

MINUTES
CITY COMMISSION MEETING

March 13, 2023

The City Commission met this date in regular session in the Commission Chambers. Comm. Wasdin gave the Invocation. Mayor Smith recited the Pledge of Allegiance. A quorum being present, the meeting was called to order at 6:00 PM with the following in attendance.

Mayor	:	Hubert B. Smith
Commissioners	:	Catherine Hamilton (via portal)
	:	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: Les Chambers, Patrick & Laura Palmer, the Irwin's, Scott Work, Janet Bishop, Kyle Sohlewinsky, Chastity Burton, Michael Burton, Bryanna Asner, Susan Ennis, Barbara & Bobby Cowan, Grant Williams, Marianne & Linda Wright, Susie Jones, Terry Griffin, Bryan Griffin, Bob Bachelor, Mark Norris, Robin Helmer, David Nichols, Jessika & Steven Drudy, JD Cameron, George Thomsen, Eva Wise, Lorie Paez, Fernando Longoria, Legion Wilson, Brooke Wilson, Candy Hansard, Sandra Atkinson, Adam Koetner, Michael & Jackie Gilliam, Les Delsh, Janine Chutts, Stone Hansard, Cheryle Foraker, Jon Foraker, Greg Parry, Marcia Swanson, Matt & Kate Williams, John & Melody Autry

Mayor Smith asked Mr. Les Chambers, a planning commission member and our liaison with the USAF, to stand. He wanted to recognized Mr. Chambers this evening for celebrating his 58th wedding anniversary with Mrs. Chambers. **Mayor Smith MADE A MOTION TO APPROVE HAVING COMM. HAMILTON JOIN THE MEETING VIA PORTAL. COMM. WASDIN SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

APPROVAL OF MINUTES

COMM. BROWNING MADE A MOTION TO APPROVE THE MINUTES FROM THE EXECUTIVE SESSION ON FEBUARY 13, 2023 AS SUBMITTED. COMM. CROSBY SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

COMM. CROSBY MADE A MOTION TO APPROVE THE MINUTES FROM FEBRUARY 13, 2023 MONTHLY COMMISSION MEETING. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

Mayor Smith said he was glad to see the attendance this evening, but if several of you all have the same opinion, to find a spokesperson for that item.

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

No resident non agenda comments or concerns.

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

No non-resident concerns tonight.

1. ACTION ITEMS – Added Agenda Items

Nothing to add to the agenda this evening.

2. ACTION ITEMS – Okaloosa Walton Homeless Continuum of Care

1 Ms. Eva Wise, Board President of Homelessness and Housing Alliance, said they are the
2 leading agency in the Okaloosa Walton Homeless Continuum of Care, they completed an annual point
3 in time count and they received those results. She said the HHA counts all persons homeless for more
4 than 24 hours, she said this is for individuals and also families. Ms. Wise said the effects of
5 homelessness are felt by the entire community, economic issues, police resources and moral issue. Ms.
6 Wise said homelessness is not just the individual on the side of the road, there are families that sleep in
7 their cars at night. Ms. Wise said they work within Okaloosa and Walton counties, wants the
8 communities to know who they are and what they do. She said they needed any help that can be
9 provided and will be glad to speak to anyone about what they do. Mayor Smith said he appreciates
10 Ms. Wise's information and her presentation this evening.

11 **3. ACTION ITEMS – Resident Request Establish Ordinance to Allow Chickens**

12 Mayor Smith said there are a lot of people in attendance regarding chickens, he would like to
13 remind everyone they have a five minute talk time. He advised if several have the same opinion
14 designate two or three to speak. Mrs. Candy Hansard, 3 Quail Trail, said she believes everyone who
15 showed up tonight deserves to have their individual voices heard. She does not think that is right.
16 Mayor Smith referred that to Mr. Dykes, the city's legal counsel. Mr. Dykes said the Commission is
17 allowed to set reasonable perimeters on meetings and time for speaking. Mrs. Hansard said the
18 majority of the crowd is here to support the change in the ordinance. Mrs. Hansard said she is very
19 disappointed in our Commission, isn't right to shut people up, she and anyone else who would like to
20 have a chance to speak. Mrs. Hansard said one more thing, she saw Mayor Smith at Lowe's awhile
21 back before the most recent election, asked his opinion on chickens, he said he didn't care, he would
22 support chickens but asked that Mrs. Hansard not to bring it up until after the election. She said at that
23 time there were already 30 people interested in having chickens at home.

