

MINUTES
CITY COMMISSION MEETING
May 8, 2023

The City Commission met this date in regular session in the Commission Chambers. The meeting was delayed due to a video problem, we will have audio but no video for this meeting. Comm. Crosby gave the Invocation. Mayor Smith recited the Pledge of Allegiance. A quorum being present, the meeting was called to order at 6:20 PM with the following in attendance.

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

Others in attendance: (Not Inclusive) Patrick Palmer, Grant Williams, The Irwin's, Robin Helmer, Jay Denney, Trish Rowe, Kyle Schlewinsky, Robert Webb, Silvia Sommerauer, Les Chambers, D. Sanchez, JD Cameron, Bryan Griffin, Adam and Briana Koertner, Kimberly Dysh, David Nichols, Tara Emley Sandlin, John & Melody Autry, Tami Guilmain, Sarah Vonniederhausern, Missy Weakley

Mayor Smith said Comm. Wasdin is out this evening but would like to participate in the meeting via phone. **COMM. HAMILTON MADE A MOTION TO ALLOW COMM. WASDIN TO PARTICIPATE IN MEETING VIA CELL PHONE. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF COMMISSION 4 to 0.**

APPROVAL OF MINUTES

COMM. CROSBY MADE A MOTION TO APPROVE THE MINUTES FROM APRIL 10, 2023, AS SUBMITTED. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE 5 TO 0.

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

A. Chicken Ordinance Patrick Palmer

Mr. Palmer said he will be brief, there has been a lot of back and forth about chickens, just like what happened with the community center. The Commission had agreed to let them go with the community center and it is going very well. Mr. Palmer said there is a lot of hostility because emotions are high. He feels the Commission should allow those who want chickens to have them, believes it is part of freedom and it is right. Mr. Palmer said he would like the Commission to make a motion to allow this to happen. Mr. Palmer said he had a family issue and would not be staying at the meeting.

1 Mayor Smith said that everyone should be aware they have five minutes to speak, and a clock
2 is on the screen.

3 **B. Chicken Ordinance Missy Weakley**

4 Ms. Weakley said of course she agrees with Mr. Palmer and would like Valparaiso to allow
5 chickens in the city. She said the petition has over 500 signatures, she does not feel like they need to
6 continue gathering. Ms. Weakley said that she has talked to Mr. Paul Lux, Supervisor of Elections, he
7 said based on the number of people who voted in the last election, we would only have to have 279
8 signatures to get on ballot. Ms. Weakley said at this point it is \$40 for a hen, but when they began
9 their effort, they could have had chickens for \$5. She said people are becoming discouraged. Ms.
10 Weakley said she has had calls from other people in other cities that have questions about getting this
11 started where they are, this is a tiny ask for the residents. Ms. Weakley said they are not going away,
12 they keep moving forward, keep coming to meetings, they want something done. She said they have a
13 draft ordinance; we have done our due diligence.

14 Mrs. Candy Hansard said she was talking about this before the last election, so the Commission
15 knows how she feels. Ms. Hansard said at the last meeting she handed the Commission twelve
16 different questions in regard to the bank building; she said the Mayor told her that she could find the
17 answers for herself. Mayor Smith said that is not what he said, he said that everything had been
18 discussed before and it was on public record, if she wanted the information. Mrs. Hansard said she got
19 the information for herself, Mayor Smith said no, she obtained the information from Mrs. Johnson, the
20 city clerk. Mayor Smith advised her of her conduct in the meeting. Ms. Hansard said people want
21 information, asked the audience, Mayor Smith said you cannot poll people in the crowd. Mrs. Hansard
22 said the Mayor and Commission work for them, this bank building I believe has turned into a scandal,
23 the city has spent over \$250,000 already. She said \$11,000 on landscaping alone. Mrs. Hansard said
24 the Commission has now taken away the landlord's responsibility to pay taxes on the building. Mayor
25 Smith said he would like to remind Mrs. Hansard that when that vote was held, he voted no, it was a 4
26 to 1 vote. He said she needed to get her facts straight. Mrs. Hansard said when taking away the taxes
27 on this building over the 30 year lease of the building would be a \$450,000 (\$15,000 a year) gift to the
28 owner of the bank building. Mayor Smith told her that her time was up, Mrs. Hansard said she would
29 post everything she knew on-line for everyone and would be glad to answer any questions after the
30 meeting.

31 Mr. Robert Webb, 106 Choctaw Cove, said his son lives in an area where they are allowed to
32 have chickens on a four-acre or larger lot. He said our area is not large enough to have farm animals.
33 Mr. Webb said if it is decision to allow chickens then it should also state that neighbors have to
34 approve. Mr. Webb said there is a lot to think about in this issue, delay until the next election where it

1 can be voted on with a referendum, that way citizens can vote. Mr. Webb said that Mr. Lux, he has
2 spoken with him also, said we had a voting body of 3,200 plus, Mr. Lux said it does not matter about
3 their petition the Commission has to be the one to put on the ballot.

4 Mayor Smith said his property has six properties that abut to it, he would not want all six of
5 these property owners to have chickens, not everyone in the city wants chickens.

