

MINUTES
CITY COMMISSSION MEETING

June 11, 2012

The City Commission met this date in special session in the Commission Chambers. A quorum being present, the meeting was called to order at 5:30pm with the following in attendance.

Mayor	:	John B. Arnold, Jr.
Commissioners	:	Heyward H. Strong, Jr.
	:	Joe Morgan
	:	Kay Hamilton
City Clerk	:	Tammy Johnson
Police Chief	:	Joe Hart

Others in attendance: (Not inclusive) Frederick Aschauer (Attorney) (by telephone), Benda Douglas (Court Reporter), James Butler (Camera)

Mayor Arnold stated that the meeting was duly advertised. Mayor Arnold read aloud the "Notice of Special Meeting and Executive Session" concerning pending litigation in Bradley vs. City of Valparaiso, Case No. 2009-CA-001965. Anticipated time is between fifteen to twenty minutes.

SPECIAL MEETING

The special meeting resumed at 6:00 PM.

COMM. MORGAN MADE A MOTION TO OFFER A SETTLEMENT TO MR. BRADLEY NO LATER THAN NOON OF THIS WEEK FOR \$45,000 FOR CHANGE OF DISMISSAL OF CASE. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

Executive
Session
Bradley
Case

ADJOURN

There being no further business to be brought before the Commission, the meeting adjourned at 6:05 PM.

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

The DVD labeled June 11, 2012 contains the audio and video and will be kept as a permanent part of these minutes.

MINUTES
CITY COMMISSION MEETING

June 11, 2012

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Comm. Hamilton after which the Pledge of Allegiance was recited. The meeting was called to order at 6:05 PM with the following in attendance.

Mayor	:	John B. Arnold, Jr.
Commissioners	:	Heyward H. Strong, Jr.
	:	Joe Morgan
	:	Diane Kelley
	:	Kay Hamilton
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
City Attorney	:	Hawyard Dykes
City Engineer	:	Roy Petrey
Recorder	:	Lois Davis

Others in attendance: (Not inclusive) James Butler (Camera), Beth Millsaps, Jim Able, Terry Griffin, Marion Cook

Welcome by
Mayor

Mayor Arnold welcomed the audience and asked that anyone wanting to comment should raise his/her hand to be recognized. He asked that they use the podium, which has a microphone.

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

Mr. Jim Able, 102 Aucilla Cove, addressed the Commission and asked that a letter of appreciation be read into the record recognizing Mr. Petrey for his work done in getting Arrow Point Cove resurfaced. He also thanked Construction Service Company for doing the work outside the warranty. Mayor Arnold stated he had heard nothing but accolades about the work.

Appreciation
for work on
Arrow Point
Cove

2. CITIZENS' CONCERNS (non-agenda items) - Non-resident

There were no non-resident comments.

2. NEW AGENDA ITEMS - Resolution No. 06-06-11-12 T.J. Brooks Park

Mayor Arnold read Resolution No. 06-06-11-12 a resolution of the City of Valparaiso, Florida, providing for proposal and adoption of rules for use in T. J. Brooks Parks and providing for an effective date. COMM. KELLEY MADE A MOTION TO ADOPT RESOLUTION 06-06-11-12. COMM. HAMILTON SECONDED THE MOTION. An ordinance will still be necessary to enforce the resolution. THE VOTE WAS HELD ON THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

Resolution
6-06-11-12
T.J. Brooks
Park

3. NEW AGENDA ITEMS - Resolution No. 07-06-11-12 - Increase Water Rates

4. NEW AGENDA ITEMS - Resolution No. 08-06-11-12 - Increase Sewer Rates

Comm. Strong stated that based upon the data received from NV Regional Sewer Board, they will have to increase the water and sewer rates. He stated that the purpose of this is to get the budget in line. Mayor Arnold stated that he thought the sewer rate increase was due to the increase cost at the NV Regional Sewer. Comm. Strong stated that the City started out making bond payments six months after the bond. Mr. Valandingham stated that they had some adjustment to pay that bill. Mayor Arnold stated that this is almost a 10% increase. Comm. Hamilton stated that she is not willing to vote on this tonight. Mr. Valandingham stated that Valparaiso is the only city in the area where the minimum is 3,000 gallons. Ms. Johnson stated that the NV Regional Sewer Board tells the City how much they have to pay, and that at one time, the flow rate was wrong. MAYOR ARNOLD SECONDED THE MOTION. Comm. Hamilton reiterated that she was not ready to vote. Comm. Morgan concurred with Comm. Hamilton. Comm. Morgan stated that when something is brought up like this, it looks good on the surface, but he thinks it should be in a tax base. Comm. Strong stated that the reason they brought this up now is that they need to accumulate some money to pay bills. He asked if they could still initiate the increase if they had a special meeting. It was recommended that the resolutions be tabled until the June 18th meeting. Comm. Strong was asked if he knew if it was known how many 3,000 gallon and 4,000 users would be affected by this. Comm. Hamilton asked if they were going to look at this now. She stated that they need to know why the budget was low, what happened, and what is really costing more? Comm. Strong stated that they are short because of metering.

