

MINUTES
CITY COMMISSION & PUBLIC HEARING MEETING
April 11, 2016

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Commissioner 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.
	:	Christine Wasdin
	:	Clark (Tom) Browning, IV
	:	Kay Hamilton
Deputy Clerk	:	Della Rhodes
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
City Engineer	:	Roy Petrey
City Attorney	:	Hayward Dykes
Library Director	:	David Weatherford
Recorder	:	Amber Elledge

Others in attendance: (Not inclusive) Amber Elledge (camera), Marion Cassell, Marty and Nita Smith, Blake and Cathy Boswell, Jencie Dupee, Robert Kirila, Gordon and Kimberly Nelson, Tim Tierney, Joe Cobb, Britt Walker, Don Caverly, Bob Webb, Ronald Vanzant (Jordan & Associates), Marcia Sanders (Reporter with the Bay Beacon)

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.

1. PUBLIC HEARING – CDBG GRANT 2ND PUBLIC HEARING

Mayor Arnold reminded everyone that the City of Valparaiso is applying to the Florida Department of Economic Opportunity for a grant under the neighborhood revitalization category, in the amount of \$650,000 in the FY 2015 Small Cities Community Development Block Grant program. He said for each activity that is proposed at least 51% of the funds must benefit low and moderate income persons. He explained the activities and dollar amounts for which the city is applying for are as follows: Administrations, \$52,000 not applicable, Engineering, \$39,390, Sewer Lines & Components, \$558,610.

Mr. Vanzant explained the purpose of this second hearing was that it was the final citizen’s participation requirement that the city had to meet to file an application with the department of economic opportunity. He said this would allow the citizen’s an opportunity to comment on the areas being addressed: improving sewer Lift Station 8 costing \$351,500 and also integrating it into the city’s data system, and improving Lift Station 10 costing \$248,900 and integrating it into the city’s data system. If funds are left, there are two unmet need service areas: Lift Station 11 and Lift Station 12. He said the application, in its draft form, will be available until April 18, 2016 at 5pm. He advised citizens could submit comments to the City Administrator at City Hall. Upon that time lapse, the application would be considered final and would be submitted by April 25, 2016t at 5pm. Mayor Arnold asked if anyone in attendance wished to comment. There were no comments from the general public and the Mayor concluded the public hearing.

Mr. Vanzant then advised that a condition of the contract if we get funded, is a fair housing workshop which goes over the topics covered under the Florida Fair Housing Act. He said we get ten extra points towards our application for completion of this workshop. Mr. Vanzant said the act covers any dwelling which is used as a residence and any vacant land offered for sale or lease for the construction or location of a residence. Fair housing is defined as the right of every person to obtain the housing of their choice without it being limited by their class. He said both in the federal and Florida acts, you cannot discriminate in any type of housing related transaction on the basis of race, color, national origin, religion, sex, handicap or disability or familial status. The types of housing covered are any single family house sold or rented by a private individual when the owner owns four or more residences, one of which he lives in; anytime you do a real estate transaction using a licensed real estate agent; or if you publish a notice identifying the residence is available for lease or sale. He said anyone who feels like they have been discriminated against can file a complaint with the appropriate department at a state level at the Florida Commission of Human Relations.

The Mayor then asked if anyone in attendance had questions. Mr. Tierney reference the FY 2015 mention and asked if there was money left from 2015. Mr. Vanzant advised the state of Florida received funds from HUD and has until October 2016 to encumber those funds. He said they just published a notice of availability of funding. The Mayor then concluded the Fair Housing Workshop.

1. APPROVAL OF MINUTES

COMM. STRONG MADE A MOTION TO APPROVE THE MINUTES FROM MARCH 14, 2016. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY

CDBG
Public
Hearing

Approval of
Minutes

UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0. Mayor Arnold amended page 2, line 5 in relation to grants to read “only subject to the duties cited above. COMM. STRONG MADE A MOTION TO APPROVE THE MINUTES FROM MARCH 22, 2016 SPECIAL MEETING. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

1. CITIZENS’ CONCERNS (non-agenda items) Resident

Mrs. Cassell, 173 Highland St, asked why the sprinkler system at the dog park is never used. Comm. Hamilton advised she would look into that. Regarding the median beautification sprinkler system, Comm. Wasdin advised she would make sure they work and implement them.

