



# AGENDA

## CITY COUNCIL MEETING - REGULAR SESSION

MONDAY, MARCH 04, 2024 at 9:00 AM

Midtown Plaza, 401 McLaughlin Ave., Bonifay, FL 32425

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### I. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Adopt Amended Resolution 2024-005

### II. APPROVE AGENDA

### III. APPROVE MINUTES

- [A.](#) February 20th, 2024 Regular Session Meeting Minutes

### IV. APPROVE ACCOUNTS PAYABLE / TRANSFERS / FINANCIAL SHEETS TO REVIEW

### V. VISITORS – PUBLIC ADDRESSING THE COUNCIL

#### NON- AGENDA AUDIENCE

Effective October 1, 2013, Florida Statute 286.0114 mandates that “members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board or Commission.” Each individual shall have three (3) minutes to speak on the proposition before the Board. . THIS IS NOT A QUESTION AND ANSWER SESSION. It is NOT a political forum, nor is it a time for personal accusations and derogatory remarks to/or about City personnel. Those who wish to speak are reminded to observe proper decorum, and to avoid the use of profane or vulgar language. If you would like to address the City Council please come to the podium, state your name and address for the record

### VI. PLANNING & ENGINEERING

- A. Melvin Engineering

### VII. OLD BUSINESS

A. Confirmation of Planning and Zoning Board

Bob Davis -City Resident and Business Owner

Stephanie Cloud - Business Owner

Betty Slay - City Resident and Business Owner

Sheryl Johnson - City Resident

Kate Bush - Business Owner

B. Ordinance 439- Comprehensive Plan Changes

C. Amended Resolution 2024-005

**VIII. NEW BUSINESS**

A. Kiwanis Club Land Agreement

B. Police Department- Body Camera Grant

**IX. COUNCIL / DEPARTMENT SUPERVISORS / CITY ATTORNEY DISCUSSION**

Items not listed on Formal Agenda.

A. Personnel Updates

B. Department Updates

-Police Department February Recap

-Fire Department February Recap

C. Employee Spotlight

**X. ADJOURN**

**Persons with disabilities needing special accommodations to participate in this proceeding should contact City Hall at (850) 547-4238, at least five days prior to the proceedings.**



## MINUTES

### CITY COUNCIL MEETING - REGULAR SESSION

TUESDAY, FEBRUARY 20, 2024 at 6:00 PM

Midtown Plaza, 401 McLaughlin Ave., Bonifay, FL 32425

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#### I. CALL TO ORDER

Mayor Larry Cook called the meeting to order at 6:00 pm.

##### PRESENT

Mayor Larry Cook  
Council Member James Sellers  
Council Member Shelley Carroll  
Council Member Rick Crews  
Council Member Eddie Dixon

Also present:

City Clerk Rickey Callahan, City Attorney Jon Holloway, Police Chief Johnny Whitaker, Chief Plant Operator Matt Perry, Fire Chief Travis Cook, Deputy Clerk Tracy Walker, and Executive Assistant Sierra Smith.

##### A. Invocation

City Clerk Callahan gave invocation.

##### B. Pledge of Allegiance

City Clerk Callahan led the Pledge of Allegiance.

#### II. APPROVE AGENDA

Motion made to approve the agenda by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

**III. APPROVE MINUTES**

A. 02/05/2024 Regular Session Minutes

Motion made to approve 02-05-24 minutes by Council Member Sellers, Seconded by Council Member Crews.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

**IV. APPROVE ACCOUNTS PAYABLE / TRANSFERS / FINANCIAL SHEETS TO REVIEW**

Motion made to approve Accounts Payable, Transfers, and Financial Sheets by Council Member Sellers, Seconded by Council Member Carroll.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

**V. VISITORS – PUBLIC ADDRESSING THE COUNCIL**

**NON- AGENDA AUDIENCE**

Effective October 1, 2013, Florida Statute 286.0114 mandates that “members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board or Commission.” Each individual shall have three (3) minutes to speak on the proposition before the Board. . THIS IS NOT A QUESTION AND ANSWER SESSION. It is NOT a political forum, nor is it a time for personal accusations and derogatory remarks to/or about City personnel. Those who wish to speak are reminded to observe proper decorum, and to avoid the use of profane or vulgar language. If you would like to address the City Council please come to the podium, state your name and address for the record

Richard Willsey questioned the following:

Land Use Classifications, Mayor Cook's residential address being in a commercial zone, and the fire department purchasing a \$7500 UTV.

