

MINUTES  
CITY COMMISSION MEETING

February 13, 2012

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Comm. Kelley 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.
	:	Thomas G. Miller
	:	Neal Shermer
	:	Diane Kelley
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
City Engineer	:	Roy Petrey
Recorder	:	Lois Davis

Others in attendance: (Not inclusive) James Butler (Cameraman), Chad Lee, Joe Stoy, Carol Stoy, Jack Carson, Anna Carson, Marion Cassell, Terry Griffin, Fonzie Winkler, Robin Helmer, Clark Browning, Pam Hamilton, Chuck Hamilton, Don Caverly, Don Dudas

Welcome  
By  
Mayor

Mayor Arnold welcomed the audience and asked that anyone wanted to address the Commission should raise his/her right hand to be recognized and should use the podium, which has a microphone.

Attendance

Mayor Arnold reported that Mr. Wyckoff was not in attendance, due to being on vacation in Italy.

Citizens'  
Concerns  
Resident  
Non-resident

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.

Added  
Agenda  
Items

1. **NEW AGENDA ITEMS - Added Agenda Items**  
Mayor Arnold reported that there was one item in the file; however, it did not need to be addressed.

Election  
Results

2. **NEW AGENDA ITEMS - Election Results**  
As requested by Mayor Arnold, Mrs. Johnson read the election results of the City Election held on January 31, 2012. Mrs. Johnson stated that there were a total of 1,051 votes cast. Ms. Hamilton received 546 votes, Mr. Miller received 205 votes, Mr. Morgan received 553 votes, Mr. Roberts received 149 votes, and Mr. Shermer received 392 votes. Ms. Hamilton and Mr. Morgan were elected to fill the two Commission seats now held by Comm. Miller and Comm. Shermer. Mayor Arnold stated that the new Commissioners will be sworn in at Noon on March 20<sup>th</sup>, and an organizational meeting will be held the same day at 6:00 PM.

Resolution  
No.  
02-02-13-12  
Appoint  
Planning  
Commission  
Member

3. **NEW AGENDA ITEMS - Resolution No. 02-02-13-12 Appoint Planning Commission Member**  
Mayor Arnold read Resolution No. 02-02-13-12, a resolution appointing a volunteer to the City's Planning Commission and providing an effective date. He stated that the resolution would appoint Mr. Jack Carson to the Planning Commission, and that his term would expire on September 30, 2014. COMM. SHERMER MADE A MOTION TO ADOPT RESOLUTION NO. 02-02-13-12. COMM. STRONG SECONDED THE MOTION. Mr. Morgan, 289 South Bayshore Drive, stated that he would like the Commission to delay this item for one more meeting. He stated that the Commission has already made two additional appointments, and that he would like to look at the qualifications of the future applicants. Mayor Arnold stated that Mr. Carson was in attendance. In response to the Mayor's inquiry, Mr. Carson stated that he had no specific objections. Mr. Carson stated that he does not think that the Commissioners that know him have any questions about his qualifications. Comm. Shermer stated that the Commission needs to vote on the motion. THE VOTE WAS HELD ON THE MOTION, WHICH PASSED WITH A VOTE OF 4 - 1, WITH COMM. KELLEY VOTING IN THE NEGATIVE. Comm. Kelley stated that she did not see any reason why the item could not be delayed to another meeting.

Animal  
Control

4. **NEW AGENDA ITEMS - Animal Control**  
Mayor Arnold stated that the discussion on animal control will be delayed until the March or April meeting.