Citizens’ Concerns

Dog Park

2. CITIZENS’ CONCERNS (Non-Agenda Items) Non-Resident

There were no non-resident comments.

Medians

3. ETC. – Resolution 04-04-11-16

COMM. STRONG MADE A MOTION TO ADD RESOLUTION 04-04-11-16 TO THE AGENDA. COMM. BROWNING SECONDED THE MOTION.

1. ACTION ITEMS – ELECTION RESULTS ACCEPTANCE

Mayor Arnold said the certificate from the county canvassing board indicated the number of votes cast for city commissioner was 2,210 of which Annie Cameron received 239, Robert Ehrhard received 229, Kay Hamilton received 520, Joe Morgan III received 504, and Christine Wasdin received 618 votes. Regarding the temporary economic development tax exemption, the whole number of votes cast was 1,300, the yes votes were 1,061 and the no votes were 239.

Municipal Election Results

COMM. HAMILTON MADE A MOTION TO MAKE THIS CERTIFICATE PART OF THE MINUTES. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

2. ACTION ITEMS – Cable/Broadband

Comm. Hamilton had asked for this item on the agenda due to a lot of phone call complaints regarding the cable system. Britt Walker, 1253 Bayshore Dr, stated she had bought new televisions since the cable upgrade and since last month her family had been unable to watch the two main channels they like to watch: Cartoon Network and CSNBC. She said she would have to switch to satellite television because the VBCS technicians had told her that her Vizio TV was not compatible for said programming. She said any channel over 60 is not available without a cable box and asked to have the channels in question moved to a lower channel number which her television tuner would allow. She said she has one cable box on an older TV but does not wish to attach the box to her big flat screen to enable the channels she would like to see on the flat screen. Comm. Browning told her he would look into finding a resolution for this.

Cable Broadband

Tim Tierney, 402 Lincoln Ave, stated he had not seen any warning about the more recent channel remux. He referenced the last channel upgrade and a promise that was made for the cable department to communicate with its customers. He said two days after the remux he saw a warning for it on VBCs channel 2.

Bob Webb, 106 Choctaw Cove, said the warning had been on VBCS channel 2 for the whole month of March. Comm. Browning said the Valp.net website had a lot of these communications.

3. ACTION ITEMS – Dangerous Building

Mr. Scott spoke to the commission about the residence at 418 Davenport Ave. He said the first time he had written the owner, a Mr. Whitney, about a code violation was January 15, 2015. He said it was in a state of dilapidation then. The owner got 15 days to respond and we received no response. On February 10, 2015 Mr. Scott issued a follow up letter and revoked the owner’s C.O., preventing the owner from occupying the house unless he hired a professional architect or engineer to advise how to repair the residence. We received no response. On June 18, 2015 Mr. Scott again issued a letter and received no response. He said neighbors began to not understand why this process was taking so long. On August 4, 2015 Mr. Scott wrote the owner again and per our code of ordinances he addressed the issues of code violation: a roof in a state of dilapidation, gutters falling in, water running out the front door in a free flow. He never received a response. In November another letter was issued and then a final letter in March, each time a regular mailed letter and a certified letter sent with no green certifications returned. Mr. Scott advised that at this time he recommends the structure be torn down.

Dangerous Building

418 Davenport

Cathy Boswell, daughter of a next door neighbor to the structure in question, stated that the last time anyone resided in the home was when Hurricane Ivan hit. She stated there are rodents and other pests in the yard at 418 Davenport which have plagued her mother’s home. She also said that with the last heavy rain, the structure had produced water which flooded to right up under her mother’s front door. She stated the house is dangerous and pleaded for neighbors’ health.

Gordon Nelson, 414 Davenport Ave, stated he had seen the owner of the home drive up in a Mercedes and check the mail there. Marty Smith, 417 Davenport Ave, said he has seen various rodents upon the home. He said when he had provided Chief Donaldson with two pages’ worth of license plate numbers from 35 different states and suspected the home had at one time been a dope house. Kimberly Nelson then warned the commission that upon demolition of the structure, those involved should take precaution towards wild animals such as raccoons.