24 Ms. Missy Weakley, 360 Lincoln Avenue, said she hasn't always lived here but her family has
25 visited for 25 years, her big sister has lived here. She said she has been threatened online by members
26 of the mayor's family. Mayor Smith asked who that would be because he does not have any social
27 media accounts, he asked for a name. Ms. Weakley said Nicholas Holt. Mayor Smith said he is not a
28 blood relative, his ex-wife's grandson. Ms. Weakley said she is here to tell everyone why a new
29 chicken ordinance is important. She said anyone who knows her knows that she will find the truth.
30 Ms. Weakley said the City of Ft. Walton has a chicken ordinance, with only 1% having them, almost a
31 non issue. Ms. Weakley said the City of Crestview has a chicken ordinance with well under 10% of
32 residents having chickens. Ms. Weakley said she has spent time on the phone with the tax assessor's
33 office discussing the impact on people's property values, she said it is no different than having a cat or
34 dog. Ms. Weakley said the jets make more noise than a hen. She said she is not going to stop, that is
35 what people want. Ms. Weakley said Valparaiso is changing and this ordinance change will help

families with children. She said this is the largest turn out for a Commission meeting. Ms. Kelley Irwin, 184 Chicago, said that is not true, there was a larger crowd about the senior community center. After a brief discussion, Mayor Smith said he is only one vote of the Commission so he asked if there is any Commissioner who would like to change the ordinance we already have on chickens. Mayor Smith said no one will make the motion to change so therefore this matter is resolved.

Sandra Atkinson, Ft. Walton Beach, feels it is more about freedom than actually having chickens, it is also to help poor people and teach children. They have a lot of benefits for the public.

Reverend Dr. Matthew Owen Williams, 334 Lincoln, just like every other HOA in America we have rules we got to keep them up.

4. ACTION ITEMS – Resolution No. VCA 02-03-13-23 Disposal of Surplus Property

Mayor Smith read Resolution No. VCA 02-03-13-23, a resolution of the Valparaiso Cable Authority to approve disposal of surplus property. The surplus property 1) 2003 Dodge Dakota, 2) 2012 Ford F150, 3) 2008 12' Elite Trailer. Comm. Browning asked what has happened to these vehicles that they are no longer usable. Mr. Butler, General Manager of VBCS, said the Dakota has been down for two years, the F150 not running, has a blown head gasket and the trailer was purchased by the previous general manager of the cable department and has never been used. **COMM.**

WASDIN MADE A MOTION TO APPROVE RESOLUTION NO. VCA 02-03-13-23 AS READ. COMM. HAMILTON SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.

5. ACTION ITEMS – Approve Purchase of Two New Vehicles

Mr. Bulter said he would like to have approval to purchase two new 2023 Ford Transits, from Step One Automotive on a state contract. The cost per van would be \$34,227.00. Mr. Butler said if they can deliver this year, he would like to request taking money out of reserve, if next year will put in budget. Mrs. Johnson said the Communications Dept. has enough money in their reserves. **COMM**

WASDIN MADE A MOTION TO APPROVE THE PURCHASE OF TWO 2023 FORD TRANSITS. COMM. BROWNING SECONDED THE MOTION. Mr. Dykes said when will we know if the purchase will be this year or next. Mr. Dykes said he knows from other cities there is a difficulty in getting vehicles delivered. Mr. Bulter said he wanted to clarify if it was ok to purchase before an actual purchase order is generated. **COMM. WASDIN CLARIFIED HER MOTION GET ESTIMATE AND TIMELINE TO MOVE FORWARD FOR THIS FISCAL YEAR OR NEXT WITH NO COST DIFFERENCE. COMM. HAMILTON SECONDED THE MOTION. COMMISSION VOTED UNANIMOUSLY 5 TO 0 IN FAVOR OF THE MOTION.**

