

MINUTES
CITY COMMISSION MEETING
February 13, 2023

The City Commission met this date in regular session in the Commission Chambers. Mayor Smith gave the Invocation. Mayor Smith recited the Pledge of Allegiance. A quorum being present, the meeting was called to order at 6:15 PM with the following in attendance.

Mayor	:	Hubert B. Smith
Commissioners	:	Kay Hamilton (video portal)
Commissioners	:	Christine Wasdin (phone)
	:	Edward Crosby
	:	Clark (Tom) Browning, IV
City Clerk	:	Tammy Johnson
City Administrator	:	Carl Scott
City Attorney	:	Hayward Dykes
City Engineer	:	Beth Brant
Police Chief	:	Joe Hart
Fire Chief	:	Tommy Mayville
VBCS General Manager	:	James Butler
Public Works Director	:	Nathan Kelley (camera)

Others in attendance: (Not inclusive) Amber Rodriguez, Marion Cassell, Les Chambers, Alan Gardner, Laura Craig, Greg Parry, Mark V. Norris, Christy Shields, Chris Shields, Tara Emley-Sandlin, Kelly Irwin, Patrick and Laura Palmer, Patricia Rowe, Max Dysh, Melissa Weakley, James Weakley, Josef and Sarah Vonniederhausern, Bryan Griffin, Matt Williams, Lyn Knowles, Terry Griffin, Carol M Miller, Candy and Stone Hansard

Mayor Smith welcomed everyone to the meeting this evening, said that Commissioner Hamilton and Comm. Wasdin would be joining the meeting after the invocation and pledge. **MAYOR SMITH MADE A MOTION TO VOTE HAVING COMM. WASDIN BY PHONE AND COMM. HAMILTON VIA VIDEO PORTAL JOIN THE MEETING. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 3 TO 0.**

APPROVAL OF MINUTES

COMM. BROWNING MADE A MOTION TO APPROVE THE MINUTES FROM JANUARY 9, 2023. COMM. CROSBY SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF 5 TO 0.

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

Mayor Smith said he appreciates everyone's attendance this evening, anyone with any concerns will have five minutes to speak. Mr. Alan Gardner, 101 Choctaw Cove, said he has been waiting to find out more about the new tv cable and vesper situation, he feels the word isn't getting out to the community as it should. Comm. Browning said that is actually one of the actions items this evening and hopefully his questions will be answered.

Mr. Josef Vonniederhausern, 281 E. Ferndell, said he is here this evening in support of the chickens but also had a side issue he would like to discuss. He lives over by Lewis School, occasionally people will try to circumvent the line, going through the back part of lot and then race down street into neighborhoods. He thought the city could add a speed bump, kids walk the streets all the time and does not feel this is safe for anyone. Mayor Smith said maybe ask Chief Hart what he thinks we should do there because he is not in favor of speed bumps anywhere. He feels they open the city up for liability with damage to cars and that kind of thing. Mayor Smith asked Chief Hart if he would put an officer down there during school hours. Mr. Vonniederhausern said it is not just school hours, there are kids that live in the neighborhood, he feels like posting an officer is only a short term solution to a long term problem. Chief Hart said we had some problems with our traffic hidden radar, had to order a \$5,000 part to get back up and working, which it is now. He said he would put that down there and also post an officer.

Missy Weakley, 360 Lincoln Avenue, said a lot of the people in attendance tonight are with her and she would be speaking on their behalf. She said she is a recent new resident to Valparaiso, she

1 would like to extend her gratitude to be able to speak to the Commission and thank God for allowing her
2 the strength to speak for others. She said a little less than a week ago an initiative started that she
3 volunteered to spearhead, she has studied the code and sees that we do not allow chickens. Mrs. Weakley
4 said she spoke to several others realizing their disappointment also, a petition began online and now has a
5 hard copy petition also. She said the petition is located in two of the local businesses where they are
6 gaining signatures daily, over 150 residents, one of which is a member of the Planning Commission Mrs.
7 Robin Helmer. Mrs. Weakley said support also comes from veterans, retirees, people from all walks of
8 life. Mrs. Weakley said they would like to encourage Valparaiso to change their ordinance to allow six
9 chickens in backyard, hens only, no roosters. Mrs. Weakley said you may wonder why this is important,
10 in these challenging economic times this would offer alternative ways to keep food costs down. Mrs.
11 Weakley said prices are continuing to rise, not just locally but nationwide. She believes the Commission
12 should look at this seriously and agree to change the ordinance to allow chickens. Mrs. Weakley said they
13 will continue to gather signatures. Mrs. Weakley said she has a handout for the Commission, showing the
14 actual Ft. Walton Beach ordinances that have approved chickens, and news briefing of other local cities
15 that have done this. Mayor Smith asked if she is the spokesperson for the citizens who want chickens.
16 She said yes and asked for supporters to raise their hands.

