

MINUTES  
CITY COMMISSION MEETING

May 14, 2012

The City Commission met this date in regular session in the Commission Chambers. The Invocation was given by Mayor Arnold after which the Pledge of Allegiance was recited. 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.
	:	Joe Morgan
	:	Diane Kelley
	:	Kay Hamilton
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Fire Chief	:	Mark Norris
Interim City Attorney	:	Hayward Dykes
City Engineer	:	Roy Petrey
Recorder	:	Lois Davis

Others in attendance: (Not inclusive) Joan Morse (Camera) April Branscome Brandon Lange, Holly Lange, Ryan Sorenson, Sue Sorenson, Jessica Gunn, W. R. Gunn, Terry Griffin, Sherry Harlow, Robin Helmer, Lyn Knowles, Don Caverly, Fonzie Winkler, Tom Little

Mayor Arnold welcomed the audience and asked that anyone who wanted to address the Commission should raise his/her hand to be recognized and should use the podium.

**1. NEW AGENDA ITEMS - Added Agenda Items**

There were no items to add to the agenda.

**2. NEW AGENDA ITEMS - Presentation**

Mayor Arnold stated that he, Ms. Johnson, Mr. Scott, Mr. Shipley, and Comm. Kelley went to Niceville High School to see the top five website presentations, and they were asked to evaluate the best one. There were a total of approximately thirty six teams participating in the competition. Ms. April Branscome introduced the team members, (Jessica Gunn, Ryan Sorenson, Brandon Lange) and stated that one member was absent because he was attending a Science Fair competition. Each member participated in explaining various aspects of the website. The project manager stated that they tried to make a beautiful website and make it as functional as possible. There are images that can be changed to those you want to see on the website. The website contains a list of parks with maps, as well as Google Map Interactive. The website should be up and running in approximately four weeks. Also incorporated in the website is a Weather Widget and a Google Calendar, where you can turn on different holidays. The calendar can also be viewed by week or month, and your own personal agenda or different notes can be added. You can view the weather by day or week by inserting a zip code.

City Website

There is also a small link to the F-35 Noise, a job application, and a Google Plus Account for the City, where you can access the Easter Egg Hunt, which was recently held in Lincoln Park. Passwords and how to use them will be furnished to City staff.

All members of the SWAG Team are in the ninth grade and were given a laptop computer for their accomplishment. Ms. Branscome stated that the City should consider using face book and twitter. In response to Comm. Morgan's inquiry, there are links to all departments.

Comm. Kelly stated that all top five teams were phenomenal and that any suggestion by the other teams could be used on this website. Mayor Arnold then made a presentation of certificate of appreciation to Ms Branscome and each member of the winning team. The City also received a certificate of appreciation from Niceville High School for the City's sponsorship and for allowing them to do the web design.

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

Mr. Lyn Knowles, 253 South Bayshore Drive, stated that sometime ago they changed the ordinance allowing transient vendors. He stated because of this the BBQ business that was on his property across the street from Tom Thumb did not come back after the Mullet Festival. Mr. Knowles stated that he has received calls from a number of people inquiry about a business for this location. He stated that he is asking the City to consider the possibility of changing the ordinance or adding some new guidelines for transient vendors. Mr. Knowles stated that there are allowable vendors that can go in there. Mayor Arnold stated that one of the concerns is what kind of building would be put on the property. He stated that another concern is that a transient vendor would not pay the same license costs as the other vendors. Mayor Arnold suggested asking the Planning Commission to look at this. Mr. Knowles stated that he would be happy to talk to them, and he added that there are some good vendors out there. No motion was necessary.

Transient Vendor

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

There were no non-resident comments.

**3. NEW AGENDA ITEMS - Ordinance No. 627 Animal Control**

In connection with Ordinance No. 627 Animal Control, Mr. Scott, Attorney Dykes, and Chief Hart, discussed the ordinance and did not find anything wrong with the leash law. Mayor Arnold read the summary of Ordinance No. 627. Chief Hart stated that the bad dog fine was changed to \$500, but he hopes that the Commission will choose to look at it and use what fine is appropriate. \$500 is the maximum fine that can be charged. MAYOR ARNOLD MADE A MOTION TO PUT THE ORDINANCE ON THE FLOOR THAT TONIGHT BE THE FIRST READING. COMM. HAMILTON SECONDED THE MOTION. Comm. Morgan stated that the he thinks that the Commission should look and see what is really the reason for this ordinance. He asked if the City had ever utilized the progressive fine for bad dogs, and further stated that he is also fearful of the unintended consequence. Comm. Morgan stated that he was bitten by a dog when he was young and the dog owner paid the medical bill. He stated that it is a civil matter between two parties; however, Comm. Hamilton disagreed. Comm. Morgan stated that most dog bites are very unintended and that he would be very reluctant to turn someone in if a person did not pay the medical bill. COMM. MORGAN MADE A MOTION TO NOT CONTINUE ORDINANCE NO. 627. The motion died for lack of a second. The second and final reading of ordinance No. 627 will be held at the regular Commission meeting in June.

