

MINUTES
CITY COMMISSION MEETING

June 12, 2023

The City Commission met this date in regular session in the Commission Chambers. Comm. Hamilton gave the Invocation. Mayor Smith recited the Pledge of Allegiance. A quorum being present, the meeting was called to order at 6:10 PM with the following in attendance.

Mayor	:	Hubert B. Smith
Commissioners	:	Catherine Hamilton
	:	Christine Wasdin
	:	Edward Crosby
	:	Clark T. Browning IV
City Attorney	:	Hayward Dykes
Police Chief	:	Joe Hart
Fire Chief	:	Tommy Mayville
Public Works Director	:	Nathan Kelley (camera)
Library Director	:	Hope Willis
Recorder/Deputy Clerk	:	Beth Millsaps

Others in attendance: (Not Inclusive) Bob Bachelor, Les Chambers, Derek Sanchez, Tim Peregoy, the Irwins, Trisha Rowe, Nichols, J D & Annie Cameron, Joe Cobb, Terry Griffin, Bryan Griffin, Nicole Huval, Jason Christopherson, Fidemor Ronezo, Bob Webb, Missy Weekley, Grant Williams

Mayor Smith said he appreciated the crowd that had gathered this evening. He apologized for the late start as the Commission had previously been meeting in executive session.

Chief Hart said Ms. Beth Brant, our city engineer, had reached out to him earlier today to let the Commission know she will not be attending the meeting. She also asked he let the Commission know that she forward plans for the new building, had not heard anything from Commission so believes it is good to go out for bid.

Mayor Smith reminded the audience that anyone speaking on non-agenda items would have a five minute speaking time.

APPROVAL OF MINUTES

COMM. CROSBY MADE A MOTION TO APPROVE THE MINUTES FROM MAY 8, 2023, AS SUBMITTED. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

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

Mr. Derek Sanchez, 314 Michigan Avenue, said he and his daughter brought in vegetables from their garden. He feels passionate about homesteading and giving back to the community. He thinks it would also be good preparation for the next pandemic. Mr. Sanchez said he would also like to start a running club, he loved to run and eat clean food, good for everyone. Mr. Sanchez said he does hope the city will consider chickens. Comm. Hamilton said it was agreed that it will be on the ballot for vote in March 2024.

Ms. Missy Weekly said she spoke with Mrs. Johnson and told her she would be in attendance to give an update. She has the petition signatures. Comm. Hamilton said that would be good to bring up

1 closer to the vote on the referendum. Ms. Weekly said she thought signatures were needed to be added to
2 the ballot. Mr. Dykes said no, the Commission can add to the ballot without signatures. After which is if
3 the vote is to allow chickens, then that would be done by ordinances, which will have two readings before
4 passed. Comm. Hamilton said this would be on the general election ballot in March.

5 Mr. Daniel Irwin, 184 Chicago Avenue, said he has researched, and the Florida League of Cities
6 has training available that would be beneficial to the Commission. He asked the City Commission to
7 adopt a resolution making it a requirement for future elected officials to attend Institute for Elected
8 Municipal Officials levels 1 and 2 training. Mr. Irwin would like this to be a requirement. Mayor Smith
9 said each Commissioner is assigned duties and they work with department heads to keep things running in
10 the city. Comm. Hamilton said she did not think this is something that should be mandatory. Mr. Dykes
11 said Ft. Walton Beach has a resolution that requires newly elected officials to take a class and this
12 resolution is being reviewed by the new City Council. He said the classes are not to inform the
13 Commission of the nuts and bolts of situations but an overview covering things such as voting conflict,
14 Sunshine Laws. He has heard that those who have attended have gotten something from the classes. Mr.
15 Dykes said he believes it is three levels total. Comm. Wasdin said she has been a representative for the
16 city about four times now, going to the meetings they have in Orlando. The general consensus of the
17 Commission, that these classes are not necessary. Comm. Hamilton said they already have a mandatory
18 ethics class they have to take each year. Mr. Irwin asked if the four hour program used for ethics, if there
19 were any certificates that were printed? The Commission said yes. Comm. Hamilton said the class has to
20 be completed and financials have to be submitted each time someone runs for election. Mr. Irwin said
21 obviously for elected officials there is no training or course to take so he feels these two levels would help
22 fill in the gaps. He said do not know everything and that the city representatives should lead with
23 humility and wisdom. Comm. Hamilton said that is also the idea of getting a city manager, a program
24 that she has been behind for a while, one person to oversee all day to day operations. She said each
25 Commission gets paid one dollar a year and feels we do the best we can. Mr. Irwin asked Comm.
26 Crosby's opinion; he said he does not feel anything should be mandatory. Mr. Irwin also asked why the
27 city does not have an accounting department, something besides just the city clerk, someone who would
28 be a certified accountant. The Commission informed Mr. Irwin that the city is audited each year by
29 Warren Averett, and we also use Scott and Associates to review our accounting.

