

MINUTES  
CITY COMMISSION Workshop  
February 28, 2022

The City Commission met this date for a workshop in the Commission Chambers. A quorum being present, the meeting was called to order at 5:30 PM with the following in attendance.

Mayor	:	Hubert B. Smith
Commissioners	:	Christine Wasdin
	:	Edward Crosby
	:	Kay Hamilton (by phone)
	:	Jay Denney
City Clerk	:	Tammy Johnson
City Attorney	:	Hayward Dykes
City Administrator	:	Carl Scott
Police Chief	:	Joe Hart
Library Director	:	Hope Willis
Public Works Director:		Nathan Kelley (camera)
Recorder	:	Beth Millsaps

Others in Attendance: (Not Inclusive) Stephanie Merz, James Merz, Donna Hastings, Michael Gilliam, Jackie Gilliam, Michael Burton, Chasity Brown, Mark and Gabriela Wilke, Criag and Judy Bennett, Trisha Rowe, Tara Emley, Janet Bishop, Robert Maxwell, Regina Tucker, Cynthia Yates, Terry Emley, Bob Webb, David and Bonnie Nichols, Laura Miller, Patrick Palmer, Lorenzo Bolden, Bob Bachelor, Tom Jackley, Joyce Marthis, name 1327 or 1337 Bayshore Drive, Clark (Tom) Browning, IV, Terry Griffin

Mayor Smith called the meeting to order at approximately 5:30 PM. Mayor Smith that Comm. Hamilton will be joining the workshop by phone.

**1. ORDINANCE NO. 713 City Manager**

Mayor Smith said we are here this evening to discuss Ordinance No. 713, establishing the office of a city manager, establishing terms of appointment, removal, compensation, and residency requirements; establishing duties, and qualifications for city manager; providing for abolishment of the office of city manager. Mayor Smith said before we begin, he would like to correct some misleading information that has come to his attention from a social media platform. Mayor Smith said that social media can be a positive thing, but it can also be very misleading. He said on the local site, hometown neighbor, or next door neighbor or something like that, it said the mayor was for the city manager position and could come up with \$100,000 for a city manager but couldn't find any money for the Senior Center. Mayor Smith said this is completely inaccurate he doesn't support the city manager position, and that has nothing to do with the Senior Center.

Comm. Denney said he wanted everyone to know this isn't a charter change, the Commission has asked the city attorney to come up with an ordinance to allow for the city to hire a city manager. Mr. Dykes has created an ordinance for the office of city manager with requirements and the authorities of the

1 position. Mr. Dykes said the city is not looking to change the form of government, just to add the position  
2 of city manager, if it was a government change, which would have to be on a referendum for a vote.

3 Comm. Denney said he has seen this government up close for four years now and six years prior, I  
4 want to see an efficiently run city. Comm. Denney said in Florida the weak Mayor Council form of  
5 government is about 30% of the state which is similar to ours. Comm. Denney said some governments  
6 only provide limited services, we as a city provide what a lot of county services would provide only not at  
7 the level. Comm. Denney said he and Comm. Wasdin, or any Commissioner, cannot talk to one another  
8 about a sewer or street issue until there is a regular Commission meeting or if a special meeting has to be  
9 called. Comm. Denney said that can be a problem, in the big picture of things we are looking for more  
10 efficiency, which would allow the Mayor and Commissioners to have less day to day management.  
11 Comm. Denney said in his personal opinion a city manager would make our government even better. He  
12 said at this time we don't have someone to make day to day decisions. Comm. Denney said Mr. Corbin,  
13 Niceville's city manager, oversees Niceville and obviously keeps the council aware of what is going on.  
14 Comm. Denney thinks this is a wonderful idea, the Commission would still have powers and be able to  
15 speak one on one with the city manager. Comm. Hamilton said she agrees with everything Comm.  
16 Denney has said, a manager would be someone educated in infrastructure, more prepared to look for  
17 grants, run the day to day operations. Comm. Hamilton said she has had people ask why the  
18 Commissioners don't learn more, her answer is the Commissioners do learn as they go but this person  
19 would be educated someone in a degree in public service. She said this would also remove the city  
20 administrator position so that would help to budget for this position. Comm. Hamilton said this manager  
21 would help with the budget, there would be efficiency of having central knowledge and oversight. Comm.  
22 Denney said he thinks the city manager is a great position, he is a fan of Mr. Corbin, he gives kudos to  
23 Mr. Scott for what he has done but he is not the manager. Comm. Denney said Mr. Kelley, the public  
24 works director, has done a great job coming up with his five-year plan and his vision to make things  
25 happen. Comm. Denney also said kudos to Comm. Crosby, Mayor Smith, Mr. Browning, all of those  
26 who are working in the city to improve things.

