



~ Final Minutes ~

## City of Fort Walton Beach Regular Meeting of the City Council of Fort Walton Beach

Tuesday, April 11, 2017

6:00 PM

107 Miracle Strip Parkway  
Fort Walton Beach, FL 32548

### CALL TO ORDER

6:00 PM Meeting was called to order on April 11, 2017 at Council Chamber, 107 Miracle Strip Parkway SW, Fort Walton Beach, FL.

Attendee Name	Title	Status	Arrived
Dick Rynearson	Mayor	Present	
Nic Allegretto	Council Member	Present	
Mike Holmes	Council Member	Present	
Amy Jamieson	Council Member	Present	
Diane Keller	Council Member	Present	
John Mead	Council Member	Present	
David Schmidt	Council Member	Present	
Scott Smith	Council Member	Present	

### INVOCATION

Dr. Sterling Boykin of Trinity United Methodist Church led in the Invocation.

### PLEDGE OF ALLEGIANCE

Presentation of Colors by the Thunderbird Honor Guard.

### APPROVAL OF AGENDA

The vote on the motion to approve the agenda as presented carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Amy Jamieson, Council Member
<b>SECONDER:</b>	Diane Keller, Council Member
<b>AYES:</b>	Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

### PROCLAMATIONS--Native American Heritage Week

The Mayor presented a proclamation for Native American Heritage Week to David Baxter of the Thunderbird Honor Guard.

**PRESENTATIONS--EDC Quarterly Report**

Nathan Sparks, Executive Director of the EDC, presented the latest activities of the EDC for the first quarter of 2017.

**CONSENT AGENDA**

The vote on the motion to approve the Consent Agenda carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Amy Jamieson, Council Member
<b>SECONDER:</b>	Diane Keller, Council Member
<b>AYES:</b>	Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**Approval of Minutes**

Approval of the City Council Regular Meeting Minutes of March 28, 2017.

**Grant of Easement to Gulf Power at 1564 North Beal Extension**

Recommends City Council authorization for the City Manager to execute an easement agreement with Gulf Power Company for installation of new electrical facilities at 1564 North Beal Extension.

**Award of RFP 17-005 for Utility Billing Services**

Recommends City Council authorization to award RFP 17-005 to Arista Information Systems, Inc. for Utility Billing Services.

**Piggyback Award to Office Depot, Inc. for Office Supplies**

Recommends City Council authorization for the City Manager to execute a contract with Office Depot, Inc. for general office supplies, utilizing the piggyback clause from the City of Tamarac's competitively awarded contract.

**PUBLIC COMMENTS**

A City resident was informed that the paving of Holmes Blvd is scheduled during summer break to avoid interfering with school activities and traffic.

**APPOINTMENTS**

The City Clerk informed the agenda lists the council member who currently fills the appointment and who has volunteered to serve. The City Attorney asked that nominations be made for each appointment.

The following appointments are scheduled to expire on March 31, 2019.

**ECONOMIC DEVELOPMENT COUNCIL POLICY BOARD (EDC)**

The Economic Policy Board is currently filled by Council Member Keller and she has volunteered to continue to serve.

The vote on the motion to reappoint Council Member Keller to serve until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Scott Smith, Council Member  
**SECONDER:** Amy Jamieson, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**OKALOOSA COMMUNITY DEVELOPMENT CORPORATION BOARD OF DIRECTORS (OCDC)/COMMUNITY HOUSING OF OKALOOSA COUNTY (CHOC)**

The OCDC is currently filled by Council Member Jamieson and she has volunteered to continue to serve.

The vote on the motion to reappoint Council Member Jamieson to serve until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mike Holmes, Council Member  
**SECONDER:** Scott Smith, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**OKALOOSA COUNTY LEAGUE OF CITIES BOARD OF DIRECTORS (OCLOC)**

The OCLOC is currently filled by former Mayor Anderson. Mayor Ryneerson has volunteered to serve.

