

MINUTES
CITY COMMISSION MEETING
April 10, 2023

The City Commission met this date in regular session in the Commission Chambers. Comm. Browning 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.

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

Others in attendance: (Not Inclusive) Bob Bachelor, Robin Helmer, Les Chambers, the Palmers, Derek Sanchez, Timothy Peregoy, Barb Palmgren, Marie Hallion, the Irwins, Tami Guilmain, Trisha Rowe, Erin Phalen, David and Bonnie Nichols, Silvia Sommeaer, Rebekah Jackson, Adam Koertner, Laura Craig, Candy Hansard, Susan Ennis, Sarah Vonniederhauserin

Mayor Smith said he appreciated the crowd that had gathered this evening. He also wanted to apologize for his behavior at the March 13th regular Commission meeting. Mayor Smith said he may have hurt some people's feelings and offended some people and that he wanted to make amends. He said going forward he will try to do better.

APPROVAL OF MINUTES

COMM. CROSBY MADE A MOTION TO APPROVE THE MINUTES FROM MARCH 2, 2023. COMM. HAMILTON SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.

COMM. CROSBY MADE A MOTION TO APPROVE THE MINUTES FROM MARCH 13, 2023. COMM. HAMILTON SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.

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

Mr. Derek Sanchez, 312 Michigan Avenue, had a power presentation this evening, in support of allowing chickens into the city. He said he appreciated the opportunity to speak this evening, he has talked to Comm. Hamilton, Mayor Smith and Comm. Browning at different times, Mr. Sanchez is a proponent of sustaining life, raising vegetables on his property, where he has lived in a homesteaded property the last four years. Mr. Sanchez said chickens would help reduce carbon footprint and improve the quality of life for all. During the pandemic, they had been homeschooling their children, and why he doesn't know algebra and essay writing, he does know how to grow things. Mr. Sanchez said the chicken poop is good for the environment, should not be smelly unless not being taken care of. The decimal level of chickens wouldn't come close to the noise of an F 35. He said his children loved growing their own food and eating from their own garden. Mr. Sanchez said all organic composite in recycle bins and that would help with the bear problem. Mr. Sanchez said in closing homesteading and growing life makes him happy. He appreciates everyone's listening this evening.

Mrs. Candy Hansard, 3 Quail Trail, said Valparaiso residents are suffering from price increases. Mrs. Hansard said most people today do not remember the great depression, but we might not be too far away from the great depression 2.0. She said with the oil gas being limited, banks failing, Iran, not sure how our acting president could defend the country from China, they could kill us with a balloon. Mrs. Hansard said that one way we can be more self sufficient is by growing our own food, fresh clean water,

solar back up, having chickens to provide for families. Mrs. Hansard said Valparaiso is blessed with active and retired military that may have to be prepared to join the police department to have the manpower to protect our city. She said God bless us all.

Ms. Missy Weekly, 360 Lincoln Avenue, said she appreciates the Mayor's apology and hopefully we won't have another meeting like that. She said she has not been actively seeking signatures on the petition recently but there are still 6 to 10 people a day added. Ms. Weekly said she spoke with Teresa at the Supervisor of Elections office and currently we have 3,224 registered voters in Valparaiso, she said we are taking the time to verify all who have signed the petition through property tax records and voter registration rolls. Ms. Weekly said also making sure no one under 18 has signed. She said in the last few years several states Arizona and Texas have passed chicken ordinances. Ms. Weekly said they want to be proactive; you can only get chickens at a certain time each year. She said there are 380 people so far and she will continue to update us.

Ms. Bonnie Nichols, 174 Chicago Avenue, said she had been out of town, but had been keeping up with the meetings and she is anti chicken within the city limits. She said that is her position as a resident homeowner.