6 Mr. Derek Sanchez, 312 Michigan Avenue, it is not going to be fair for everyone, but believes
7 that maybe there should be trial and error period. Mr. Sanchez proposes a six month or year trial just
8 to see how it goes.

9 Mrs. Heaven Rogerson, 81 Eastview, said from her personal perspective, she has a food
10 allergy, celiac disease specifically, so she has had to cut out many sources for gluten free diet, but it is
11 very expensive. She said it would be beneficial to her as well as others in our community to have
12 chickens.

13 Ms. Tara Sandlin, 225 Chicago Avenue, said a lot of people have spoken out this evening but
14 she is asking the Commission for their opinions. Comm. Hamilton said her opinion of chickens is not
15 important, we are here to find what the citizens want, maybe the referendum is the best way to go.
16 Comm. Hamilton said cannot necessarily go by the loudest voices, everyone should have a voice.
17 Comm. Hamilton said she has also spoken with Mr. Lux, and she would encourage the Commission to
18 put in referendum and have on the next ballot. Comm. Browning said yes there are a lot of loud pro
19 voices, but he has had others say they do not want chickens, a vote would be the only way to resolve.
20 Comm. Hamilton answering the Mayor's question said that Mr. Lux said the Commission would have
21 to request a referendum. Mr. Dykes said you could do a ballot initiative referendum which would go
22 into the city's Charter, or the Commission could do a non-binding referendum, this would give the
23 public the opportunity to vote on it see what happens then the Commission could craft an ordinance or
24 not. Comm. Hamilton said in her opinion we should make a referendum and add it to the next election
25 ballot.

26 Ms. Trish Rowe, 481 Andrew Drive, asked if there is there a city ordinance now that we cannot
27 have chickens in the city? The Commission and audience said yes.

28 Mr. Daniel Irwin, 184 Chicago Avenue, said he would like to know how Chief Hart feels about
29 this idea of chickens. The police department already has to do animal control, officers should chase
30 people not critters. He said this is not just about one person's right, it is about your neighbors, the
31 street you live on, and your community. Mr. Irwin said adding chickens would only make the animal
32 problem worse.

33 Mr. Grant Williams, 318 Glen Avenue, said he has been to the last two Commission meetings
34 and the tone is very adversarial. He said there are many issues, copy of records, bank building,

1 chickens some issues need more than five minutes. He would just like to get some data, have that put
2 out for people to review themselves. Mrs. Johnson said you can always email the Commissioners or
3 Mayor anytime, review older meetings on our web page, there are minutes for review, and also if you
4 want certain records, you can email or call me. Commission Hamilton said they loved participation
5 and having the community input.

6 Mrs. Hansard said she does not agree with Mr. Irwin, there will be no need for the police
7 department to do more animal control, if a person does not take care of their chickens, other animals
8 will take care of that situation whether it be bears, coyotes or any number of animals.

9 Ms. Weakley said with backyard chickens you usually have four to six and they are treated
10 more like pets than farm animals left out on their own, backyard chickens can outlive their
11 counterparts. All of this information is available for anyone to review.

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

13 No non-resident concerns tonight.

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

15 Nothing to add to the agenda this evening.

16 **2. ACTION ITEMS – Approve Change order Sewer Forcemain Replacement (Kake
17 Cottages)**

18 Mrs. Brant said the change order is requested to increase the amount to include clearing along
19 property line that we inadvertently omitted from the original bid, request by the company and
20 recommended from our engineers. She said she had already spoken with Mr. Kelley they met on site,
21 so he is also aware. **COMM. BROWNING MADE A MOTION TO APPROVE THE CHANGE
22 ORDER SEWER FORCEMAIN REPLACEMENT FROM \$46, 894 TO \$55,894. COMM.
23 HAMILTON SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF
24 THE COMMISSION 5 TO 0.**

25 **3. ACTION ITEMS – PUD Development “The Clearing” R & S Development**

26 Mr. Scott said Mr. Matt Zinke is present this evening to present the project, but it is his project,
27 R & S Development. Chief Hart asked where his partner was this evening? Mr. Scott said he is unable
28 to attend. Mr. Matt Zinke, Jenkins Engineering, this project is a nine unit subdivision, mixture of
29 duplexes and single family homes North of Kelly Mill Road West of Johnson Street between some
30 single family homes that were just built by the same developer and on the other side is the apartments
31 Niceville Housing Authority so it is a transitions between single family and the apartments It is zoned
32 R2, multifamily residential (also medium density residential) we are asking for a PUD. Mr. Zinke said
33 there will be three parking spaces per unit, and a storage area provided for each building. Comm.
34 Wasdin asked if this would be affordable housing. Mr. Scott said they would be less than \$300,000,

1 they will be two bedrooms, two baths. Mr. Scott said really cannot build anything cheaper, the rent
2 will range between \$1,300 to \$1,800. Comm. Browning asked if the Planning Commission has
3 reviewed? Mr. Scott said yes, the Planning Commission and also the TRC (Technical Review
4 Committee) have reviewed and approved. **COMM. HAMILTON MADE A MOTION TO**
5 **APPROVE THE PUD (PLANNED UNIT DEVELOPMENT) FOR R & S DEVELOPMENT.**
6 **COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS**
7 **VOTE OF 5 TO 0.**

8 **1. OLD BUSINESS – Update 363 Washington**

9 Mr. Dykes said this property is the one that went out for bid, one bidder appealed the decision
10 so that is pending it is my recommendation that we take this off the agenda. He said they moved for a
11 temporary injunction and the court did deny the injunction. Mr. Dykes said he spoke with Watree
12 Construction attorney, this will be ongoing for three to four months. The city is still the owner of the
13 property.