27 Mayor Smith said it is a great plan, but he doesn't support it due to the salary of a city manager  
28 will have to be at least \$100,000. Mayor Smith said he is also concerned about the Commission talking  
29 through to a manager, a conduit situation. Mr. Dykes said he didn't believe it would be that type of  
30 situation, usually someone you hire as a city manager is well versed in the Florida Sunshine Law and will  
31 know what can be said and done and what cannot. Mayor Smith said the example of Freeport, they have  
32 one subdivision that probably brings as much in taxes as the majority of Valparaiso. Also, Freeport has a  
33 lot of room to grow where Valparaiso does not. Mayor Smith said this government has worked for over  
34 100 years some people think as Mayor he can have things done at a snap of the finger and get mad when

1 that doesn't happen but that isn't the way this government works. Mayor Smith said he doesn't  
2 understand the reason we are rushing this ordinance now, he doesn't see the urgency. He said one of the  
3 things mentioned was about an audit, the city is audited by the state every year and we have to pass to the  
4 penny. Mayor Smith said he doesn't see the need to take duties away from the city clerk and city  
5 administrator, of course he is just one vote out of five but that is his position, and he respects everyone's  
6 input.

7 Comm. Crosby said he thought the idea with the ordinance is to set up the capability that when  
8 and if we decide down the road, if we have the money not something we would do in six months or a  
9 year, have this in the books as a capability to do. Mayor Smith said he doesn't mean we can't look into  
10 next year or another time.

11 Mayor Smith said he is concerned about this position being a conduit, Comm. Hamilton said city  
12 manager by definition and requirements certainly understands the Florida Law and the Sunshine Shine  
13 Law better than anyone on the Commission now.

14 Comm. Wasdin said if the city manager would oversee personnel that would help in an instance of  
15 a problem drug test, the manager could talk directly to the employee that isn't anything that would be  
16 discussed in an open meeting. She has always worried about having to discuss a personnel issue in an  
17 open meeting because of the employee's privacy. She said of course we have annual reviews by the  
18 department head where hopefully any issues would be addressed.

19 Mrs. Johnson asked if the city manager would be over the department heads? Mayor Smith said  
20 that is how he read it. Comm. Denney said if the city manager does terminate a city employee, that  
21 employee can appeal to the Commission. Comm. Wasdin said we talked about grants in budget  
22 workshops, grants are hard, but we do receive them, you don't have to have a manager to write grants, a  
23 lower-level person could do that.

24 Mayor Smith said he thinks we will have a problem finding a person who meets all those  
25 requirements for a city manager. Mr. Dykes said on the department head issue if the charter or personnel  
26 policy says they are appointed by Commission we can still preserve that. Mr. Dykes said we would be  
27 sensitive not to cede too much power to the city manager, certain things will have to go to the  
28 Commission.

29 Comm. Hamilton said she heard people say why are we looking at just now, this isn't something  
30 new, this goes back to when Mayor Arnold was in office. She said she, Mayor Arnold and Comm. Diane  
31 Kelley began this many years back. Comm. Hamilton said this isn't something we would be doing  
32 tomorrow or once it is done we would do forever but by continuing to kick the can down the road we are  
33 not being our most efficient. Mayor Smith said this was placed on the ballot twice and failed. Comm.

1 Hamilton said it was only once and it only failed because it required over 60% needed a super majority,  
2 which is not what this is.

3 Comm. Wasdin asked what was the main objection? Mayor Smith said the citizens didn't want it.  
4 Comm. Hamilton said that is a full on charter change, it was a big issue, people are afraid of changes  
5 some people were afraid not of not having direction of the Commissioners need to be readily available.  
6 Comm. Hamilton said the real push back was over government change not city manager.