Mr. Bob Bachelor, 154 Grandview Avenue, said that he is firmly against changing the City Ordinance Chapter 10, Section 10-15, Livestock, Fowl generally. As written, it does not allow any resident to "keep or maintain any such...fowl...within city limits. In the ordinance the word "fowl" specifically refers to "chickens". Mr. Bachelor had written a letter which is in the Commission packages, so he said he wasn't going to go over everything, just a couple of items. He believes as far as the petition goes that on top of the verification process, he also believes one single lot should have 1 vote not a vote for every member in the household. Mr. Bachelor said he believes that only property owners should have a say in this situation. Mr. Bachelor said just as some property owners do not allow cats or dogs on the property it should be the property owner's decision. He said chickens are going to attract wild animals. In closing Mr. Bachelor asked the Mayor and Commissioners to maintain the ordinance as it is.

Ms. Cynthia Chafee, 265 Washington Avenue, said she lives on a corner lot of Washington and Chicago and people fly up and down that road. She is asking if the city would put a stop sign on Chicago. Mayor Smith told her that Chief Hart would investigate the situation.

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

Mr. Timothy Pamzer, said he was previously a member of the Mary Esther City Council before he moved to DeFuniak Springs and said Mary Esther passed an ordinance to allow chickens. He said the things discussed this evening are similar to what the people were saying in Mary Esther, chickens provide a sustainable food source, they are not that loud or smelly. Also, time tending to them with family provides an opportunity to bond. Mr. Pamzer also suggests the Commission look at what other cities have done and are doing regarding chickens.

1. ACTION ITEMS – Added Agenda Items

Nothing to add to the agenda this evening.

2. ACTION ITEMS – Heritage Museum Funding Request

Mrs. Barb Palmgren and Ms. Marie Hallion with the Heritage Museum are here this evening to discuss the city's bed tax revenue. Ms. Palmgren said every city in Okaloosa County gets bed tax money, and she feels that a lot of tourists come to the museum. Ms. Palmgren said they would like to request the city pay \$5,000 for the restoration of the Carmichael Buggy. She said the historical society has raised around \$1,000, if they could get the \$5,000 from the city with the city being reimbursed by the TDC (Tourist Development Council) through the bed tax program, they could have the buggy restored. Ms. Palmgren said on April 29th the museum will have a free opening day for anyone to visit the museum, once the buggy is restored it will be a beautiful addition to the museum. **MAYOR SMITH MADE A MOTION TO GRANT \$5,000 BE DONATED TO THE HERITAGE MUSEUM FOR THE RESTORATION OF THE CARMICHAEL BUGGY WITH THE CITY BEING REIMBURSED THROUGH TDC BED TAX REVENUE.** Mrs. Johnson said the paperwork has been completed and needs to be sent to the TDC, she called to see if she could sign, but was told the administrator would have to sign, so she will get Mr. Scott's signature. **COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

1 **3. ACTION ITEMS – Approve Sewer Rehab Plat 1 Task Order**

2 Mrs. Brant said this project is already in the budget, Plat I is the oldest part of the city, still has
3 terracotta clay pipes, gaskets have given way causing leaking. She said we could probably do all of Plat I
4 for less money than what is in the budget to use. Mr. Kelley said Mrs. Brant did a great job, it was a
5 budgeted item, and he thinks it is a really good thing for the city. Mayor Smith said he would like to offer
6 kudos to Mr. Kelley, he saw him on the garbage truck today, short handed so he just jumped on the truck.
7 Mr. Kelley said completion date by end of the fiscal year in September, contract good through May 2024.

8 **MAYOR SMITH MADE A MOTION TO SIGN THE TASK ORDER FOR SEWER REHAB**
9 **WORK IN PLAT 1 THAT HAS BEEN BUDGETED. COMM. BROWNING SECONDED THE**
10 **MOTION, WHICH PASSED BY UNANIMOUS VOTE OF 4 TO 0.**

11 **4. ACTION ITEMS – Approve Solid Waste Transfer & Disposal Agreement**

12 Mr. Kelley said we have been under contract with Republic Services, they are a public hauler, we
13 had been locked in on prices since 2013 but that will end April 30, 2023. Mr. Kelley, the rates are
14 competitive, this will be a five year plan. Mrs. Johnson asked if we would have to raise rates on garbage,
15 Mr. Kelley said not at this time. **COMM. BROWNING MADE A MOTION TO APPROVE SOLID**
16 **WASTE TRANSFER AND DISPOSAL AGREEMENT. COMM CROSBY SECONDED THE**
17 **MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

