

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

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

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

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

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

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

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

No non-resident concerns this evening.

1. ACTION ITEMS – Added Agenda Items

Nothing to add this evening.

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

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

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

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

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

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

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

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

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

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

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

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

6. ACTION ITEMS – Revise ROW Utilities Permit Application

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

7. ACTION ITEMS – Okaloosa Gas District New Structure

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

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

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

1. OLD BUSINESS – Update New City Hall Renovation

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

2. OLD BUSINESS – Heron Placement

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

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

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

Comm. Wasdin said nothing this evening.

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater

Mr. Scott said no issues reported to him.

3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Liaison Report

Mr. Chambers said nothing to report this evening.

4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Regional Sewer Update

Comm. Crosby said nothing to report this evening.

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Update

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

6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Center Update

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

7. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Department Updates

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

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

8. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS - Disbursements

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

ADJOURN

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

1 Mayor

2
3
4 Catherine Hamilton
5 Chair, VCA

6 ATTEST:

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8
9 Tammy Johnson, CMC
10 City Clerk

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