7 Comm. Wasdin said we should look how the duties are aligned between our directors and maybe  
8 hire another person somewhere else instead of hiring a boss over all of them. Another boss just creates  
9 another layer of management. Comm. Hamilton said we aren't hiring another boss but a trained  
10 professional. Comm. Wasdin said she believes that was the intent of the City Administrator position but  
11 now that job has crept into another angle. Comm. Hamilton said our form of government gives the  
12 Commission too much power with this they will be serving as Board of Directors. Mr. Dykes said with  
13 this ordinance it isn't a strict hand over everything to a city manager, for instance if the manager fires  
14 someone they are able to bring that back to the Commission, which isn't a true city manager form of  
15 government. Mr. Dykes said that in a strong mayor form of government, the mayor has more power and  
16 can be from any walk of life may not have the skill set. Mr. Dykes said a city manager is a hired  
17 professional, which has education and or experience. Comm. Wasdin said in a strong mayor form of  
18 government isn't the mayor paid? Mr. Dykes said often times yes. In that form of government,  
19 commission is like a board of directors. Mayor Smith said many people he has spoken with have  
20 responded that this is not something they want to see.

21 Mrs. Stephanie Merz, 1329 Bayshore Drive, said she saw the list to pave roads numbers #2 thru #7  
22 from the February 14 meeting. Since Niceville helps us so much why can't they fix our road, we know  
23 the problem is drainage uphill coming downhill. At the end of the road after all the rain there is bright  
24 green grass, we have to fix the uphill drainage. We have also had sewage running down our road the city  
25 did fix in February. She has lived there since 2013 and has seen one band aid put over the situation after  
26 the other and wants it to be fixed. Mayor Smith said he appreciates her input this evening, but the  
27 workshop is for discussion regarding the city manager. Mrs. Merz said she was told by Commission  
28 Wasdin to attend the meeting. Mrs. Merz said she brought most of her neighbors this evening and they  
29 wanted to speak.

30 Mr. Mark Wilke, 1341 N. Bayshore Drive, interesting conversation about the city manager wonder  
31 if that would help me get a paved road? Work needs to be done on North Bayshore Drive, there aren't  
32 any lights, there is a ditch forming in his neighbor's yard. It is partially paved, needs to be taken care of,  
33 more important than those other roads on the list.

1 Mrs. Leigh Wakeling, 1337 N. Bayshore Drive, said she didn't see road before she bought the  
2 house as they bought online. She said she had tried everything to stop the runoff, she said she has used  
3 grass, pavers, etc. anything and everything she could think of, but nothing works. She feels that the road  
4 is a neglected road that we should put as a priority. Mrs. Wakeling said there are paved roads around the  
5 city, no maintenance is done on their road, her husband had to cut the grass around the mailbox just so the  
6 postal people could deliver mail. She feels they are a neglected road that should be top priority. Mrs.  
7 Wakeling said she knows her neighbors have been here multiple times, this is something that should be  
8 acknowledged and fixed.

9 Mr. Terry Griffin, 253 Grandview, stood up and said that this discussion is off topic. He said this  
10 is not the place. Mr. Griffin said at another meeting when he brought up a subject that wasn't on the  
11 agenda he was shut down. He respects the other residents' position but if he wasn't allowed to speak off  
12 topic then no one should be. Mayor Smith said he tried to explain that earlier.

13 Mr. Joe Morgan, 289 S Bayshore, said he was on the Commission when this road was put in, there  
14 were stormwater issues, semi-permanent road couldn't pave at that time and could only be a one-way  
15 road. Mr. Morgan said more runoff stabilization needed, related to what the builders did, the city called  
16 Department of Transportation because the issue cannot be solved without DOT approval.

17 Mr. Morgan said if we need a grants person hire one, if it is communications and transparency hire  
18 that person at \$20 an hour versus \$50. With our limited budget we can't afford a city manager and a city  
19 administrator. Comm. Denney said we would not have both positions. Then if the issue is Mr. Scott tell  
20 him to do these jobs or leave. Write the job description for the City Administrator. Mr. Morgan said there  
21 is power within the current charter to solve these issues, the Commission should work on that, personnel  
22 issues seem to resolve themselves, this is almost a charter change. Mr. Morgan said we still have people  
23 willing to volunteer for Commission and Mayor, he feels there is a lot of ways to fix issues without  
24 creating a city manager position. Comm. Hamilton said this isn't a government change, just a manager  
25 position creation.