The vote on the motion to appoint Mayor Ryneerson until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John Mead, Council Member  
**SECONDER:** Diane Keller, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**OKALOOSA COUNTY PUBLIC LIBRARY COOPERATIVE (OCPLC)**

The OCPLC is currently filled by Council Member Jamieson and she has volunteered to continue to serve.

The vote on the motion to reappoint Council Member Jamieson until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Keller, Council Member  
**SECONDER:** Scott Smith, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**OKALOOSA COUNTY PUBLIC TRANSIT COOPERATIVE BOARD**

The Okaloosa County Public Transit Cooperative Board is currently filled by former Mayor Anderson. Mayor Ryneerson has volunteered to serve.

The vote on the motion to appoint Mayor Ryneerson until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Amy Jamieson, Council Member  
**SECONDER:** Mike Holmes, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

#### **OKALOOSA COUNTY TOURIST DEVELOPMENT COUNCIL BOARD (TDC)**

The TDC is currently filled by former Mayor Anderson. Council Member Holmes has volunteered to serve.

The vote on the motion to appoint Council Member Holmes until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Keller, Council Member  
**SECONDER:** John Mead, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

#### **OKALOOSA-WALTON HOMELESSNESS AND HOUSING ALLIANCE**

The Homelessness and Housing Alliance Board is currently filled by former Mayor Anderson. Council Member Keller has volunteered to serve.

The vote on the motion to appoint Council Member Keller until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Amy Jamieson, Council Member  
**SECONDER:** John Mead, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

#### **OKALOOSA-WALTON TRANSPORTATION PLANNING ORGANIZATION (TPO)**

The TPO is currently filled by Council Member Jamieson and Mayor Rynearson and both have volunteered to continue to serve.

The vote on the motion to reappoint Mayor Rynearson and Council Member Jamieson until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mike Holmes, Council Member  
**SECONDER:** Amy Jamieson, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

#### **REGIONAL UTILITY AUTHORITY (RUA)**

The RUA is currently filled by Council Member Mead and he has volunteered to continue to serve.

The vote on the motion to reappoint Council Member Mead until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Keller, Council Member  
**SECONDER:** Amy Jamieson, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

#### **WEST FLORIDA REGIONAL PLANNING COUNCIL (WFRPC)**

The RUA is currently filled by former Council Member Moran. Mayor Rynearson has volunteered to serve.

The vote on the motion to appoint Mayor Rynearson to serve until March 31, 2019 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Keller, Council Member  
**SECONDER:** Amy Jamieson, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

#### **APPOINTMENTS - ANNUALLY TO EXPIRE 12/31/2017**

The following two appointments are annual from January 1 through December 31 and will expire on December 31, 2017.

#### **CHAMBER OF COMMERCE - ADVISORY BOARD**

The Chamber of Commerce Board is currently filled by Mayor Rynearson. Council Member Smith has volunteered to serve.

The vote on the motion to appoint Council Member Smith until December 31, 2017 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Amy Jamieson, Council Member  
**SECONDER:** Diane Keller, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

#### **OKALOOSA COUNTY HEAD START**

The Okaloosa County Head Start Board is currently filled by Council Member Keller; however, she requested to be removed from this board due to meeting conflicts with the Economic Development Council Policy Board. Council Member Schmidt has volunteered to serve.

The vote on the motion to appoint Council Member Schmidt until December 31, 2017 carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Keller, Council Member  
**SECONDER:** John Mead, Council Member  
**AYES:** Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**APPOINTMENTS - ANNUALLY TO EXPIRE 03/31/2018**

The following appointments are annual from April 1 through March 31 and will expire on March 31, 2018.

**MAYOR PRO-TEM**

Mayor Rynearson currently serves as Mayor Pro Tem. Council Members Keller and Smith both volunteered to serve.

The City Attorney advised the person nominated first will be voted on and if they do not receive the majority vote the next person will be voted on.

Council Member Keller was nominated to serve as Mayor Pro Tem.

The vote on the motion to appoint Council Member Keller to serve as Mayor Pro Tem until March 31, 2018 carried by a vote of 4 to 3.