1. OLD BUSINESS – Ordinance No. 720 Vacation of ROW Trinity Presbyterian

Mayor smith read 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

1 from point of origin at Chicago Avenue to the east and to Southview Avenue to the west. Mr. Dykes
2 said this matter was addressed in 2004 by the sitting commission and they vacated the right-of-way,
3 pursuant to your code it is supposed to be done by Ordinance and no Ordinance was done so this is
4 some housekeeping. The Church is in the process of adding a building and they need this for their
5 loan. This is the second reading. He said we are reserving the 15 foot easement to be able to maintain
6 the utilities that are in there if necessary. Mr. Scott said everything actually happened in 2004, by
7 unanimous vote of the Commission there is a sewer line that goes through the easement. Mrs. Brant
8 said she has someone working on easement. Mr. Dykes said this is for the entire length of the right-of-
9 way. Mr. Dykes said he would suggest the Commission only approve it based on us receiving separate
10 written easements from the adjacent Property Owners. He said the concern of the church has a loan
11 that they need to provide proof of the easement to move forward. **COMM. WASDIN MADE A**
12 **MOTION TO APPROVE ORDINANCE NO. 720 AS WRITTEN. COMM. HAMILTON**
13 **SECONDED THE MOTION.** Mrs. Johnson said proof of publication from the Northwest Florida
14 Daily News March 3, 2023. **COMMISSION VOTED UNANIMOUSLY 5 TO 0 IN FAVOR OF**
15 **THE MOTION.**

16 **2. OLD BUSINESS – Update 363 Washington Bid**

17 Mr. Dykes said the Commission received bids and they voted last month to approve Watree
18 Construction. He said Grand American had submitted a bid that was \$100 over the highest bid up to
19 \$100,000, that bid was rejected. Mr. Dykes said both attorneys are here this evening from Watree
20 Construction and Grand American.

21 Mr. Thomas Lutz, representing Grand American Enterprises, Inc. owner Malcolm Spears, said
22 he believes the Commission's decision to remove Mr. Spear's bid was done in error. The bid the was
23 accepted did violate the terms you published. Mr. Lutz asked that the city revoke Watree's bid and
24 accept Grand American's Bid reconsider or reject all three bids and send the invitation out to bid again.
25 Mr. Scott Work, attorney for Watree Homes, said that the Commission has made the decision and he is
26 here to ask that the Commission stand by its agreement. His point you have already chosen the bid,
27 and they are ready to go. **COMM. WASDIN MADE A MOTION TO DISCUSS THIS TOPIC.**
28 **MAYOR SMITH SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF**
29 **THE COMMISSION 5 TO 0.**

30 Mr. Dykes said if you follow Mr. Lutz, reject the Watree bid and go with Grand American that
31 would be the end of that. I'm sure you would understand the legal implications of that with Watree.
32 Another option is to reject all bids and reissue the invitation to bid what happens then we are 30 to 60
33 days out. Watree would like to proceed with their bid and begin moving. Mr. Dykes said Watree
34 could take the city to court, but Grand American could also do the same. Comm. Browning said he
35 does not believe the bid from Grand American was a valid bid. In a sealed bid you say exactly what

1 you will pay and that is it, not a bid to go over highest by \$100. Mr. Dykes said, as he stated in
2 February, it is in the Commission's purview to reject any bid. Comm. Crosby said in saying they
3 would pay \$100 over highest bid, if that had been the only bid, wouldn't have been valid, it hinges on
4 having other bids. Comm. Crosby said he thinks we should reject all bids and start the process over.
5 Mayor Smith said he believes that with a sealed bid you put a certain price down when you throw a
6 caveat in there, it is like putting the property on an auction block. Mayor Smith stated he does not
7 personally know either builder. Comm. Hamilton said she feels that this kind of bid is not a real bid, a
8 sneaky bid she feels. Mayor Smith asked Mr. Dykes what to do. Mr. Dykes said he can't say what the
9 Commission should do, he can just give advice. Mr. Dykes said he also can't say what other parties
10 will do. Mr. Dykes said the consensus at the time of the vote, was not to honor the Grand American
11 bid. It is within the Commission's power to reject the bid. Mr. Dykes said keep the bid from Watree
12 Construction and go forward or cancel the bids and start process a new. **COMM. WASDIN MADE A**
13 **MOTION TO UPHOLD THE BID BEING AWARDED TO WATREE CONSTRUCTION.**
14 **COMM. BROWNING SECONDED THE MOTION.** Comm. Crosby said we could reject all bids
15 and republish. **MOTION PASSED BY VOTE OF THE COMMISSION 4 TO 1, WITH COMM.**
16 **CROSBY VOTING IN THE NEGATIVE.**