**4. NEW AGENDA ITEMS - Proclamation Civility Month**

Mayor Arnold read the proclamation. COMM. STRONG MADE A MOTION TO ADOPT THE PROCLAMATION PROCLAIMING THE MONTH OF MAY, 2012 AS CIVILITY MONTH. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.

**5. NEW AGENDA ITEMS - Prior Attorney Contract**

Concerning Mr. Wyckoff's prior Attorney contract, Attorney Dykes did an assessment and at this point, he is asking that the City Commission give some direction on how they want to proceed. He stated that he feels that the City has a strong legal contract not to pay Mr. Wyckoff the \$6000 balance of the legal contract; however, if Wyckoff decides to sue, the City will have the issue of the lawsuit. Attorney Dykes stated that he thinks that the City could be successful in a court of law. He stated that one option is to pay the full amount, not pay at all, or perhaps there might be some middle ground that they might agree on. Attorney Dykes stated that he understands that Mr. Wyckoff has moved to Havana, FL.

Attorney Dykes stated that he would like to know how the Commission wants to resolve this issue and then he will send Mr. Wyckoff a letter. He stated that if the City agrees to pay Mr. Wyckoff, he would still want to go to Mr. Wyckoff and make sure that he would be willing to cooperate. Comm. Morgan stated that he feels strongly about Mr. Wyckoff terminating. He stated that in the best interest of the City, he thinks it would be best to pursue. COMM. MORGAN MADE A MOTION TO DIRECT MR. DYKES, THE INTERIM CITY ATTORNEY TO NEGOTIATE WITH MR WYCKOFF, PAYING HIM FOR HIS SERVICES RENDERED, INCLUDING THE CLAUSES AS OUTLINED BY ATTORNEY DYKES. COMM. STRONG SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION. Attorney Dykes stated that he would approach Mr. Wyckoff to see if there is any kind of offer.

**5. NEW AGENDA ITEMS - NV Regional Sewer Board Agreements**

Mayor Arnold stated that the City has copies of four documents that must be approved by the Niceville Council and Valparaiso City Commission. He asked that the Commission read these documents and give any comments to him or Mr. Scott. This item will be on the agenda for the regular Commission meeting in June.

Mayor Arnold stated that NV Regional Sewer Board will still consist of six members, with four members being a quorum. He stated that the Valparaiso Commission and Niceville Council are required to approve the budget each year. In response to the Mayor's comment, Comm. Strong stated that he does not see a Sunshine problem because the meetings are all advertised.

**1. OLD BUSINESS - Sidewalk Update Plat 1 and Plat VI**

Mr. Petrey stated that FDOT had done an inspection and it went very well. He stated that the contractor is closing out the documents now, but there are a few items on the punch list. Mr. Petrey stated that they should be coming in at a fairly decent savings on the contract. Comm. Morgan stated that there should be a savings of about \$8,000 due to the streets that were deleted from the project. Comm. Morgan stated that they will be amending the project and there should be a savings of about \$8000 due to sidewalks that were deleted from the project. (Bayshore and Jasmine) Mr. Petrey stated that this item should be ready for closeout at next meeting.

Mr. Valandingham stated that this project is slowly moving forward; however, he and Mr. Petrey have visited the handicap issues.

**3. OLD BUSINESS - ALCOA Update**

Mr. Valandingham stated that he has heard nothing further from ALCOA, but according to a previous email, he is expecting a response in mid to late June.

**2. OLD BUSINESS - Streets Update**

Mr. Petrey stated that the contractor has completed his work and is now letting it cure. He stated that the contractor has given the schedule of paving for all of that street (Arrowpoint Cove) and will pass out flyers to residents about this. Mr. Petrey stated that the work will be completed in one day.