Resolution
07-06-11-12
Increase
Water Rates

Resolution
08-06-11-12
Increase
Sewer Rates

COMM. HAMILTON MADE A MOTION TO TABLE RESOLUTIONS NO. 07-06-11-12 (INCREASE WATER RATES) AND 08-06-11-12 (INCREASE SEWER RATES) UNTIL JUNE 18, 2012. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED WITH A 4 -1 VOTE, WITH COMM. STRONG VOTING IN THE NEGATIVE.

5. NEW AGENDA ITEMS - Comprehensive Plan Amendment

Comp Plan

Mr. Scott stated that they have finally come to a resolution on what they need to, so he has prepared an ordinance for a Public Hearing July 2nd and the first reading to be held at the regular Commission in July. One requirement we can do tonight is appoint an X Officio member from Eglin to our Planning Commission. MAYOR ARNOLD MADE A MOTION TO APPOINT MS. MARION COOK FROM EGLIN TO OUR PLANNING COMMISSION AS AN X OFFICIO MEMBER FOR THE FIRST YEAR WITH HER TERM TO EXPIRE AUGUST 1 UNLESS RENEWED BY THE BASE COMMANDER. COMM. STRONG SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

1. OLD BUSINESS - Sidewalk Update Plat I & Plat VI

Sidewalk Update Plat I & Plat VI

Mr. Petrey stated that the sidewalk project in Plat VI should be closed out by the next Commission meeting. Mr. Valandingham stated that the work on the sidewalks in Plat I are almost at a stand still, due to some of his employees being out of work due to health problems.

2. OLD BUSINESS - ALCOA Update

ALCOA Update

Mr. Valandingham stated that he has heard nothing further from Mr. John Smith.

3. OLD BUSINESS - Ordinance No 627 Animal Control Final Reading

Ordinance 627 Animal Control Final Reading

Mayor Arnold read Ad #2556 for the final reading of Ordinance No. 627 Animal Control. Attestment was received.

COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 627 ANIMAL CONTROL. Mr. Griffin stated that it was his understanding that the ordinance was predicated on a petition. He stated that the petition is vague and that he would like for the Commission to disregard the petition. Comm. Hamilton stated that she had a group of people that came to her to express their concern. Mr. Griffin stated that they listened to both groups of people. He stated that he is liable if his dog attacks another dog without provocation. He stated that he thinks a \$500 fine is a little steep. It was asked that the list of names be read into record before the Commission votes on the ordinance, and Mr. Griffin asked that Comm. Morgan read the write up before they vote. Mr. Griffin stated that he wants the statistics very clear. He stated that he thinks that the other ordinance was perfectly fine, but he is opposed to the \$500. Attorney Dykes stated that \$500 is the statutory amount. Comm. Morgan stated that he is a strong believer that you have to look at statistics, as well as repeat addresses and annualize them. He stated that what appears to be a high year becomes a low year. Comm. Morgan stated that in no way have they showed any sustained increases in dog bites. He stated that he thinks this ordinance will give the City the type of ordinance they need, but there might be something that they need to allow the officers of use discretion, just to try to react to something and try to address.

Mr. Able stated that he had dealt with the issue and has had lots of complaints. He stated that he had called in to the Police Department several times, but he did not see his name anywhere on this list. Comm. Morgan stated that this is what Mr. Griffin was trying to say. Mayor Arnold stated that if the officer does not hear a dog barking, they cannot do anything about it. Comm. Morgan stated that they should write an affidavit.

Comm. Hamilton stated that she does not think the statistics are real valid. She stated that she became emotionally involved once with a pit bull, and then a couple of weeks ago a pit bull barreled into her house. Comm. Hamilton stated that when they were looking at some things being proposed on this, they needed to put a little bit more teeth in it. Comm. Morgan stated that he thinks that in this case, there is some type of progression in the \$500 fine. Comm. Hamilton stated that it is \$500. Comm. Morgan asked if they would agree to keep the \$500 fine in the previous ordinance.

In response to Comm. Kelley’s inquiry concerning whether there is a definition of a “Bad Dog”, Attorney Dykes stated that it is one that bites. Chief Hart stated that generally they issue the citation for \$100, guarantee the dog for ten days, and the person that owns the dog is responsible for the fees, and if it bites another dog, they pay the vet bills. He further stated that if they have another incident, the dog is euthanized.

Chief Hart stated that they have had a grand total of two bad dogs and eleven bites to humans in the last five or six years. He stated that if they would desire to make the fine progressive, they would have to set specific amounts.

Mr. Griffin stated that he had a dog that bit a vet tech and it cost him \$1,000. He stated that he is the responsible dog owner.