26 Ms. Trisha Rowe, 481 Andrew, to hire a qualified city manager the cost will be \$100,000, she  
27 doesn't believe we will be able to find what we are looking for. She doesn't want taxes to increase, she is  
28 with Mayor Smith surprisingly and with Mr. Morgan. Ms. Rowe asked what exactly does Carl do?

29 Mr. Carl Scott, city administrator and also resident at 339 Okaloosa Avenue, said he could care a  
30 less about the city manager position. He is 67 years old and looking to walk out the door sooner rather  
31 than later. Mr. Scott said he was hired to be a scribe for Mayor Arnold and he is in charge of two  
32 programs, stormwater and drug free program. He said at the time we didn't have a building official and  
33 Mr. Bacadutre, previously the building official in Niceville and part time with Valparaiso, had retired and  
34 he passed thirty-eight tests in three years to qualify as the building official. Mr. Scott said then the police

1 department needs a code enforcer, they didn't have enough staff to handle, so he handles that and  
2 everyone hates him. Mr. Scott said he was not in charge of future planning but because of the lack of  
3 people in charge of zoning, construction building, he has stepped in but future planning is for the planning  
4 commission. Mr. Scott said with grants in order to qualify we have to have the engineering done on the  
5 front in, whole thing about engineering, which lies with Poly Engineering. Mr. Scott said we should hire  
6 Mittauer to go after grants, which is what they do, and we have used them before, and they are good at it.  
7 Mr. Scott said when you talk about hiring a building official which will have to happen once he retires,  
8 that position alone is \$100,000 but we will also have to hire someone else to do other jobs, doesn't like all  
9 of this insane rhetoric, he does his job every day. Mr. Scott said he serves this city to the best of his  
10 ability. Mr. Scott said and sometimes things are slow because of the law, there is a house on Bayshore  
11 that the owner owes a ton in fees, we can't take steps to do anything because it is a homesteaded property.  
12 Mr. Scott said he has heard we need to fix website, he agrees but that isn't something he has any control  
13 over.

14 Ms. Jeanette Bishop, 365 Lincoln, said glad to be a part of meeting, a lot of information on next  
15 door neighbor app but glad to see people attend meetings. Ms. Bishop asked if there was a flow chart,  
16 what employee reports to who, she is aware that Mr. Scott does a lot. Ms. Bishop called about a  
17 neighbor's fence, Mr. Scott never responded, didn't receive response to email either. She was very angry  
18 but didn't realize what he does. She said you have to call the office about permits because they aren't  
19 available on the website.

20 Mr. Bob Webb, 106 Choctaw Cove, said every time there is an election the Commission will change,  
21 and while those folks are good people it takes a little to catch up to what is going on, a city manager  
22 would bridge that gap. He said however it all comes down to money, pay the administrator \$70,000 as  
23 has been mentioned in this meeting, how will we come up with the money for a manager. Mr. Webb said  
24 his research shows that city managers make between \$100,000 and \$200,000, the new manager for  
25 Freeport will make in that range and Freeport is growing and is expected to double in size. Mr. Webb  
26 said our population remains flat and it won't grow as dramatically as Freeport. Mr. Webb said so it isn't  
27 if we need a manager position it is if we can afford it.

28 Mr. Bob Bachelor, 154 Grandview Avenue, said this is his first chance to review Ordinance 713 He  
29 asked as far as the manager's ability to fire would that apply to police officers as well. Mr. Dykes said  
30 most likely what you would see in that scenario is the manager would coordinate with the Chief of Police,  
31 Mr. Bachelor said it doesn't say that at this time and Mr. Dykes agreed. Mr. Bachelor said this reads like  
32 a statement of work, the ordinance defines responsibilities of the city manager and in my opinion it is  
33 written in a way where it is not clear the requirements and limitations of the position, all very vague,  
34 would allow someone to take over the way the city is run. Mr. Bachelor said he didn't realize that Mr.