18 **5. ACTION ITEMS – Resolution No. 07-04-10-23 Fee Waiver for Food Trucks**

19 **Mayor Smith read** Resolution No. 07-04-10-23, a resolution of the City Commission authorizing
20 the waiver of permit fees for the placement of food trucks at the Community Center on designated dates
21 as provided by the City of Valparaiso Community Center Board pursuant to section 62-36 (2) of the City
22 of Valparaiso Code of Ordinances. Mayor Smith said Mr. Palmer had requested on behalf of the
23 Community Center to have food trucks on Fridays. Mr. Palmer said he believes this event will bring in
24 about \$2,700 a year extra for the community center, there will be one truck each Friday until September.
25 Mr. Palmer said he would like to recognize all the work Mrs. Laura Palmer has done to bring this idea to
26 fruition. **COMM. CROSBY MADE A MOTION TO APPROVE RESOLUTION NO. 07-04-10-23**
27 **AS READ. COMM. HAMILTON SECONDED THE MOTION, WHICH PASSED BY**
28 **UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

29 **6. ACTION ITEMS – Resolution No. VCA 03-04-10-23 Increase IPTV Rates**

30 Mayor Smith read Resolution No. VCA 03-04-10-23, a Resolution of the Valparaiso Cable
31 Authority to increase Internet Protocol Television (IPTV) rates and provide an effective date. IPTV Basic
32 \$25 increased to \$32 plus cost of internet, IPTV Core \$55 increased to \$63 plus cost of the internet, IPTV
33 Core + \$65 increased to \$77 plus cost of internet, IPTV Premium \$85 increased to \$95 plus cost of
34 internet. Mr. Butler said anyone who has already signed up will keep the original prices until October
35 2023. **COMM. HAMILTON MADE A MOTION TO APPROVE RESOLUTION NO. VCA 03-04-**
36 **10-23. COMM. BROWNING SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS**
37 **VOTE OF THE COMMISSION 4 TO 0.** Emily Sandlin, Chicago Ave, stated with the old system
38 when we subscribe to Showtime we can access Showtime anywhere via Watch TV Everywhere, will we
39 still be able to do this.? Mr. Butler stated we will no longer have this capability.

40 Mr. Dykes said if the Commission wants, they will also need to make a motion keeping the rates
41 at original pricing for current customers until October 2023. **COMM. BROWNING MADE A**
42 **MOTION TO ALLOW THOSE CUSTOMERS WHO CURRENTLY HAVE THE IPTV**
43 **SERVICE MAINTAIN THE ORIGINAL RATE UNTIL OCTOBER 2023. COMM. CROSBY**
44 **SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE OF THE**
45 **COMMISSION 4 TO 0.**

46
47 **1. OLD BUSINESS – Update 363 Washington**

48 Mr. Dykes said this is the property we are attempting to sell through the bid process and awarded
49 to Watree Construction, however Grand American has a suit against the city and Watree to stop the sale
50 of the property, so the city still owns the property. He said they asked the court to enter an injunction, but
51 the court denied. Mr. Dykes said Watree still wants to purchase, this is a developing matter. Mr. Dykes
52 said at some point we may have to have an Executive Session. Mr. Dykes said both the city and Watree

will need to respond to the lawsuit. We are hopeful that we may be able to get a motion for summary judgement in the next few months if that is not successful then have the matter go to trial. Unless Grand American or Watree decide to drop out. I'm surprised it has gotten this far. Mr. Dykes said that Watree has sent an updated contract that has to be approved by the Commission. Mr. Dykes said we have a strong case, and I will keep you updated.

2. OLD BUSINESS – Revised Future City Hall Lease Agreement (Synovus Bank Bld)

Mr. Dykes said last month we had the meeting with Mr. Huff, he asked us to look at taxes. We reached out to tax the collector to look at again not surprising they did not change their stance. Mr. Dykes said Mr. Huff requested we proceed forward with him providing a deed to the city so ownership would transfer, his company will hold the promissory note. Mr. Dykes said once things are completed the Commission will have to approve a resolution.