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

18 Mr. Dykes said we had a meeting with Mr. Chandler Huff on March 2nd after which they
19 reached out to Mr. Busbee, Okaloosa County, to see if we need to amend the lease or drafting up
20 additional documents. Mr. Dykes said he emailed Mr. Busbee a copy of the lease and Mr. Busbee
21 informed him that he and his attorney would look over the documents. Mr. Dykes sent a copy of this
22 correspondence to Mr. Huff. He said if he does not hear back from Mr. Busbee, he will work under
23 the assumption that Mr. Busbee is not going to change his opinion, then he will start drafting those
24 documents.

25 **4. OLD BUSINESS – Update New City Hall Renovation**

26 Mrs. Brant said finishing up the final details, outlets etc. She said in the good news working
27 with Comm. Hamilton and they are looking to have a bank use the drive through space and putting
28 that in the plans. Ms. Brant said working on lease agreement for the rental. Mayor Smith said this
29 doesn't have anything to do with the elevator? Mrs. Brant said add a wall, a door and some keying
30 and that would be it. Mrs. Brant said yes to Mr. Dykes question if this is a proposed financial
31 institution. Mr. Dykes said based on those discussions we can bring back a proposed lease agreement
32 footprint and layout, money and terms have details to bring back to Commission to vote on. Comm.
33 Wasdin said after getting this done, will be fall before we can get in. Mrs. Brant said no sooner, we
34 have to add the wall and make sure everything is ADA compliant.

35 **5. OLD BUSINESS – Derelict Vessel Update**

Chief Hart said he has been in touch with Jennifer Tyler, who is with the derelict boating removal program at FWC. She told him that the boat in Tom's Bayou and the two boats in Boggy Bayou are in the bidding process for contractors and they have until the close of business on March 9th. It will take one to two days to pick the contractor. Chief Hart said Ms. Tyler advised that contractors are given 75 days to remove the vessel, it generally does not take that long, and the contractor is not paid until the job is completed. Chief Hart said Ms. Tyler also told him the reason they took the process back from the county is due to having Federal funding to remove the vessels and wanted to lessen the financial burden on the counties where possible.

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

Comm. Wasdin doesn't have anything this evening to report.

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater

Mr. Scott has nothing to report this evening.

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 there is a problem across the country with flushable wipes, many of them are not, our local sewer plant has had trouble with buildup. He said there are pictures from around the country where once they encounter grease they cause back up and a plumber has to be called.

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Update

Mr. Bachelor, chair of the Planning Commission, has a presentation of the recommended projects for the city by the Planning Commission. Chair Bachelor and members have established a project list of priorities for the City Commission to review and put in motion. Chair Bachelor presented a power point presentation for this evening. He said in the presentation projects he has put them in order of priority, along with cost, possible funding and the planning is for fiscal year 2024 through 2029.

Mr. Bachelor reviewed projects 1) Glendale St. Mary's Stormwater, 2) Sewer Long Term Upgrades, 3) City Utilities Area Improvement, 4) Sewer Installation off Virginia Avenue, 5) Water Line Upgrades, 6) Water Pressure Increase 50 homes, 7) Park Improvements, 8) Perrine Park Splash Pad, 9) Lincoln Park Boat Ramp Improvement, 10) Install H2O Pumps at Homes on the Hill, 11) City Signage, 12) Sewer Pipe Lining, 13) Doolittle Park, 14) Sunset Cemetery Mausoleum, 15) Street Improvement Paving, 16) Stormwater Conveyance, 17) Crash Zone Homes Purchase, 18) Generators for 6 Sewer Lift Station.