Mrs. Cassell again asked about the Budget Inn and its state of dilapidation. Mr. Scott assured her that he is actively working on code enforcements for that building.

Mr. Scott said that he, as the building official for the City of Valparaiso, had declared the structure at 418 Davenport a dilapidated structure and stated the commission would then have to make the decision that it is a dilapidated structure so they could move forward with demolition. Attorney Dykes said Florida statute says it must be a health, safety and welfare issue, which it has been deemed. He said because of the state of the building and the necessity to demolish rather than repair, the cost associated with demolition would act as a lien against the property on behalf of the city. He said if the property is owned outright then once the lien attaches, we could look to foreclose on the property if no other lien was attached. He said he would prepare a letter advising the owner of the decided action for an estimated time period of ten days to act, before the city demolishes on its own accord. Comm. Browning asked if there were wildlife traps at the city yard. Mr. Scott said they would first open the structure up and allow wildlife to escape.

Blake Boswell, son in law to a next door neighbor, said he had had to seal the eaves of his mother in law's home due to damage from the animals from the structure next door. COMM. BROWNING MADE A MOTION BASED ON THE FINDING OF FACT TO DEMOLISH THE STRUCTURE AT 418 DAVENPORT AVE, VALPARAISO, FL. COMM. HAMILTON SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

5. ACTION ITEMS – Ordinance No. 671 – Business Property Tax Exemption

Ordinance
671 Business
Property Tax
Exemption

Mayor Arnold stated there are some decisions to be made regarding the proposed ordinance. Attorney Dykes pointed out that the current proposed ordinance is essentially worded the same as the City of Fort Walton Beach's. He advised our ordinance verbiage must be competitive and that the city and county typically has the company wanting exemption complete an application. Mayor Arnold recommended they delay any action until we have more information to make these decisions. Attorney Dykes advised we could still pass the ordinance for first reading tonight and still have time to edit the verbiage before second reading.

Mr. Tierney asked if the objective was to bring business in general to Valparaiso or to primarily bring manufacturing business. He said the wording in the ordinance says you must have ten manufacturing or 25-50 office jobs and he is concerned because Valparaiso does not have a lot of land to accommodate manufacturing jobs. Mayor Arnold assured him that the intent is to carefully comb over and fine tune the verbiage.

COMM. BROWNING MADE A MOTION TO PROCEED WITH A SECOND READING FOR ORDINANCE 671, AN ORDINANCE OF THE CITY OF VALPARAISO, FLORIDA, ESTABLISHING PURSUANT TO SECTION 196.1995, FLORIDA STATUTES, FOR TEN YEARS, THE AUTHORITY TO GRANT CERTAIN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS; PROVIDING THAT APPROVAL OF THE EXEMPTION AUTHORITY OCCURRED BY REFERENDUM OF THE VOTERS OF THE CITY ON MARCH 15, 2016; PROVIDING FOR GRANTING OF CERTAIN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. COMM. HAMILTON SECONDED THE MOTION TO POSTPONE WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

Attorney Dykes clarified the fact that statutorily there are requirements which the business must meet to qualify. He said there is not much leverage in terms of types of industry.

6. ACTION ITEMS – Resolution No. 04-04-11-16

Resolution
04-04-11-16

CDBG

Mayor Arnold referenced having added this resolution to the agenda for the evening. COMM. STRONG MADE A MOTION TO APPROVE RESOLUTION 04-04-11-16, A RESOLUTION OF THE CITY OF VALPARAISO, A MUNICIPAL CORPORATION, AUTHORIZING THE CHIEF ELECTED OFFICIAL TO MAKE APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY UNDER THE FY 2015 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. COMM. BROWNING SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

Comm. Browning asked if we had \$50,000 when we first did this. Mr. Vanzant said that when they first followed our original application they were using the 2000 Census allowing for a \$700,000 grant. He said once the state started implementing the 2010 Census we were no longer eligible for \$700,000 but for \$650,000.