17 Mrs. Candy Hansard, 3 Quail Trail, said she is in favor of the chickens and has heard concerns
18 over noise and smell, her dad has chickens in his yard and there is no smell and the only sound is when a
19 chicken has laid an egg. She said no one can tell what the world might be back down the road, look to be
20 headed toward socialism, this would be first step for citizens to take care of themselves. Mrs. Hansard
21 asked if the Commission would be voting on this tonight. Mayor Smith said no.

22 Les Chambers, 114 Arrowpoint Cove, was lucky or unlucky enough depending on how you
23 saw it to clean chicken coups in his yard for years. He said chickens do bring eggs and such but here are
24 some not so great things they bring, coyotes, possums, raccoons. Mr. Chambers said think of the
25 problems we have today with bears, chickens will bring a lot more in. He is not saying what others
26 should do but he is speaking about his experience. Mr. Chambers said if you don't clean the coop right,
27 you are going to have smells and some other things that you do not want.

28 Ms. Marion Cassell, 173 Highland, said she already has trouble in her neighborhood with stray
29 animals, she is even afraid to let her little dog out at night.

30 Mr. Terry Griffin, 253 Grandview Avenue, said he thinks it is commendable that you all want
31 chickens, he was in the chicken business for a few years, that is the nastiest animal on earth. Mr. Griffin
32 said growing up a guy behind his house had two chickens, by the time the city came up with the ordinance
33 for no chickens, the guy had 100, if you give some folks an inch they will take a mile. He said if the city
34 is going to allow six chickens might as well allow 100, just as damaging. Mr. Griffin said we have
35 ordinances on the books now that we can't enforce, Chief Hart and the code enforcement guy will have
36 their hands full chasing chickens. He is opposed to changing the ordinance in favor of chickens.

37

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

39 No non-resident concerns this evening.

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

41 Nothing to add this evening.

42 **2. ACTION ITEMS – Award Bid for Surplus Property at 363 Washington**

43 Mrs. Johnson said we received three bids, one for \$70,007, one for \$90,023 and a third bid of \$100
44 more than highest bid. Mayor Smith said we actually have two bids. We had one bid that came in that
45 said I will go \$1000 over the highest bid and that takes it out of the sealed bid category and as far as I am
46 concerned the second bid of \$90,023 is the bid winner. **MAYOR SMITH MADE A MOTION TO**
47 **ACCEPT THE \$90,023 BID. COMM. CROSBY SECONDED THE MOTION.** Mayor Smith said to
48 raise the bid by \$100 you cannot do that if you are running a sealed bid, this is not an auction. Mrs.
49 Johnson asked Mr. Dykes if the third bid was legal? Mr. Dykes said yes, he spoke with Mr. Scott it is
50 very odd to receive something like that, this Commission reserves the right to accept bids, to reject bids,
51 however they see fit. They do have the flexibility to accept the third bid. He believes this would run
52 against what the Commission was trying to accomplish and you could reject the third bid as an improper

1 bid. Mayor Smith said he doesn't believe \$100 over is fair to the other bidders who did exactly as they
2 were instructed to do. Mr. Vonniederhausern said the attorney said the Commission could accept the
3 \$100 over, why not get the extra \$100. Mayor Smith said it is not a fair bid. Mr. Vonniederhausern said
4 he thought the city would want to get as much as they could. Mayor Smith said we are not about being
5 unfair. **VOTE OF THE COMMISSION 5 TO 0 TO ACCEPT THE 2ND BID FOR \$90,023.** Mrs.
6 Johnson said the bid winner for \$90,023 is Watree Construction and Land Developing, she will contact
7 them in the morning and let them know.