30 Mr. Bob Bachelor, 154 Grandview Avenue, asked about the referendum, he was not at the last
31 meeting, would it be non-binding or binding referendum. Comm. Wasdin said that has not been decided.
32 Mr. Dykes said the referendum would be a non-binding referendum. Comm. Hamilton said it will go to
33 the citizens for a vote. Comm. Hamilton said fundamental vote to allow chickens or not. Mr. Bachelor
34 said so if a one hundred people vote and 51 say yes and 49 say no, then 51 wins. Comm. Wasdin said
35 that will give the Commission a vote on how the citizens feel, we will know the will of the people. Mr.

1 Dykes said after the vote it comes back to the Commission, they can either change the ordinance or not,
2 an ordinance change will take two readings.

3 Ms. Weekly said for ongoing education there are also classes in Pensacola on Robert's Rules of
4 Order, for how to govern these types of meetings.

5 **A. City Manager Position – Robert Webb**

6 Mr. Webb, 106 Choctaw Cove, said he has been a Valparaiso resident for 49 years, they are living
7 in their third home in Valparaiso, they love it here and would not want to live anywhere else. He said in
8 that spirit he is here tonight to recommend creating a city manager position by the end of the summer.
9 Mr. Webb prepared a power point presentation and reviewed the points. Mr. Webb said he knows that
10 the city has done fine without the position so why now? He said things are much more complicated than
11 they once were. A city manager could speak with and plan with each individual Commissioner without
12 encountering Florida Sunshine Law restrictions. Mr. Webb said the complex present day Laws and
13 Regulations make it difficult for a new Commissioner to "come up to speed" and become proficient in
14 their area of service reasonably quickly. He feels the city needs continuity of management that a city
15 manager would bring. Mr. Webb said another question would be why now? The City needs
16 management continuity in the near term, he said both city administrator and city clerk as well as several
17 other city officials will be at retirement age in the next several years. Also, two Commission seats will
18 be up in March 2024. We need to get ahead of the personnel losses. Also, the new city hall building has
19 not gone well, Mr. Webb said he feels if we had a city manager that could have been handled better. Mr.
20 Webb said the building was originally going to house most city organizations/personnel, which is a good
21 idea but now only seven city hall front office employees are slated to move in, the bank building has
22 taken over a year to develop with a city manager could have generated a tighter schedule and managed it
23 better, possible to save money. Mr. Webb said the cost of the city manager is a concern. He said
24 Valparaiso property taxes are in the middle of the pack with other Okaloosa County cities. Valparaiso
25 has 1937 homes and 190 businesses, assume 2000 taxable properties. Additional tax per property would
26 be initially \$200K/2000, \$100/year, or \$8/month. The city manager could bring in money with grants to
27 help offset the yearly cost of the position. He said the property tax rate could be lowered after a year or
28 two as the city manager becomes more proficient. Mr. Webb said while hard to quantify, the city
29 manager should also save our city tax money through more efficient overall management, for example
30 city hall. Mr. Webb said the city manager's position would not be to usurp the power of the Mayor or
31 Commission. The Mayor and Commission decide the breadth of the city manager's duties and authority.
32 Think of the city manager position as the chief operating officer. Mr. Webb said our city Planning
33 Commission Board has developed and prioritized eighteen recommended projects for the betterment of
34 the city. A city manager could be the conduit to make those things happen. Mr. Webb said his
35 recommended action is for the Mayor and Commissioners to develop a new city manager position and

1 job description this summer, include funding for city manager in upcoming 2023-2024 city budget,
2 initiate city manager hire this fall.