Chair Bachelor also listed which Commissioners would be responsible for each project and he said he didn't know who would be responsible for project 17) Crash Zone Home Purchases. Mayor Smith said he will take it over, Mr. Scott said you have to start with appraisals. Mr. Scott said the first

step would be to identify properties and get appraisals. Discussion followed. Mayor Smith said he appreciated Chair Bachelor, and all Planning Commission members work done on this list.

6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Center Update

Mr. Patrick Palmer, Chairman of the Community Center, has an operational plan phase development from 2023-2028, to present this evening. Chair Palmer is asking for the \$8,000 that is for the community center be increased to \$20,000. Chair Palmer said a waiver of liability was provided to Mr. Dykes waiting for his response. Mr. Dykes said he didn't realize they were waiting on a reply, he would get an email back to them. Chair Palmer said the council on aging who also uses the building do use the cable, not sure how much or how long, but it is used. Chair Palmer asked if the Community Center could have a food truck come to their location once a week for the month of May. Mayor Smith asked how they would advertise this event? Chair Palmer said by word of mouth, on the Facebook page, he will personally take a flyer out to the base, and drop one at city hall.

Chair Palmer asked again if they may remove the old signage, he has spoken with the Council on Aging and they too would like it removed. He said it is old, with incorrect times, is an eyesore that they would like to have removed. Chair Palmer said he has also received quotes for cleaning the facility, quotes are from local businesses, \$80 biweekly to make available to seniors also. Chair Palmer said they are also in need of cleaning supplies and wasn't sure how to start the process, up until the point members have been bringing cleaning supplies in from their homes or purchasing, is there a way the city could open a supply line? Mrs. Johnson said they would just need to supply a list, she knows the council of aging have supplies but they lock them away when not in use. Chair Palmer said he would also like to see if the community center could have someone out for pest control. Mayor Smith asked if the community center is asking for the money to maintain what we presently have? Chair Palmer said yes, the basic function for the community center and the fundamentals established. Mayor Smith asked Comm. Crosby to get with Chair Palmer, since Comm. Crosby is over the city buildings. Mrs. Johnson said the city already provides \$8,000 a year for the center. She explained when money is left over in the budget from a line item at the end of fiscal year, that money is rolled back into city reserves. Chair Palmer said in their operational plan, they have provided needs and wants from the easiest to the hardest, with the hope of completing phases 1 and 2 this year.

Mr. Scott asked when they want to start food trucks on Friday? Chair Palmer said would like to start the first Friday in May. Mr. Dykes said if not properly zoned, Mr. Scott said we need to waive requirements. Mr. Dykes said if you have an ordinance on this, would need to add special language.

Chair Palmer asked again if the signage could be removed? **COMM. CROSBY MADE A MOTION TO APPROVE THE REMOVAL OF SIGNAGE. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 5 TO 0.** Mrs. Johnson said they will just remove? Chair Palmer said yes, they have some ideas that they will bring

to the Commission soon. Mayor Smith said the community center might want to look into local businesses who might want to do signage for free as part of their advertising in the neighborhood. Mayor Smith said he appreciates the work from the members of the Community Center.

7. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Department Updates

Mr. Butler said last meeting he was asked if the new IPTV could be carried on other internet providers, he checked with them, and it cannot. Mr. Butler said the IPTV solution can only be run on the city's internet, due to licensing issues.

Mr. Scott said he had to have the service techs out to his home recently and he has 100% appreciation and is ready to go with IPTV.

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.

9. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – Etc.

Chief Mayville wanted to introduce Mr. Matthew Webster; he is the assistant fire chief. Chief Mayville said Mr. Webster has been employed with the City of Niceville Fire Department for about eight years and was promoted to assistant in January. Chief Mayville said that Mr. Webster was responsible for the majority of grants the fire department has received, he is the grant guy. Mayor Smith said in either 2006 or 2007 he got with Mr. Corbin from the City of Niceville to integrate Valparaiso and Niceville fire departments together and thinks this has been the best for both cities. Chief Mayville said that is not to say the Valparaiso Volunteer Fire Department wasn't doing a good job, but being able to put the departments together has helped both cities.

ADJOURN

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

Hubert B. Smith
Mayor

Catherine Hamilton
Chair, VCA

ATTEST:

Tammy Johnson, CMC
City Clerk

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