department heads need to look into their inventories for accuracy.
1. **ADMINISTRATIVE ITEMS – Minutes** Minutes  
COMM. STRONG MADE A MOTION TO APPROVE THE MINUTES AS SUBMITTED FROM DECEMBER 1, 2014. COMM. BROWNING SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.  
COMM. MORGAN MADE A MOTION TO APPROVE THE MINUTES AS SUBMITTED FROM DECEMBER 8, 2014. COMM. BROWNING SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.
  2. **ADMINISTRATIVE ITEMS – Disbursements** Disbursements  
Mayor Arnold said there is a copy of disbursements in the Commission folder for your review.
  3. **ADMINISTRATIVE ITEMS – Etc.** Etc.  
Mrs. Johnson said she has updates for the Code of Ordinances book, if the Commissioners would bring their books in she would update.
- ADJOURN** Adjourn  
There being no further business to be brought before the Commission, the meeting adjourned at 7:11 PM.

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John B. Arnold, Jr.  
Mayor

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Heyward H. Strong, Jr.  
Chair, VCA

ATTEST:

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

January 12, 2015

\*\*\*The DVD labeled January 12, 2015 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.\*\*\*