**VI. PLANNING & ENGINEERING**

No updates.

**VII. OLD BUSINESS**

A. Ordinance Number 439 - Second Reading and Adoption Water and Sewer Utility Rates

Motion made to approve final reading and adoption of Water & Sewer Rates Ordinance 439 by roll call vote by Council Member Dixon, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

**B. B&B Management Solutions Grant Updates**

Dr. Emily McCann, B & B Management Solutions, told the Council Members that she has been able to work with Executive Assistant Smith on the USDA grant and will be submitting it probably by the end of the week. The request for funding is \$498,000 with a zero cost share for the City.

Dr. McCann stated that with FDOT there is a MSCOP grant for street paving. The Council put in an application for Weeks Street to be repaved and B & B Management Solutions would be happy to pursue that again if the Council would like to.

Dr. McCann said there is also a CDBG Block Grant, with no match, that the City might want to look at.

**VIII. NEW BUSINESS**

**A. Planning & Zoning Board**

Motion made to approve forming a Planning and Zoning Board for the Comp Plan by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

**B. State Lobbying Contract**

Motion made to deny approval of City Clerk signing of State Lobbying Contract by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

**C. Rec Center Admin Contract**

Motion made to approve City Clerk signing of Rec Center Administration Contract with Liberty Partners, to be paid out of grant, by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

**D. Resolution 2024-10 USDA Grant**

Motion made to approve Resolution 2024-10, contingent on Attorney Holloway's review, by roll call vote by Council Member Crews, Seconded by Council Member Dixon.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

E. Resolution 24-15 City Election 2024

Motion made to approve Resolution 24-15 City Election 2024 by roll call vote by Council Member Crews, Seconded by Council Member Carroll.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

F. Eureka Square Usage April 5th, 2024

Executive Assistant Smith told the Council Members that Matt Tate, with the Holmes District School Board, wanted to use Eureka Square on April 5, 2024 for a political rally, and will sign the City Facilities Use agreement.

Motion made to approve use of Eureka Square by Council Member Crews, Seconded by Council Member Carroll.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

G. Bonifay Fire Department Emergency Reporting System

Fire Chief Travis Cook advised the Council that it is necessary for the Fire Department to upgrade their Emergency Reporting System software at a cost of \$3,422.75.

Motion made to approve system upgrade by Council Member Crews, Seconded by Council Member Dixon.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

H. Records Management System- Chief Whitaker

Chief Whitaker advised the Council that he had gotten quotes for a Records Management System for the City Police Department and hardware for the Police Vehicles and shared the needs and costs with the Council.

Motion made to approve Records Management System for Police Department from Crimestar in the amount of \$21,900 and hardware for the vehicles from Modern Tech in the amount of \$12,528 by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

I. Bonifay Police Department Vacancy Hire

Chief Whitaker recommended hiring Ricky Thompson as Deputy Chief. He also recommended hiring Bo Smith and Ander Sullivan as patrol officers for the Bonifay Police Department and requested Council approval.

Motion made to approve hiring recommendations by Council Member Crews, Seconded by Council Member Dixon.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

**IX. COUNCIL / DEPARTMENT SUPERVISORS / CITY ATTORNEY DISCUSSION**

Items not listed on Formal Agenda.

A. Personnel Updates

Executive Assistant Smith told the Council Members that Public Works Director Trey Barbee was out and was awaiting the arrival of their baby boy.

B. Department Updates

Executive Assistant Smith stated that the second phase of our clean drinking water project was funded for 2.6 million dollars.

C. Employee Spotlight

City Clerk Callahan spotlighted Chris Johnson, the Assistant Public Works Director, for stepping up and doing a very good job with Public Works Director Barbee being on leave..

**X. ADJOURN**

Motion made for meeting to adjourn by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

Mayor Cook declared the meeting adjourned at 6:52 pm.