8 **3. ACTION ITEMS – Ordinance No. 720 Vacation ROW/Alley Trinity Church from 2004**

9 Mayor Smith read the title of Ordinance No. 720, an ordinance of the city vacating the right-of-
10 way described as the unnamed and undeveloped street on Valparaiso Plat Map 1 as depicted in Exhibit 1
11 from point of origin at the Chicago Avenue to the east and at Southview Avenue to the west. Mr. Scott
12 said this actually was looked at in 2004 vacating the right-of-way for Trinity Presbyterian church. He said
13 we agreed to process but did not approve by ordinance, which is the correct way. Mr. Scott said this will
14 make it legal for Trinity to show ownership. He said there is a 15 foot easement that stays intact. Mr.
15 Dykes said he recommends adding this down into one of the lower sections in between section two and
16 three vacation of right-of-way is dependent on the city maintaining the 15 foot utility easement. Mr.
17 Dykes said this is essentially some housekeeping on the city's part to keep straight for Trinity Church.
18 Mrs. Johnson said also needs a change on the fourth whereas it talks about Plat Map 15 needs to change to
19 Plat Map 1, Mr. Scott agreed. Mayor Smith adding changes still ok to go forward. Mr. Dykes said yes
20 now is the time to make these changes. **COMM. BROWNING MADE A MOTION TO APPROVE**
21 **ORDINANCE NO. 720 VACATION ROW/ALLEY TRINITY CHURCH FOR SECOND**
22 **READING WITH THE CHANGES MENTIONED. COMM. CROSBY SECONDED THE**
23 **MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

24 **4. ACTION ITEMS – City Hall Lease Buy Out/Change Terms**

25 Mr. Dykes said the city has entered into a lease agreement with H & S LLC and Huff Management
26 LLC in November 2021 the former bank building future city hall. He said the property taxes on the
27 property paid by the lessor, the taxes for this year the lessor reached out to the city to pay. Mr. Dykes said
28 he went through the lease, talks about taxes does not specify ad valorem taxes, landlord has asked city to
29 consider amending the lease or buyout early. Mr. Dykes said the city has one buyout clause at the ten
30 year mark, willing to accelerate the option to purchase. Mr. Dykes said the landlord expected the property
31 taxes to be paid by the city or there be no taxes. He said a quit claim deed has been discussed, but this
32 would be a decision to be made by the Commission. Mrs. Johnson has gotten some financial info about a
33 loan however rates have gone up. Mayor Smith said he has reviewed this and does not see a benefit for
34 the city to redo. He said if they want to reduce the cost of the property. What benefit would this be for
35 the city? Mr. Dykes said he hasn't really discussed with landlord not wanting to talk out of turn. Mrs.
36 Johnson said our rate now is 2.9082%, for a loan at this time it would be between 4% to 4.25%. Mayor
37 Smith said he needs to come in and discuss. **COMM. BROWNING MADE A MOTION TO HAVE A**
38 **SPECIAL MEETING WITH THE LANDLORD, MR. HUFF, AND WORK OUT A SOLUTION.**
39 **COMM. CROSBY SECONDED THE MOTION.** Mrs. Johnson said it will be a meeting open to the
40 public. Comm. Wasdin said in her opinion, she understands the discussion, washing money to pay taxes
41 to pay us. **VOTE OF COMMISSION 5 TO 0.** Mr. Dykes said he, or Mr. Scott or Mrs. Johnson will
42 reach out to Mr. Huff and when the soonest he is available.

43 **5. ACTION ITEMS – Resolution no. VCA 01-02-13-23 Establish IPTV & Rates**

44 Mayor Smith read Resolution No. VCA 01-02-13-23, a resolution of the Valparaiso Cable
45 Authority to establish new service and rates for internet protocol Tv (IPTV) and provide an effective date.
46 Mr. Butler made a power point presentation for the new IPTV. After his presentation, Mr. Butler said this
47 will be a phase out, we will stop offering linear tv to new customers 30 days from today and be
48 completely off of linear tv by October 1st.