Contract  
Renewal  
Bamaco  
for  
Emergency  
Debris

5. **NEW AGENDA ITEMS - Contract Renewal with Bamaco for Emergency Debris**  
Mr. Petrey stated that the City has a contract renewal with Bamaco, which comes up for renewal every year. He stated that Bamaco was selected by the City in 2010 and last year they were granted a 2.1% CPI. Mr. Petrey stated that they are asking for an additional change this year, for a CPI of 3%. He stated that he had provided what would be current rates. Mr. Petrey stated that they could accept the new rates and extend the contract, or reject the new rates and

rebid the contract. Mr. Petrey recommended that the contract be extended through December 1, 2012 and signed by the Mayor. COMM. STRONG MADE A MOTION TO EXTEND THE BAMACO CONTRACT FOR EMERGENCY DEBRIS THROUGH DECEMBER 1, 2012, AND AUTHORIZE THE MAYOR TO SIGN. COMM. KELLEY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

**6. NEW AGENDA ITEMS - Resolution No. 03-02-13-12 Board Reappointment**

COMM. STRONG MADE A MOTION TO ADOPT RESOLUTION NO. 03-02-13-12 A RESOLUTION REAPPOINTING VOLUNTEERS (JOSEPH HART, BURT BENNETT, DAVE BRUCKELMEYER, MARK NORRIS, AND TAMMY JOHNSON, TERMS EXPIRING DECEMBER 31, 2013) TO THE BOARD OF TRUSTEES FOR THE RETIREMENT PLAN AND TRUST FOR THE FIREFIGHTERS AND POLICE OFFICERS AND PROVIDING AN EFFECTIVE DATE. COMM. SHERMER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

Resolution  
No.  
03=02-13-12  
Board  
Reappoint-  
ment

**1. OLD BUSINESS - Gulf Power Franchise Update**

Nothing to report until the Power Pole License Agreement is resolved.

Gulf Power  
Franchise  
Update

**2. OLD BUSINESS - Gulf Power License Agreement**

Mayor Arnold reported that the City has a draft Gulf Power Pole License Agreement and that Mr. Bennett has been asked to review it. He stated that the Commission will take no action until a recommendation is received. Comm. Miller stated that negotiations have been going on for quite a while, but in this case, it recaptured \$330,000 which would have gone to Gulf Power. He stated that it has been proven through the court. In connection with attorney fees, Comm. Miller stated that the attorney fees in this case has been worth the cost. He stated that Gulf Power increased the pole attachment fee to \$40 per month per pole, but the City did not agree. Comm. Miller stated that the industry got together and sued. He stated that the FCC agreed with the cities that Gulf Power's increase was unreasonable. Comm. Miller stated that Gulf Power has appealed the last ruling, but hopefully before the end of this year, they will have a final ruling. He stated that the \$330,000 was put in escrow. Comm. Miller stated that it included a clause that if the City loses they pay, and all the arrears go to Gulf Power.

Gulf  
Power  
License  
Agreement

**3. OLD BUSINESS - Sidewalk Update**

Mr. Petrey stated that the work has come to a stall while they are waiting on a design of East Ferndell. He stated that Choctaw has completed approximately 65%, but they found something unexpected, indicating that the sidewalks would encroach on one piece of property. Mr. Petrey stated that in order to construct a sidewalk they would have to get an easement from the homeowner, who is out of the country for about three weeks. He stated that the design is on hold until they get the information. Mr. Petrey stated that they have been in touch with the homeowner and they will give an easement, but they will have to wait until they get back home. He stated that an extension can be granted if necessary.

Sidewalk  
Update

**5. OLD BUSINESS - Indian Shores Street Repairs**

In connection with 104, 106, and the back of Arrowpoint Cove cul-de-sac, Mr. Petrey reported that it appears there may have been some organic material left there. He stated that the development was constructed about twenty years ago by Ruckel Properties. Mr. Petrey stated that the streets were constructed by a local contractor, and that they would like to make the repairs for a very favorable cost to the City. He stated that the contractor is to be applauded for this. Mr. Petrey stated that the Construction Service Company has given an estimate of \$21,485 for the cost of repairs. He stated that he always recommends a contingent, indicating that the City should be prepared to pay more. Mr. Petrey stated that he has added a contingency of 20%; however, the bottom line is the firm price from the contract of \$21,485, and that he recommends they go ahead and enter into a contract with Construction Service Company. He stated that the other option would be to try to define and put out for bid. Mr. Petrey stated that there are some items with no cost. He stated that this item was tabled at the last meeting so that he could meet with Comm. Miller and also look at other places in Indian Shores. Mr. Petrey stated that there are no other depressions like the ones at 106 Arrowpoint Cove. He suggested they watch the other areas, and that when there is another street project, the Indian Shores' streets should be added to the list. Mr. Petrey stated that his recommendation is to do the work limited to Arrowpoint Cove. Comm. Miller stated that the Mayor had asked him to meet with Mr. Petrey and go ahead and do the project.