3 Comm. Hamilton said she is in major agreement, feels Mr. Webb is right. She does not believe it
4 would really affect taxes, as Mr. Scott and Mrs. Johnson have gotten more expensive as time goes by.
5 Mayor Smith said it could still be called a city administrator; this would free up Mr. Scott to do his
6 building department duties. Comm. Browning said to refine city administrator duties. Mayor Smith said
7 it would take some of the hats off Mr. Scott's head. Mr. Scott said he was good with vacating the office
8 but still has code enforcement, flood plan manager, etc. Mayor Smith said he was in favor of the city
9 manager also. Chief Hart said it would open lines of communication as a conduit to work with everyone.

10 Mr. Dykes said we would need to prepare an ordinance, need to decide what the Commission is
11 looking for, he needs guidance. Comm. Hamilton suggested bringing back the last ordinance and using
12 that as a starting point.

13 Mr. Terry Griffin, 253 Grandview Avenue, asked how many of the businesses Mr. Webb
14 mentioned are actual brick and mortar businesses. Mr. Webb said licensed businesses within the city. He
15 just used even numbers to work with as a guesstimate. Mr. Scott said the city of Niceville is in the
16 process of hiring a new city manager. A lot of things factor into the cost. A brief discussion followed in
17 relation to what a city manager would oversee and the cost in other cities.

18 **2. CITIZENS' CONCERNS (Non-Agenda Items) Non-Resident**

19 Nothing to add this evening.

20 **A. Valparaiso Little League Field – Chris Taulbee**

21 Mr. Taulbee was not present this evening.

22 **1. ACTION ITEMS – Added Agenda Items**

23 Comm. Hamilton said she would like to add Jason Christopherson with Live Oak Fiber to the
24 agenda. She met with the CEO and founder of Live Oak Fiber who will be offering a service in our area.
25 They will be coming in on top of Cox and offer internet only. Mr. Christopherson was here earlier at the
26 time of the executive session but left prior to this meeting beginning. Comm. Hamilton said then there
27 was no need to add to the agenda.

28 Comm. Browning would like to add sinking boats. **COMM. BROWNING MADE A MOTION**
29 **TO ADD SINKING BOATS TO THE AGENDA. MAYOR SMITH SECONDED THE MOTION,**
30 **WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

31 Comm. Browning said when he spoke with Mrs. Johnson, we had a letter stating we had three boats and
32 now we have one gone, that the others would need extra time. Chief Hart said he could get a copy of the
33 letter to him tomorrow from the Florida Wildlife Commission (FWC). Chief Hart said three boats in our
34 city, look on Okaloosa County and there are boats in many places, the FWC gets federal funds for this and
35 try to stretch that money as far as it can go. He said we had a contract that was in place, but we had to

1 recontract under the federal funds. Chief Hart said one of the boats someone had purchased, hooked it up
2 and left it. Then someone else took it out and it sank. FWC has started the derelict vessel process but
3 there are many steps to the process. Chief Hart said he wants to remind everyone again that boats are
4 private property.

5 Comm. Browning said the way things were done before, any officer could get the vessel out
6 before derelict, can't we legally foot the bill and send that bill to the state? Mayor Smith said last time we
7 had one removed like that Chief Hart almost went to jail. Chief Hart said what saved that situation was
8 the fact of the video of children playing on the vessel and the safety risk.

9 Chief Mayville said Chief Hart could attest also, he is dealt with boats in the bayou for forty years.
10 The rule now is that if we put hands on that boat, we can go to jail. Chief Mayville said every vessel has
11 to go through the state process, which is tedious and time consuming. The only time anything moves
12 quickly is if the vessel is the channel of travel. Mr. Dykes said each vessel is on a case by the case basis
13 and there are strict guidelines in place, once the process has started it is a liability, if there was a quick fix
14 everyone would use it but there is not.