49 Mrs. Johnson said could you do both systems? Mr. Butler said once live will not allow any new
50 customers on linear, but could keep both until October 1st. Mrs. Johnson said with the DVR situation you
51 can record but will only hold for seven days. Mr. Butler said the DVR service now is something you pay
52 an additional cost for, with IPTV by SFN you get a DVR function free for seven days. Mayor Smith

1 asked what would happen if we don't agree on tonight? Mr. Butler said the monies we have put forward
2 would be lost, equipment to purchase to run the system approximately \$35,000. Mr. Butler said the linear
3 is already costing more and that will only continue each year. He said we are small so we can't negotiate
4 for lower prices like large companies. **COMM. BROWNING MADE A MOTION TO APPROVE**
5 **RESOLUTION NO. VCA 01-02-13-23 AS PRESENTED THIS EVENING. COMM. CROSBY**
6 **SECONDED THE MOTION.**

7 Mr. Terry Griffin, 253 Grandview, will this be a cost saving to the consumer or will the cost
8 remain the same? Mr. Butler said it would be a considerable cost saving. After a brief discussion,
9 **COMMISSION VOTED 5 TO 0 TO APPROVE.**

10 **6. ACTION ITEMS – Revise ROW Utilities Permit Application**

11 Mr. Scott said chapter 75 in the code needs to be revised. He said a lot of the items are not
12 applicable to utilities but we need to add #19 Permit Fee for all utility companies shall be \$100.00. Mr.
13 Scott said this is the only change/addition. **COMM BROWNING MADE A MOTION TO APPROVE**
14 **THE ADDITION OF NUMBER 19 TO THE ROW UTILITIES PERMIT APPLICATION.**
15 **COMM. CROSBY SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF**
16 **THE COMMISSION 5 TO 0.**

17 **7. ACTION ITEMS – Okaloosa Gas District New Structure**

18 Mr. Scott presented the Okaloosa Gas District structure. He said the building will be 55,000
19 square feet, about 12,000 square feet will be rented out so that will be money back on the tax rolls. Mr.
20 Scott said the cost of the structure is \$77 million, four stories tall. Mr. Scott said we have a great
21 opportunity for the city, we could apply for an economic development loan through the CDBG. He said
22 with the gas company we will meet the requirements. Mr. Scott said we have to have 35 high paying
23 jobs, a certain number of entry positions which the gas company already has. Mr. Scott said we will meet
24 the employment criteria, we can do private public partnership meets economic development. He said this
25 is a large pool of money, which we can qualify for 1.5 million dollars. Mr. Scott said he would like to ask
26 the Commission to support reaching out to Robert Van Zant with Jordan and Associates to start the
27 application process, also he would like to ask that we work with Mrs. Brant and Poly to design a new
28 water tower, that is what he thinks the money would be best used for. Mr. Scott said a new water tower
29 replacing 500,000 gallon this would resolve Jackson and other water issues and open up for more growth.
30 Mr. Scott, this is a great opportunity, to allow Poly to draw up the project at the same time as the
31 application is being written so that everything will be ready at the same time. Mr. Scott said Okaloosa
32 Gas plans to break ground on July 1st, complete by spring 2025. If we get our stuff together be able to
33 have a new water tower at the same time. Mrs. Brant said the money and design about two years so
34 running similar time. Mr. Scott said very seldom found pot of gold. **MAYOR SMITH MADE A**
35 **MOTION TO APPROVE WORKING WITH MR. VAN ZANT FROM JORDAN AND**
36 **ASSOCIATES TO APPLY FOR GRANT, AND MRS. BRANT AND POLY ENGINEERING TO**
37 **DESIGN. COMM. HAMILTON SECONDED THE MOTION.** Mrs. Brant said work with CDBG
38 concurrent. Mr. Bachelor, Chair of the Planning Commission, said that Mr. Scott briefed the Planning
39 Commission last week we had two no shows but the other five members supported the project.
40 **UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

41 **8. ACTION ITEMS - Resolution No. 06-02-13-23 Columbarium Pricing**

42 Mr. Dykes said he believes this should be Resolution No. 6, not 5. Mrs. Johnson agrees. Mayor
43 Smith read Resolution No. 06-02-13-23, a resolution adjusting columbarium pricing at sunset cemetery
44 and providing for an effective date. **COMM. BROWNING MADE MOTION TO APPROVE**
45 **RESOLUTION NO. 06-02-13-23. COMM. CROSBY SECONDED THE MOTION WHICH**
46 **PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

47 **1. OLD BUSINESS – Update New City Hall Renovation**

48 Mr. Brant said she had received the latest updates from Mrs. Johnson, so we are close. Mayor
49 Smith said within striking distance.