<b>RESULT:</b>	<b>ADOPTED [4 TO 3]</b>
<b>MOVER:</b>	Amy Jamieson, Council Member
<b>SECONDER:</b>	John Mead, Council Member
<b>AYES:</b>	Amy Jamieson, Diane Keller, John Mead, David Schmidt
<b>NAYS:</b>	Nic Allegretto, Mike Holmes, Scott Smith

**COMMUNITY REDEVELOPMENT AGENCY**

Mayor Rynearson and Council Member Jamieson currently serve as Chair and Vice-Chair of the CRA. Council Member Jamieson has volunteered to continue to serve. The Mayor Pro Tem has routinely been named the Chair.

The vote on the motion to appoint Mayor Pro Tem Keller as Chair and reappoint Council Member Jamieson as Vice-Chair carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Mead, Council Member
<b>SECONDER:</b>	Mike Holmes, Council Member
<b>AYES:</b>	Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**APPOINTMENT - NO EXPIRATION DATE****COMMUNITY PARTNERSHIP PROGRAM**

The Community Partnership Program meets four times a year and is currently filled by former Mayor Anderson. Mayor Rynearson has volunteered to serve.

The vote on the motion to appoint Mayor Rynearson to the Community Partnership Program carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	David Schmidt, Council Member
<b>SECONDER:</b>	Diane Keller, Council Member
<b>AYES:</b>	Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**APPOINTMENT - FOUR YEARS TO EXPIRE 03/31/2019****OKALOOSA GAS BOARD**

This appointment was made in April 2015 with an expiration of December 31, 2017. This is a four-year appointment and should be corrected to expire March 31, 2019.

The Okaloosa Gas Board is currently filled by Council Member Mead.

The vote on the motion to reappoint Council Member Mead to correct the expiration date until March 31, 2019 carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Amy Jamieson, Council Member
<b>SECONDER:</b>	Scott Smith, Council Member
<b>AYES:</b>	Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

**ACTION-DIRECTION-DISCUSSION****Request to Seek Declaratory Judgment on Restrictive Covenants for 25 Miracle Strip Parkway SW**

The City Attorney explained the situation regarding the terms of the sales contract to convey City-owned property at 25 Miracle Strip Parkway SW to Waffle House, Inc.

In preparation for the closing of the sales contract, it was discovered that the property may be subject to restrictive covenants found attached to a 1977 warranty deed that would prevent the use of the property for any type of "Fast Food Service" as long as Whataburger was doing business in its current location.

The City Attorney continued that Waffle House has expressed concern that if it purchases the property it will not be allowed to develop it as it has planned for a Waffle House restaurant. Attempts to resolve this with Whataburger have been unsuccessful and Waffle House has advised that it will cancel the contract if the restrictions apply to their business.

Therefore, the City Attorney advised that Staff respectfully recommends City Council authorization for the City Attorney to prepare and file a declaratory action to have the Circuit Court of Okaloosa County determine whether the restrictive covenants for 25 Miracle Strip Parkway SW would apply to Waffle House if it purchases the property. A declaratory action requests the Court to resolve a dispute wherein the parties have different interpretations of a contract or other legal document. In this case, the City would file a lawsuit that would ask the court to decide whether the "Fast Food Services" restrictive covenants would apply to Waffle House.

The City would argue that the restrictive covenants do not apply, and Whataburger would be given the opportunity, if it so chooses, to claim that the covenants do apply to Waffle House's business. Ultimately, the court would make the final decision.

The vote on the motion to authorize the City Attorney to prepare and file a declaratory action to have the Circuit Court of Okaloosa County determine whether the restrictive covenants for 25 Miracle Strip Parkway SW would apply to Waffle House if it purchases the property carried by a vote of 6 to 1.