15 Mr. Irwin asked about the boat in Kiwanis Park by the old community center, he said there are
16 people living there, stealing water and power from the city. Chief Hart said that was about six months
17 ago, they were charged with criminal mischief, there were three people. Chief Hart said that area is
18 checked regularly and there have been no signs of life.

19 **2. ACTION ITEMS – Drain Pipe – 1357 Bayshore Drive**

20 Mr. Fidelmar Romero Carranza, 1357 Bayshore Drive, said there is a drainpipe through his
21 property, trying to build a home, he has spoken to Mr. Scott, and he suggested for him to come to the
22 meeting. Mr. Scott said the drainpipe off Ohio is in the way they cannot build, he has informed Mr.
23 Kelley. Mr. Kelley said the pipe is on the property line. He said the property line Ohio Avenue runs
24 between two homes, close to property line as far as redirecting, he does not think we can do, due to the
25 topography. Comm. Hamilton said we do not have easements, Mr. Kelley said that pipe was probably
26 there long before most of us were born. Mr. Dykes said he would need to look at details, plat records,
27 look at what options are available for the city and property owner, reasonable on both sides, the pipe is
28 probably important to the city's infrastructure for stormwater solution. Comm. Wasdin said they are not
29 able to build up to the edge of property, did not think you were supposed to build up to line because of
30 setbacks. Mayor Smith said seven and half feet setbacks. Mr. Dykes said normally where you find the
31 utilities in that area. Comm. Browning asked Mr. Scott about outside setbacks. Mr. Scott said he does
32 not know; he did not go out and look at it because he does not do drainage. Mr. Kelley said he did not
33 take measurements on it, but he did go out and look, saw property stake and pipe close. Mr. Dykes asked
34 if there was a survey done that shows the pipe? Mr. Carranza said yes there was a survey, and he thinks it
35 shows the pipe. Mr. Dykes asked if he could share that survey with Mr. Kelley and Mr. Scott. Mr. Dykes

said a lot of these utilities are put in the setbacks so not to impede the ability to build, maybe it has crept over. He said need survey to know what we can move if we can. Mayor Smith said you have already cleared the lot and got the blocks on the property? Mr. Romero said yes. Mr. Scott said already have their permits. Mayor Smith said the city is holding up the building, so we need to get on this. Comm. Wasdin said we need to act fast, she is over stormwater so this would be under her purview so she will take on and see what we can come up with. Mayor Smith asked the property owner to get the survey to the city.

3. ACTION ITEMS – Resolution No. 08-06-12-23 Reappoint Gas Board Member

Mayor Smith read Resolution No. 08-06-12-23, reappointing a member to the Okaloosa Gas Board, and providing an effective date. Mr. Scott has been our representative for some time now with the gas board and he will be reappointed until June 30, 2027. **MAYOR SMITH MADE THE MOTION TO ACCEPT RESOLUTION NO. 08-06-12-23 AS WRITTEN. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

4. ACTION ITEMS – Twin Cities Park

Comm. Hamilton said Mr. Kelley has already taken care of this matter. The project is almost complete. Comm. Browning asked about the folks using the staging area, Mr. Scott said they have two weeks left on the project, then everything will be gone.

1. OLD BUSINESS – Revised Future City Hall Agreement (Synovus Bank Building)

Mr. Dykes said this is the agreement and the following resolution for the property located at 23 John Sims Parkway and the adjacent property that is raw land. Changing the document from a lease to loan with the property owners H & S LLC., they signed the contract, and the resolution has been drawn-up. Mr. Dykes said if the proposed agreement is approved the contract will be for the city to issue a check for \$2,314,373.32, with what is known as seller financing. Mr. Dykes said the seller is selling to the city, purchasing bond, no underwriting fees, loan agreement and closing documents and deed. He has included an amortization schedule, the rate is flat similar to lease, with a 2.9% interest rate, with no prepayment penalty. The closing is scheduled for June 30th.