50 **2. OLD BUSINESS – Heron Placement**

51 Mayor Smith said the heron had been placed in front of the new city hall by the flags. Mayor
52 Smith said we were fortunate to have had this heron donated to our city. He has spoken with Mr. Kelley

1 and they will be putting a light on it. Comm. Crosby said all locations of the herons are recorded and
2 mapped with historical information.

3 **1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT**

4 Comm. Wasdin said nothing this evening.

5 **2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater**

6 Mr. Scott said no issues reported to him.

7 **3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Liaison Report**

8 Mr. Chambers said nothing to report this evening.

9 **4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Regional Sewer Update**

10 Comm. Crosby said nothing to report this evening.

11 **5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Update**

12 Mr. Bachelor said the planning commission met on February 7th. He said we are reviewing
13 Chapter 4 and also finalizing the project list, it hasn't been finalized as of yet but having a workshop
14 February 21st to review. Mr. Bachelor said he would like to invite the Mayor and Commissioners to
15 attend the Planning Workshop if they are available, get their opinions on the project list.

16 **6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Center Update**

17 Mr. Palmer said they had their meeting and the vice chair has resigned. He said at this time Ms.
18 Hicks is interim vice chair effectively immediately. He said they are getting close on the capital plans.
19 Mr. Palmer said they had voted unanimously to get rid of the cable services from the community center.
20 It is not used and an unnecessary expense. Mrs. Johnson said other people in the building might use it.
21 Mr. Palmer said he has spent a ton of time there and hasn't seen the tv on at all. Mrs. Johnson said what
22 about internet, we will need to hear from the senior's also. Mr. Palmer said he will get hold of Ms.
23 Shayne Betts to make sure they are ok with getting rid of the TV. Mrs. Johnson said tv and internet? Mr.
24 Palmer said just the cable. Mrs. Johnson said she is confused because not too far back, the seniors were
25 wanting a new tv for the building and Comm. Crosby donated a new tv to them. Mr. Palmer said he and
26 Ms. Betts have also discussed getting rid of the old sign out front of the building, the dates and times are
27 not accurate, asking that it be removed. Mr. Palmer said they have also been going over budget and
28 events, so far the only planned event is September 30th they will have another fall festival. He said hopes
29 to have more information for the next meeting. Mr. Scott said the building received a new hot water
30 heater by Okaloosa Gas. Mr. Scott said he has discretionary spending with the gas company of \$1,500
31 and he used that money for the water heater.

32 **7. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Department Updates**

33 Chief Mayville said he wanted the citizens to know that the fire department is there for the citizens
34 of both cities. He said if you need to monitor your vitals or blood pressure, feel free to come by the
35 station, they would be happy to help. Chief Mayville also said if anyone had questions about safety in
36 their homes or somewhere in the community, the fire department would like to help. He said they would
37 much rather do prevention in keeping the community safe.

38 Mr. Lynwood Knowles, 253 S Bayshore, said that he had worked with the fire department before
39 in regard to low hanging trees. A close friend of the family was a motorcycle police officer, and a limb
40 fell out of the tree and hit him while he was on shift. Mr. Knowles said freak accident but things like that
41 happen, best to keep an eye out for a situation and solve it than wait for it to be a problem. He said he
42 appreciates all the fire department does for our community.

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

44 **COMM. CROSBY MADE A MOTION TO PAY THE BILLS AS OUTLINED IN THE**
45 **FINANCIALS. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY**
46 **UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

47 **ADJOURN**

48 There being no further business to be brought before the Commission, the meeting adjourned
49 approximately 7:40 PM.

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Mayor

Catherine Hamilton
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

A recording of the February 13, 2023, Commission meeting will be kept on the City's secure file server as a permanent part of these minutes.