Indian  
Shores  
Street  
Repairs

In response to Mr. Winkler's inquiry concerning the manhole covers, Comm. Strong is taking care of this issue. There are manhole covers that need to be replaced. Mr. Petrey stated that these items were noted when he and Mr. Valandingham investigated the matter and they are on his list of things to do. In response to Mr. Winkler's inquiry concerning whether a temporary covering was used on one of the manholes, Mayor Arnold assured him that Comm. Strong will take care of the problem. Mr. Winkler then asked the Commission again to leave Indian Shores Street Repairs on the agenda until it is resolved. Mayor Arnold stated that no motion was necessary for the street repairs, since the cost was under \$25,000.

**4. OLD BUSINESS - School Charter Study Status**

Comm. Shermer stated that a second conflict assessment (Chapter 164) meeting was held on February 3<sup>rd</sup>, which he felt was fairly productive. He stated that based on a lot of information

School  
Charter  
Study  
Status

exchanged, he spoke at the workshop held on February 9<sup>th</sup>. Comm. Shermer stated that they are voting to house the STEMM Center or something at Valparaiso tonight.

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

Comm. Miller reported that a TPO meeting would be held on Thursday. He reminded everyone that they still need a member on the Technical Coordinating Committee and the Citizens Advisory Committee, indicating that these vacancies have been open for a long time. Comm. Miller stated that the TCC and TAC do not require an elected official for the position. Mayor Arnold asked Mr. Lessard to give the City a write-up seeking volunteers for membership for these two committees.

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

There were no new stormwater issues.

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

Mrs. Johnson stated that depositions will be taken at the end of February for the Roberts Lawsuit.

**5. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - NWFL League of Cities Meeting - Valparaiso March 15, 2012**

Valparaiso will be hosting the Northwest Florida League of Cities meeting on March 15<sup>th</sup> in Room 3 of the Mitchell Building. Dinner will be served at 6:00 PM.

**7. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Letter of Commendation**

Mayor Arnold reported that the City Administrator had received a letter from Mr. Harrell and Mrs. Edna Sisk commending the cable service team (Michael Chance, James Butler, and Jerry Richter) for outstanding work on the cable system in their home. He stated that this occurs when the when the cable does a fine job, which is their mission. Mayor Arnold also commended the Cable Department.

**7. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Etc. - Regional Sewer**

In connection with the Regional Sewer Board 6.2 million dollar expansion, Mayor Arnold stated that approval by the Board should be done by March 7<sup>th</sup> or 8<sup>th</sup>. He stated that they would proceed thereafter as quickly as possible. Mayor Arnold stated that the Rapid Infiltration System should be a plus for the system. He further stated that they are negotiating with Eglin AFB for use of the property. Mayor Arnold stated that construction should be completed in the fall of 2012.

**7. REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Etc. - Plat 1 Sidewalks**

Mr. Scott stated that the progress of the repairs/maintenance of the sidewalks in Plat 1 is on schedule and that Mr. Valandingham's crew is working their way toward Glen Argyle Park.

**1. ADMINISTRATIVE ITEMS - Minutes**

COMM. STRONG MADE A MOTION THAT THE MINUTES OF JANUARY 9, 2012 BE APPROVED AS WRITTEN. COMM. MILLER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

**2. ADMINISTRATIVE ITEMS - Bills Payable**

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

**Adjourn**

There being no further business to be brought before the Commission, the meeting adjourned at 6:32 PM.

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John B. Arnold, Jr.  
Mayor

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Thomas G. Miller  
Chair, VCA

ATTEST:

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Tammy Johnson, CMC  
City Clerk

February 13, 2012

\*\*\*The DVD labeled February 13, 2012 contains the audio and video of this meeting and will be kept as a permanent part of these minutes.\*\*\*