A. Resolution No. 09-06-12-23 Approval of Commercial Contract Purchase Real Property

Mayor Smith read aloud the title of Resolution No. 09-06-12-23. **MAYOR SMITH MADE A MOTION TO APPROVE RESOLUTION NO. 09-06-12-23, WITH THE CHANGE OF REMOVING THE WORD “ESSENTIALLY” FROM PAGE 1 OF THE LOAN AGREEMENT THE SECOND WHEREAS. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

2. OLD BUSINESS – Update New City Hall Renovation

Comm. Hamilton said Ms. Brant is out this evening, but Chief Hart had passed her message on earlier this evening.

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

Comm. Wasdin said there will be a meeting this Thursday at 3pm in DeFuniak Springs.

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater

Mr. Scott said there were no problems other than the Ohio situation.

3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Liaison Report

Mr. Chambers has nothing to add this evening.

4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Regional Sewer Update

Comm. Crosby said beginning to work on budget, hope to keep cost the same and rates as last year.

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Update

Mr. Bachelor, Chair of the Planning Commission, said they are working on a strategy for the clear/crash zone homes. Also, reviewing the Land Development Code chapters 6-10, he reminded Mr. Scott that they need copies of 11-20.

Mr. Bachelor said the existing highway repaving efforts, FDOT will pave John Sims Parkway southward from SR 190 to Eglin East Gate in late 2023. FDOT will pave John Sims Parkway northward from SR190 to Edge Avenue, Niceville design begins December 2023. Mr. Bachelor said the problem is heavy traffic on John Sims Parkway at Lewis School start/end times five days a week, long backups on John Sims Parkway, difficult to turn right onto Mississippi from Eglin. Mr. Bachelor said a solution would be for the city to build a road on the north side and east side of the school athletic field, directing Lewis traffic onto new roads. Mr. Bachelor said if and when the city and the Air Force make the trade for property from Clear Zone action, it could/would have negative impact on traffic flow. Existing city roads may/will see increases in traffic depending upon time of day. Mr. Bachelor said the city could make a written request to FDOT for paving median from Tom's Bayou Bridge to Eglin East Gate. Or Comm. Wasdin adds two way left lane turn on John Sims Parkway to Okaloosa County Roads Project list or city make written request to FDOT for paving median from Old Highway 10 to Mississippi Avenue for Lewis School traffic flow and budget and schedule for paving Georgia and West Fern Dell for Lewis School traffic flow.

Chief Hart said he had been getting calls regarding what the school is doing off Tennessee and he has been told it will be a bus storage area. Mayor Smith said he spoke with Mr. Bill Smith, School Board employee who oversees their maintenance division, and he was also told it is not for buses but will use property for maintenance department, so vehicles will be coming in and out not on school schedule but county work schedule. Mayor Smith said he was told it was going to be their maintenance facility and they will provide a 60 to 75 foot buffer on Tennessee. Comm. Wasdin said if it becomes too much maybe

1 they might be willing to help pay for the construction of Georgia and Ferndale, Mayor Smith said he
2 would ask next time he spoke with Mr. Smith.

3 Mr. Bryan Griffin, 336 Lincoln Avenue, said he works for the school district; they start work at
4 6am and leave about 2:30pm. The Commission thanked him for his input.

5 **6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Center Update**
6 No briefing this evening.

7 **7. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Department Updates**
8 Nothing this evening.

9 **8. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS - Disbursements**

10 **COMM. BROWNING MADE A MOTION TO APPROVE PAYING THE BILLS AS**
11 **OUTLINED IN THE FINANCIALS. COMM. HAMILTON SECONDED THE MOTION,**
12 **WHICH PASSED BY UNANIMOUS VOTE OF 5 TO 0.**

13 **9. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – Etc.**

14 Mayor Smith announced that the city will be closed on Monday, June 19, 2024, for Juneteenth and
15 city offices will close early at 11:00 am on Friday, June 23rd for Employee Appreciation Day.

16 **ADJOURN**

17 There being no further business to be brought before the Commission, the meeting was adjourned
18 at 8:00PM.

19 _____
20 Hubert B. Smith
21 Mayor
22

23 _____
24 Catherine Hamilton
25 Chair, VCA

26 ATTEST:

27 _____
28
29 Tammy Johnson, CMC
30 City Clerk
31

32 ***A recording of the June 12, 2023, Commission meeting will be kept on the City's secure file
33 server as a permanent part of these minutes.***