<b>RESULT:</b>	<b>APPROVED [6 TO 1]</b>
<b>MOVER:</b>	Mike Holmes, Council Member
<b>SECONDER:</b>	Amy Jamieson, Council Member
<b>AYES:</b>	Holmes, Jamieson, Keller, Mead, Schmidt, Smith
<b>NAYS:</b>	Nic Allegretto

### **Emergency Repair for City Potable Water Well No. 2**

Tim Bolduc, Engineering Services Director, explained that an emergency repair was needed to the pump at Water Well 2 on Hughes Street in December, and the work was done between the Christmas and New Year's holiday. Because the pump was so badly damaged, a proposal in the amount of \$29,998.00 was received from Donald L. Smith Company, and a new pump was re-installed and placed back in service on February 28, 2017.

Mr. Bolduc advised Staff is recommending that Council waive the Purchasing Policies regarding competitive solicitation due to the emergency nature of the repair of City Potable Water Well No. 2, as defined in Section 2.14 and 3.12 of the Purchasing Policies and Procedures, and ratify the award to Donald L. Smith Company, Inc. of Headland, Alabama in the amount of \$29,998.00.

The vote on the motion to waive the Purchasing Policies regarding competitive solicitation due to the emergency nature of the repair of City Potable Water Well No. 2, and ratify the award to Donald L. Smith Company, Inc. of Headland, Alabama in the amount of \$29,998.00 carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Amy Jamieson, Council Member
<b>SECONDER:</b>	Diane Keller, Council Member
<b>AYES:</b>	Allegretto, Holmes, Jamieson, Keller, Mead, Schmidt, Smith

## **CITY MANAGER REPORTS**

### **Legislative Update**

The City Manager advised he will be returning to Tallahassee to testify against a bill that would allow wireless companies to install their equipment in the right-of-ways without any sort of authority from the local governments.

### **Easter Egg GLOW Hunt - April 13, 2017 at 6:00 pm - The Landing**

The Easter Egg Glow Hunt will be Thursday, April 13, 2017 at 6 pm the Landing.

### **Okaloosa County League of Cities Quarterly Dinner - April 13, 2017 at 6:00 pm - Shalimar**

The quarterly dinner of the Okaloosa County League of Cities will be April 13 in Shalimar. Social will be at 6 pm and the dinner will begin at 6:30 pm.

### **City Council Special Meeting - May 9, 2017 at 4:30 pm - Fire Assessment**

A Special Council Meeting is being planned for Tuesday, May 9, 2017 at 4:30 pm to discuss the fire assessment.



**Ethics Training (State Mandated) - May 12, 2017 at 7:30 am - Recreation Department**

A state-mandated Ethics Training Session will be held on Friday, May 12, 2017 at 7:30 am at the City's Recreation Center.

**Northwest Florida League of Cities Summer Dinner - May 19, 2017 at 6:00 pm - Sandestin**

The Northwest Florida League of Cities Summer Dinner will take place on Friday, May 19, 2017 at the Sandestin Hilton.

**CITY ATTORNEY REPORTS**

None.

**MAYOR/COUNCIL COMMENTS****Council Member Nic Allegretto**

None.

**Council Member Mike Holmes**

Council Member Holmes welcomed the new Council Members. He also commended the Mayor and all involved for a letter to the editor that appeared in the newspaper earlier in the week.

**Council Member Amy Jamieson**

Council Member Jamieson informed that several Fort Walton Beach police officers were recognized by the MADD organization for their efforts regarding driving under the influence. She received clarification on the fire training center at the Fairgrounds property.

**Council Member Diane Keller**

None.

**Council Member John Mead**

None.

**Council Member David Schmidt**

Council Member Schmidt thanked the City Manager for attending the legislation in Tallahassee and stated that new verbiage to be added to legislation is important.

**Council Member Scott Smith**

None.

**Mayor Dick Rynearson**

Mayor Rynearson thanked everyone who attended the swearing-in ceremony on Saturday, April 1. He advised he presented a proclamation to Hurlburt Field, was part of the delegation from Italy that is bringing Italian culture to the schools, and mentioned the Construction Junction and the upcoming Musical Echoes Festival.

**ADJOURNMENT: 7:12 pm**