7. ACTION ITEMS – Proclamation Relay for Life

Proclamation
Relay for
Life

Mayor Arnold read the proclamation, declaring April 25 to April 29, 2016 as Relay for Life Days in the City of Valparaiso and encouraged citizens to help finish the fight against cancer by participating in the Relay for Life event of Valparaiso at Niceville High School on Friday, May 6, 2016 at 6 pm through Saturday, May 7, 2016 at 6 am.

1. OLD BUSINESS – Ordinance No. 670 – Flood Plan Amendment Final Reading

Ordinance
670 Flood
Plan
Amendment

Mayor Arnold announced this would be the final reading for this ordinance. Mr. Scott advised this ordinance is just to update the one that is already on record. He said the few sections referenced are required to maintain our CRS rating which gives anyone in a flood plain a discount.

COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 670, AS READ COMM. BROWNING SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

4. **OLD BUSINESS – General Employee Normal Retirement Age**

COMM. WASDIN MADE A MOTION TO ADOPT CURRENT FRS STANDARDS FOR RETIREMENT, WHERE NORMAL RETIREMENT AGE IS 65 WITH AT LEAST EIGHT YEARS OF SERVICE, OR THIRTY-THREE YEARS OF SERVICE REGARDLESS OF AGE. COMM. HAMILTON SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

General Employee Normal Retirement Age "65"

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

Comm. Wasdin stated there was nothing new to report.

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

Mr. Scott said there had not been any calls but he would speak to the culvert blow out later in the meeting.

Stormwater

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

Attorney Dykes said Attorney Bowman has requested an executive session next week to discuss the Willingham case. He said this must be publicly noticed, opened with the sunshine, closed for the executive session where Attorney Bowman would speak to the commissioners, then reopen the meeting back into the sunshine and make any motions necessary. The commission asked for the session to be held the following Monday at 6 pm. Attorney Dykes then referenced the waterfront property matter with CAJTDM. Attorney Bowman had mentioned the court had made a ruling on this matter, he was preparing the order, and the city appears to have won that case.

Legal Activities Willingham CAJTDM

4. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Liaison Report**

Comm. Hamilton reminded us she is no longer the Community Liaison but she wanted Mr. Weatherford to speak to the library's success. He said the library has grown 14% in circulation for the first few months of this year. He said they have a new early education goal for parents to read 1,000 books to their kids before they turn five years old. Comm. Hamilton expressed to the public our ability to order books from other libraries within the County Library Coop.

5. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS –Construction Activity**

Mr. Scott mentioned the Honor Wall at Doolittle Park. He said they are trying to complete it before the Memorial Day ceremony. Also planned is a pavilion where speeches can be made. Mr. Scott said all five of the service branches would also be represented by a backlighted wooden "kiosk" around the circle in the park.

Construction Activity

Also mentioned was a new subdivision plan for 14 new building lots in Indian Shores. He said final approval would likely be needed in May.

Comm. Hamilton asked what type of restaurant will be moving into the old Tucker Duke's building. Mr. Scott advised it would be a breakfast and lunch restaurant. He also said the Sherwin Williams corporate office is also here in town.

6. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Highway 397 Culvert Blow-Out**

Comm. Wasdin cited the serious rainfall as the culprit for the culvert damage. She said diligent work by city employees convinced the FDOT to foot most of the bill and the cost to the city is minimal. Mr. Petrey advised that the cost to date, prior to completion, is just under \$55,000. He expressed appreciation to the Sims' for working on this issue so expeditiously. He said less than \$1,500 was used to pay the Construction Services company for the mobilization and cleanup prior to the FDOT footing the bill starting on Tuesday.

Highway 397 Culvert Blow-Out

(Tom's Bayou Bridge)

7. **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Okaloosa League of Cities Meeting, Thursday, April 21, 2016 at 6 pm**

Mayor Arnold invited the commission to the dinner at 6pm and 7 pm meeting on April 21, 2016. He asked the commission members to RSVP to the city clerk or deputy city clerk.

Okaloosa League of Cities Meeting

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

Mayor Arnold said all should have copies of the disbursements. He said all expenditures were within the group budget.

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 7:21 PM.

Adjourn

John B. Arnold, Jr.
Mayor

Clark T. Browning IV
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

***The DVD labeled April 11, 2016 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.**