1 Scott did so much and the jobs he has taken on, he appreciates what he does. Mr. Bachelor said if Mr.  
2 Scott is indeed going to leave us this job description of city manager doesn't say anything about building  
3 official and code enforcement. He said this contract needs to be written specially for our city manager.  
4 Mr. Dykes said he agrees, generally a city manager is not a flood plain manager, or building official or  
5 code enforcement, what Mr. Scott said at some point his employment is going to end and we will not find  
6 someone to do all that Mr. Scott does for that amount of money. Mr. Dykes said a city manager acts as  
7 the CEO of the city. Mr. Dykes said a city manager would have to hire a building official, code enforcer,  
8 if you ask that manager to do those jobs, they will expect more money for each. Mr. Dykes said the City  
9 of Mary Esther hired a city manager recently and the salary was \$110,000 plus benefits and that manager  
10 does not wear all those hats. Mr. Dykes said this ordinance was not meant to do all of those things, just to  
11 establish the ability to hire a city manager. Mayor Smith said if we were to hire a city manager, with that  
12 position and Carl's it would be over \$200,000 and he is not in favor of that. Mr. Bachelor said if we go  
13 this route, which some are in favor of, we certainly have a great deal with Mr. Scott.

14 Chief Hart said he would like to add that all department heads do more than is our normal-formal-  
15 assignments. He does, Mrs. Johnson, Mr. Kelley, Chief Mayville, all of them look at the totality of what  
16 they do for the city.

17 Mrs. Johnson said if we are going to have a second reading, she needs to be able to advertise. She  
18 said there will need to be changes as such as the voting for dismissal, the effective date of ordinance and  
19 so on. Mr. Dykes said also have to discuss how to budget and how much to budget. Mrs. Johnson said  
20 she is asking for direction from the Commission, what does the Commission wish to do. She reminds  
21 everyone there is an election in a few weeks, Comm. Denney will be leaving, and Mr. Browning will be  
22 the new Commissioner and the election for Mayor.

23 Mr. Webb said whether we go with city manager or keep the administrator, the cost will be going  
24 up once Mr. Scott leaves. Mayor Smith said with the input this evening he would like to have another  
25 workshop. Mr. Bachelor asked if it is possible to have a work document that shows recommended  
26 changes so the public can view before the meeting? Mrs. Johnson said she is asking Mr. Dykes if it is ok  
27 for the Commissioners to see each other's proposed changes before a formal meeting. Mr. Dykes said if  
28 there is no back and forth that will be ok. Mr. Dykes said if the Commission wish to share their  
29 comments or changes, they can. Mr. Bachelor request that if the Commission makes changes, you clearly  
30 state the change and justify why, if you care to do that.

31 Mr. Dykes said any changes the Commission wants to see, need to be timely, if a lot of changes  
32 may have to repeat the first reading. Mr. Morgan said do another workshop to examine what type of  
33 qualifications looking for in a city manager.

1 Mrs. Merz said she didn't mean any disrespect but her last neighbor was shunned out of the  
2 meeting, which was wrong and maybe she will have to go the way the senior citizens did to put more light  
3 on their situation.

4 Mr. David Nichols, 174 Chicago, suggest the Commission look at #19 the way it is written seems  
5 very vague.

6 Mrs. Terry Emley, 93 Akron, in her opinion we pay the highest property tax around and she lives  
7 on a fixed income and disagrees with the Commission. She said she heard them say our communication  
8 services as second to none and she disagrees thinks we need Cox.

9 Mrs. Joyce Marthis, 142 Chicago, understands that Mr. Scott does a lot, but he also works for  
10 Niceville, how does that work? Mr. Scott said years ago Niceville and Valparaiso shared a qualified  
11 building official, when Mr. Bacadutre retired, Mr. Scott took over those responsibilities with the  
12 agreement of Mr. Corbin and Mayor Arnold, yes, he does receive compensation from the City of  
13 Niceville. Mr. Scott said his working with Niceville doesn't interfere with his work for Valparaiso, he  
14 makes himself available. Mr. Scott said it has also been said on social media that he builds houses, and he  
15 does, he enjoys that time, is he a workaholic yes does he make any apologizes for what he does, nope.

16 After a brief discussion, it is agreed there will be another workshop on March 28<sup>th</sup> at 5:30PM all  
17 changes need to be in no later than March 21<sup>st</sup> in order to be passed out by the 23<sup>rd</sup>.

18 **ADJOURN**

19 With no further business before the Commission this evening, the workshop adjourned at 7:36  
20 PM.

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Hubert B. Smith  
Mayor

\_\_\_\_\_  
Katherine Hamilton  
Chair, VCA

\_\_\_\_\_  
Tammy Johnson, CMC  
City Clerk

\*\*\*A recording of the February 28, 2022, Commission meeting will be kept on the City's secure  
file server as a permanent part of these minutes.\*\*\*