Animal Control

Civility Month

Attorney Contract

NV Regional Sewer

Sidewalks Plat I & VI

ALCOA

4. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Planning Commission Report** Planning Comm.  
 The rezoning request on the Valparaiso Elementary School property will be discussed in a quasi judicial hearing to be held before the Planning Commission at 6:00 PM on June 4, 2012.
2. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Stormwater** Stormwater  
 There were no new stormwater issues.
3. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Legal Activities** Legal Activities  
 Mayor Arnold stated that the Commission needs to see about scheduling an executive session for 6:00 PM next Monday to discuss the Bradley litigation with Mr. Auscher, and then go in to special session to discuss the new City website.  
 The City will be going to court on June 18 and 19, 2012.
6. **REPORTS / CORRESPONENCE / ANNOUNCEMENTS - City Parks Update** City Parks  
 Mr. Valandingham stated that he and Comm. Kelley met and discussed T. J. Brook Park. He stated that the vegetation has been cleared around the pond, a walking trail has been installed, eight benches have been stationed around the park, two pavilions have been built, and a water pavilion has been installed for a dog run. There are plans for restrooms and a parking area. The Commission might need to look at the dog ordinance since dogs are not allowed in the parks.
8. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - City Audit** City Audit  
 Mayor Arnold reminded the Commission that any comments about the audit should be passed on to Ms. Johnson. The auditor will be asked to attend the regular Commission meeting in June.
9. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Letters of Appreciation** Letters of Appreciation  
 Mayor Arnold received a letter of appreciation from Ms Ginia E. Marini, Museum Manager for the Heritage Museum, for the City's sponsorship in the 36<sup>th</sup> Annual Saturday in the Park.  
 A letter of appreciation was also received from Ms. Jamie Lee Edwards, commending Officer Kevin Maloney for his performance on April 3, 2012 and the days to follow, in connection with a medical emergency for her mother Mrs. Patricia Harpster. Ms. Edwards stated that Officer Maloney save her mother's life.
1. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - TPO/DOT** TPO/DOT  
 Comm. Morgan stated that Niceville is looking at making some Economic Development Zones. He stated that he will be attending future TPO meetings in the county.
10. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Highway Dedication** Highway Dedication  
 Mayor Arnold stated that a dedication for a portion of Highway 20 will be held tomorrow at 10:00 AM, redesignating it as Purple Heart Highway.
10. **REPORTS / CORRESPONDENCE / ANNOUNCEMENTS - Public Works Certifications** Public Works Certs.  
 Mr. Valandingham stated that he would like to recognize Mr. Dewayne Eller for receiving his Water Distribution Operator Certification and License, and Mr. Dewayne Eller and Mr. Nathan Kelley for receiving their back flow Tester Certification. He stated that recently Mr. Matthew Ormsbee, Mr. Jonathan Williams Mr. Richard Holcomb and Mr. Tony Holstein obtained their Stormwater Operator Certification. Mayor Arnold asked Mr. Valandingham to furnish him the information so he can prepare correspondence to them.
10. **REPIORTS / CORRESPONENCE / ANNOUNCEMENTS - Uncle John's Day** Uncle John's Day  
 Mayor Arnold reminded the Commission that Uncle John's Day would be held on June 15<sup>th</sup>.
1. **ADMINISTRATIVE ITEMS - Minutes** Minutes  
 COMM. STRONG MADE A MOTION THAT THE MINUTES OF APRIL 9, 2012 BE APPROVED AS WRITTEN. COMM. MORGAN SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISION. 9 April
1. **ADMINISTRATIVE ITEMS - Minutes** 16 April  
 COMM. HAMILTON MADE A MOTION THAT THE MINUTES OF APRIL 16, 2012 BE APPROVED AS WRITTEN. COMM. STRONG SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A 5 - 0 VOTE OF THE COMMISSION.  
 Mayor Arnold commended Ms. Davis for diligence, support, and accuracy in preparing the minutes.
2. **ADMINISTRATIVE ITEMS - 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.
- ADJOURN**  
 There being no further business to be brought before the Commission, the meeting adjourned at 6:56 PM.

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John B. Arnold, Jr.,  
Mayor

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Heyward H. Strong, Jr.  
Chair, VCA

ATTEST:

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Tammy Johnson, CMC  
City Clerk

May 14, 2012

\*\*\*The DVD labeled May 14, 2012 contains the audio and video of the meeting and will be kept as a permanent part of these minutes\*\*\*