

MINUTES
CITY COMMISSION MEETING
EMERGENCY MEETING

APRIL 4, 2016

The City Commission met this date in an emergency meeting session. 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
	:	Christine Wasdin
	:	Clark (Tom) Browning, IV
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Police Captain	:	Jim Hawkins
City Engineer	:	Roy Petrey
Fire Chief	:	Mark Norris
Public Works Director	:	Nathan Kelley

Others in attendance: (Not Inclusive) Amber Elledge (camera), Marcia Sanders (Reporter with The Bay Beacon)

Mayor Arnold called the meeting to order in accordance with State Statutes which permit special meetings in emergency situations where a safety condition exists. He introduced a safety condition at the northeast corner of the Tom's Bayou Bridge where a state road's thirty-inch drainage line separated. He cited heavy rains lately as having caused a washout of a large portion of land mass at this location, endangering Bayshore Drive and John Sims Parkway.

Mr. Kelley advised that two weeks ago his staff has informed him that the culvert walls at this location were leaning, at which time they called Broad Spectrum, which is the contractor for the state. He said at that point Broad Spectrum looked at the site and walked away. Mr. Kelley said that same company, on Wednesday, March 30, 2016, stated that the site in question had gotten much worse, was on city property and that they were not responsible for its repair.

Comm. Strong asked what utility lines we have left at the location and Mr. Kelley advised there is a water line and a high pressure gas main there. Comm. Strong asked what water line we have there and Mr. Kelley advised there is one going across the Tom's Bayou Bridge. Mayor Arnold said there is a line exposed which you can see. Mr. Kelley advised that the gas company had visited the site yesterday. Mr. Scott said the pipe has separated, which caused a suction that started sucking dirt back into the bayou. Mayor Arnold said the separation is several feet long. Mr. Scott elaborated that now, not only is the first section of pipe separated, but now the second section of pipe had separated. He advised that with another hard rain the rest of it would be gone.

Comm. Hamilton said she had spoken with Paul Sims, whose opinion was that this issue is absolutely a DOT issue. Mr. Kelley said the representative from Broad Spectrum stated they had built the site in accordance with the site's natural egress, that it was the city's private property and that they cannot work on private property. Comm. Strong asked if Spectrum had had an easement to put that pipe in and Mr. Kelley answered they did not. Comm. Strong suggested that if they did not have an easement, we could just seal the pipe and Mr. Kelley said that is what he had suggested. Comm. Hamilton stated that Mr. Kelley is keeping very detailed records of what is being done via photographs and documentation.

Mr. Petrey told everyone that he had followed up with FDOT, who confirmed that they do not have an easement, and therefore no responsibility and no right to enter the site. He said this is a significant endeavor for the city to undertake, estimating this to be a \$150,000 repair. He said we do have a duty to the public and so far the damage has been limited to the city's right of way. He said photographs depict this and there is a junction box where the outfall is located which appears to be in tact but they really will not know for sure until they get it uncovered tomorrow. He said his recommendation along with Mr. Kelley and Mr. Scott, is that we do declare a state of emergency to bypass our procurement regulations and that we negotiate the work with Construction Services of Northwest Florida. Concurrent with that, they recommend that the Mayor draft a letter to the District Secretary. He said this drainage system has probably been in place for forty years or longer and it is no surprise to him that there is an outfall without an easement because it's an outfall on city property and right at the bridge. Mr. Petrey said he has seen things like this in the past and things may have been more loose back then causing DOT to not feel they needed to obtain an easement.

Comm. Strong said that they did come on private property and do work without an easement. Mr. Petrey responded that there are two sections of pipe and a head wall which are on private property and at some point someone came in and put bags of sackary down to try to prevent erosion. He said it has been suggested that may have precipitated the failure but that it is difficult to say at this point. Comm. Strong suggested we should call the DOT Secretary and set up a meeting with them tomorrow to expedite help with repair. Mr. Petrey agreed and again proposed that the Mayor draft and sign a letter and email it directly to the Secretary, asking for a prompt response. Mayor Arnold suggested a telephone call to expedite the process. Mr. Petrey mentioned in exchange for the repair help, perhaps we could grant them an easement. He said

Mr. Scott has some early correspondence where they had mentioned an easement in the area in question. He said they do have a need for a perpetual easement in that area.

Comm. Hamilton observed that the erosion seemed to perhaps undermine the DOT road and Mr. Petrey said the photographs indicate that it is not at this time, but that if it continues to rain without action by us, it could begin to. Comm. Strong inquired if this is an EPA issue also and Mr. Petrey said he had not yet had time to call the EPA. He said they are the ones who would have jurisdiction and that we should fall within the categorical exclusion or a nationwide general permit but we do have to provide notice that there is emergency work.

Comm. Hamilton voiced her concern over public safety. Mr. Petrey advised that crews were putting up red flexible barricades to help with this. Mr. Scott advised that the areas is a two story free fall.

Comm. Strong recommended an overnight letter with the rationale that the state should pay for it. He also thought we should ask for a meeting immediately. Mr. Scott said that a permanent fence would not be feasible at this location because it is simply not stable.

COMM. STRONG MADE A MOTION TO DECLARE AN EMERGENCY SITUATION AND TO ALLOW COMM. WASDIN TO BYPASS REGULATIONS AND NEGOTIATE WITH CONSTRUCTIVE SERVICES TO ALLEVIATE THE PRESENT SAFETY CONCERNS. AND COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

Mayor Arnold revisited the idea of getting an overnight letter to Secretary Barfield. Mr. Petrey said that since the DOT advises we are responsible for the repair, we would need to go back with the thirty-inch pipe, this time putting it in a box and taking it down then out at a lower elevation instead of trying to contend with continuous maintenance problems of that slope. Mayor Arnold and Comm. Hamilton then reiterated that the commission is not in agreement with DOT on their position in this matter. Comm. Strong argued that we could seal the pipe but if we are going to fix it, we just need to fix it right. Mr. Petrey offered to draft a letter but insisted that when going to the Secretary it should come from Mayor Arnold. Comm. Hamilton recommended that Comm. Wasdin be included since this will be her relationship with DOT. Mayor Arnold requested we copy Matt and Don Gaetz on this letter. Mr. Petrey said in the meantime they would continue to put the pipe in with some earth around it to prevent it from getting worse.

Comm. Wasdin stated the streets budget has nowhere near the kind of money this repair will cost and said perhaps we will need to dip into the general fund.

Comm. Strong mentioned how the bridge is going to come right over the area in question when they widen the bridge. Mr. Petrey stated that the plans he saw would stay in the same footprint in that area and that they were asking for a perpetual easement so they might take from the bridge abutment, then take a head wall and wrap it around and tie it into the flume that is existing.

COMM. STRONG MADE A MOTION TO DRAFT AN OVERNIGHT LETTER INCLUDING JUSTIFICATION AS TO WHY THE MATTER IS A DOT RESPONSIBILITY, TO ASK FOR REIMBURSEMENT FOR OUR REPAIR, AND TO ASK FOR A MEETING ON SITE. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION, 5 TO 0.

Mr. Petrey wished to clarify that the contractor would continue to repair onsite to shape that area up by getting that next section of pipe safe and bringing earth in so there are no additional costs incurred. Comm. Hamilton wished to convey in the letter how our repair is helping the DOT's road to not wash away. Mr. Scott said we would need 350 to 500 cubic yards of dirt minimum for the repair.

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 6:26 PM.

Adjourn

John B. Arnold, Jr.
Mayor

Clark T. Browning, IV
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

April 4, 2016

The DVD labeled April 4, 2016 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.