COMM. STRONG MADE A MOTION TO ADOPT ORDINANCE NO. 627 AN ORDINANCE OF THE CITY OF VALPARAISO AMENDING ARTICLE II, SECTION 10-42 OF THE VALPARAISO CODE OF ORDINANCES TO INCREASE THE FINE AND REMOVE PROGRESSIVE PENALTY REQUIREMENT FOR BAD DOGS AND BAD CATS, PROVIDING FOR (1) FINDINGS, (2) REPEAL OF CONFLICTING ORDINANCNES, (3) SEVERABILITY, (3) SEVERABILITY AND (4) AN EFFECTIVE DATE. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED WITH A VOTE OF 3 - 2, WITH MAYOR ARNOLD AND COMM. MORGAN VOTING IN THE NEGATIVE.

NV Regional Sewer Board Agreements

4. OLD BUSINESS - NV Regional Sewer Board Agreements

Mayor Arnold stated that the NV Regional Sewer Board Agreements will be delayed until next month. He stated that as soon as Valparaiso gets the input from Niceville, they will get the documents signed. Mayor Arnold stated that the NV Regional Sewer would rather stick to four members.

1. **REPORT / CORRESPONDENCE / ANNOUNCEMENTS - TPO/DOT** TPO/DOT
Comm. Morgan reported that a TPO/DOT meeting is planned for July.
 2. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Stormwater** Stormwater
Mr. Scott reported that there were only two complaints (sidewalks) even with all the rain.
 3. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Legal Activities** Legal Activities
Mr. Dykes stated that Mr. Wyckoff had increased the amount from \$5400 to \$5500 to resolve his previous contract with the City.
 4. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Planning Commission Report** Planning Commission Report
Mr. Scott reported that the quasi judicial hearing on June 4th closed the evidence for the meeting and that the remaining issue left to do at the June 19th hearing should be for the Planning Commission to make a motion concerning the recommendation to the Commission. He stated that in conversation with Mr. McInnis, he was told that the City is okay with the legal aspect.
 5. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - City Parks Update** City Parks Update
Mr. Valandingham stated that the T. J. Brooks Park has made some great progress, and they are making utility connections for the restrooms, have sodded the area, and are waiting delivery of some benches. They have pulled off some dog park rules from the City of Niceville website.
 6. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - City Web Site** City Web Site
Comm. Kelley stated that Ms. Branscome would have a conference on June 22, 2012 to talk about the City web page. In response to Ms. Johnson's inquiry concerning whether it would be appropriate for more than one Commissioner to attend, Attorney Dykes stated that they can talk at the meeting, but cannot talk among themselves. There will be no minutes.
 8. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Uncle John's Day June 15th** Uncle John's Day
Uncle John's Day (Employee Appreciation) will be held at 11:00 AM on June 15th in the Mitchell Building.
 9. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Family Day in the Park July 4th** Family Day in the
Mayor Arnold reminded everyone that Family Day in the Park will be held beginning at 7:00 AM in Lincoln Park. Family activities will continue throughout the day.
 7. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - National Flood Insurance Program** National Flood Insurance Program
Mr. Scott stated that a community assistance visit has been schedule on July 12, 2012 to discuss the City's participation in the National Insurance Program and to address any question the City may have. He stated that hopefully the City can pass with flying colors.
 10. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Etc. Budget Meeting** Budget Meeting
Mayor Arnold reminded the Commission that a budget meeting would be held at 6:00 PM on Monday, June 18, 2012.
 2. **ADMINISTRATIVE - Minutes** Minutes
COMM. KELLEY MADE A MOTION TO APPROVE THE MINUTES OF MAY 14, 2012 WITH THE FOLLOWING CHANGE. Revise Line 25 to say, ".....all of that street (Arrowpoint Cove), ..." COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION. MAY 14
 2. **ADMINISTRATIVE - Minutes** MAY 21
COMM. STRONG MADE A MOTION TO APPROVE THE MINUTES OF MAY 21, 2012 AS WRITTEN. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.
 2. **ADMINISTRATIVE - Minutes** MAY 29
COMM. STRONG MADE A MOTION TO APPROVE THE MINUTES OF MAY 29, 2012 AS WRITTEN. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.
 3. **ADMINISTRATIVE - Bills Payable** Bills Payable
COMM. STRONG MADE A MOTION TO PAY THE REGULAR BILLS AND VCA BILLS AS OUTLINED IN THE FINANCIAL STATEMENT(S). COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.
 1. **ADMINISTRATIVE - Presentation – Ms. Davis** Presentation Ms. Davis
Mayor Arnold presented Ms. Davis a beautiful engraved vase with flowers from the City for her twenty six years of recording the minutes for the City.
- ADJOURN**
There being no further business to be brought before the Commission, the meeting adjourned at 7:19 PM.

John B. Arnold, Jr.
Mayor

Heyward H. Strong, Jr.
Chair, VCA

ATTEST:

Tammy Johnson, CMC

City Clerk

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