3. OLD BUSINESS – Update New City Hall Renovation

Mrs. Brant said we have a tentative schedule, plans and specifications should be ready within the next two weeks by the end of April. The renters are good they have till the end of the year, will add a wall and they will be good to go.

1. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – TPO/DOT

Comm. Wasdin is out this evening.

2. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Stormwater

Mr. Scott is out this evening.

3. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Liaison Report

Mayor Smith thanked Mr. Chambers for his attendance and for what he does for the city. Mr. Chambers said working on a City of Valparaiso Eglin Air Force Base appreciation day picnic in one of our parks. Mr. Chambers said the leadership at Eglin are excited about the event, will have more info in the next days.

4. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Regional Sewer Update

Comm. Crosby said everything is going well.

5. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Planning Commission Update

Mr. Bachelor said the monthly meeting was held last week, went through chapters 1 through 5 of the Comprehensive Plan, with some updates, will need some assistance with the Florida Statutes. Mr. Bachelor said one of the statutes that is used in the plan has been repealed. Mr. Bachelor said he would like to sit down with Mr. Dykes and Mr. Scott to get their input. Mr. Dykes said he would have to bill the city and using Mr. Scott would take him away from other tasks, might want to look at hiring a consultant. Mr. Dykes said this is a niche area to do the Comp Plan runs outside of the boards and staff. Mr. Dykes said if the Commission wants, they will do it, or they might want to contract it out. Comm. Hamilton said she would also like to hear what Mr. Scott thinks. Mr. Bachelor said the Planning Commission can continue to review. Mr. Bachelor said they are working in five chapter intervals. Mr. Bachelor said the with respect to the clear zone home areas the 13 homes, I prepared strategy document for Planning Commission to look at and modify it was a draft. How to go about structuring this and running by the Air Force to see if they would agree and so forth, that is if some kind of deal can be made with those homeowners. Mr. Bachelor said before the Planning Commission discussed a motion was made to case work on the clear zone homes a second was made I said let's discuss there was as nothing but silence so we voted, and it was unanimous I will send all of you the strategy document and that was the end of our meeting.

6. REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Community Center Update

Mr. Palmer said it is the hope that they will be self-sustaining within five years. He said they would also like to see if it is possible to use part of the TDC money like the Heritage Museum did earlier, to get to operation plan phase 4, \$15,000. Mrs. Johnson said those funds must be used for tourist development. Comm. Hamilton said maybe it could be used for signs or points of interest. Mr. Dykes said in the beginning the TDC was very restrictive but there is nothing to stop the city from submitting a request. Mrs. Johnson said for this year we would be too late because the applications have to be in by April 14th, maybe try for next year. After a brief discussion Mr. Palmer asked for a motion for funds for paint and food truck signs, **COMM. HAMILTON MADE A MOTION TO APPROVE UP TO \$5,000**

1 **TO BE GIVEN TO THE COMMUNITY CENTER. COMM. BROWNING SECONDED THE**
2 **MOTION, WHICH PASSED UNANIMOUS VOTE OF 4 TO 0.**

3 **REPORTS/CORRESPONDENCE/ANNOUNCEMENTS – Department Updates**

4 Nothing this evening.

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

6 **COMM. BROWNING MADE A MOTION TO PAY THE BILLS AS OUTLINED IN THE**
7 **FINANCIALS. COMM. CROSBY SECONDED THE MOTION, WHICH PASSED BY**
8 **UNANIMOUS VOTE OF THE COMMISSION 4 TO 0.**

9 **9. REPORTS/CORRESPONDENCE/ANNOUNCEMENT – OCLC Dinner Mtg. May 18, 2023**

10 Mayor Smith said the Okaloosa County League of Cities dinner meeting will be May 18th, the City
11 of Crestview is host.

12 **ADJOURN**

13 There being no further business to be brought before the Commission, the meeting adjourned at
14 8:05PM.

15
16 _____
Hubert B. Smith
17 Mayor

18
19 _____
Catherine Hamilton
20 Chair, VCA

21
22 ATTEST:

23
24 _____
25 Tammy Johnson, CMC
26 City Clerk

27
28 ***A recording of the April 10, 2023, Commission meeting will be kept on the City's secure file
29 server as a permanent part of these minutes.***
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32