14 **2. OLD BUSINESS – Revised Future City Hall Lease Agreement (Synovus Bank Building)**

15 Mr. Dykes said a couple of meetings back, the City Commission discussed with the property
16 owner regarding the future city hall property and vacant lot. He said originally on lease agreement
17 there was a 10-year option to purchase at that time, the owner has now asked for the city to be the
18 owner of the property, so not to have to pay taxes. Mr. Dykes said Mr. Huff is fine with holding the
19 note that was originally agreed on, only instead of rent it will be for buy. He said the terms of that loan
20 are I believe are 2.0982% interest rate and includes no prepayment penalty. Mr. Dykes said that is
21 what you have before you a draft of the contract, if the Commission wants to proceed forward with the
22 purchase, then we will move forward. He said if not approved the lease is still in place, will not cancel
23 until close of property to city. Mr. Dykes said assuming if the Commission does agree, will bring this
24 back in final form to have signed and approved and there will be a resolution and loan documents at
25 another meeting. **COMM. WASDIN MADE A MOTION TO APPROVE THIS IDEA, COMM.**
26 **CROSBY SECONDED THE MOTION.** Comm. Wasdin asked if we could move forward with what
27 needs to be done to make ADA compliant to be able to move in? Mr. Dykes said yes, there is an
28 enforceable lease in place that will not terminate until closing. Mr. Dykes said, it is our intent on no
29 prepayment penalty, that way if the city should come into some windfall of money or grant to pay off,
30 they could. . Mr. Scott said just to make perfectly clear the cost of ad valorem tax to the city is \$4,700
31 a year not \$15,000 you are not responsible for school tax we are not responsible for county tax the cost
32 to the City of Valparaiso is \$4,700 that is what you are losing in ad valorem tax. **VOTE OF**
33 **APPROVAL 5 TO 0.** Mr. Dykes said he would reach out to Mr. Huff and will send an email to the
34 Commission should there need to be another meeting.

1 **3. OLD BUSINESS – Update City Hall Renovation**

2 Mrs. Brant said completed the specs and plans, gave to Comm. Hamilton to review, since she is
3 overseeing the project, once ok given, the project can go out to bid.

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

5 Comm. Wasdin said will have some work going on in Okaloosa and Walton Counties, if you
6 would like to see where, www.ecrc.org, or call her and she will assist.

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

8 Mr. Scott has nothing to report this evening.

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

10 Mr. Chambers said he is still working with the base for family day and will continue.

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

12 Comm. Crosby said nothing new to report, all going well.

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

14 Mr. Scott said he attended the meeting Tuesday night, and it was just business as usual.

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

16 Mr. Palmer had to leave this evening, so there is nothing for this evening.

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

18 Nothing this evening.

19 **8. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – City Attorney Request**

20 **Executive Session CAJTDM v. Valparaiso v. Gator Boring 2020 CA 001818 C**

21 Mr. Dykes said this has been an ongoing case for some time. Mr. Dykes said he needs to
22 discuss the status of the case, the upcoming mediation, litigation strategy and who the Commission
23 might want there with the authority if we get to a point where we are going to settle the matter. Mr.
24 Dykes said Gator Boring is still in the litigation, however Construction Services has been dismissed
25 they did pay \$2,500 to the city. Mr. Dykes said it should not be a long meeting, mediation starts in
26 June. He said in the past the city has sent city administrator with authority. Mr. Dykes said probably
27 need 30 to 45 minutes. Commission agreed to having that meeting before the regular Commission
28 meeting on June 12th.

29 **9. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – Okaloosa County League of**
30 **Cities Dinner Mtg. May 18, 2023**

31 Mayor announced the meeting and stated it will be in Crestview.

32 **10. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – Disbursements**

1 **COMM. HAMILTON MADE A MOTION TO APPROVE PAYING THE BILLS AS**
2 **OUTLINED IN THE FINANCIALS. COMM. BROWNING SECONDED THE MOTION,**
3 **WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.**

4 **ADJOURN**

5 There being no further business to be brought before the Commission, the meeting adjourned
6 7:22 PM.

7
8 _____
9 Hubert B. Smith
10 Mayor

11
12 _____
13 Catherine Hamilton
14 Chair, VCA

14 ATTEST:

15
16 _____
17 Tammy Johnson, CMC
18 City Clerk

19
20 ***A recording of the May 8, 2023, Commission meeting will be kept on the City's secure file
21 server as a permanent part of these minutes.***
22
23