**Persons with disabilities needing special accommodations to participate in this proceeding should contact City Hall at (850) 547-4238, at least five days prior to the proceedings.**

ORDINANCE NO. 439

AN ORDINANCE AMENDING ORDINANCE 358, WHICH ADOPTED THE CITY OF BONIFAY COMPREHENSIVE PLAN, AND ORDINANCE 401 WHICH AMENDED THE CITY OF BONIFAY FUTURE LAND USE MAP TO PROVIDE THE CONSIDERATION OF ADOPTION OF A CERTAIN AMENDMENT TO THE CITY OF BONIFAY COMPREHENSIVE PLAN TO REVISE AND UPDATE THE EXISTING COMPREHENSIVE PLAN AND FUTURE LAND USE MAP IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Legislature adopted Chapter 163, laws of Florida, which requires the City of Bonifay ("City") to prepare, adopt, enforce and update a Comprehensive Plan; and

**WHEREAS**, the City of Bonifay Planning Commission held a Public Hearing to consider the recommended amendment to the Comprehensive Plan on March 4, 2024, and recommended the Amendment be transmitted by the City Council for Adoption to the Florida Commerce Department and other State, Regional and County agencies; and

**WHEREAS**, the Legislature adopted Chapter 163, Florida Statutes which requires the City of Bonifay ("City") to prepare, adopt, enforce and update a Comprehensive Plan to guide its future development and growth; and

**WHEREAS**, Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida) requires the City to include a property rights element and an updated Capital Improvements Element in its City of Bonifay Comprehensive Plan; and

**WHEREAS**, the City respects judicially acknowledged and constitutional protected private property rights; and

**WHEREAS**, The City respects the rights of all people to participate in land use and planning processes; and

**WHEREAS**, this ordinance will amend the comprehensive plan by adding a property rights element; and

**WHEREAS**, this ordinance will amend the comprehensive plan to update the current language to follow the 2023 version of Florida Statutes; and

**WHEREAS**, this ordinance updates referenced measurements; and

**WHEREAS**, this ordinance updates the 2023-24 Capital Improvements Element; and

**WHEREAS**, the City Council of Bonifay, Florida held a public hearing as required by Chapter 163, Florida Statutes with due public notice having been provided, and having reviewed and considered all comments received during the public hearings, and provided for



necessary revisions; and

**WHEREAS**, in exercise of its authority, the City Council finds it necessary and desirable to adopt and does hereby adopt the Amendment to the Comprehensive Plan, in order to update the Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, THAT:**

**SECTION 1.** The City of Bonifay Comprehensive Plan is amended in accordance with Florida Statutes by adding the attached as Exhibit A and made part of this ordinance as is for in full.

**SECTION 2. Authority.** The authority for enactment of this ordinance is Article 1, Section 1.01 of the Charter of the City of Bonifay. Amendment consists of the attached hereto as Exhibit A, and made a part hereof and which will be incorporated in the current Comprehensive Plan of the City of Bonifay.

**SECTION 3. Amendment.** The Comprehensive Plan for the City of Bonifay is hereby amended, read as follows in Exhibit A.

**SECTION 4. Severability.** Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions there of shall remain valid and enforceable.

**SECTION 5. Effective Date.** This Ordinance shall become effective upon its adoption by the City Council as provided by law.

**PRESENTED AND READ BY TITLE BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA ON THE 4<sup>TH</sup> DAY OF MARCH 2024.**

**PASSED AND ADOPTED BY THE CITY COUNCIL OF BONIFAY, FLORIDA ON THIS ———DAY OF ——— 2024.**

ATTEST:

BONIFAY CITY COUNCIL

\_\_\_\_\_  
Rickey Callahan, City Clerk

\_\_\_\_\_  
Larry Cook, Mayor/Council



March 4, 2024

Ms. Angela Knecht  
Program Administrator  
State Revolving Fund Management  
3900 Commonwealth Blvd., Mail Station 3505  
Tallahassee, Florida 32399-3000

Re: WW30016 - Bonifay  
City of Bonifay Wastewater System Improvements

Dear Ms. Knecht:

I am the duly appointed City Attorney for the City of Bonifay. The City proposes to borrow \$708,892 from the State Revolving Fund for the design of planned improvements to the City's sewer system. The loan will be secured by the net revenues of the City's water and sewer system, together with the net revenues of the City's sanitation system, and the pledged revenues are legally available to pledge. The City of Bonifay has the legal authority to increase rates to ensure repayment of the loan.

The pledge on revenues is subject to a prior lien with the following issues:

1. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 1985A issued in the amount of \$520,300.00, pursuant to Resolution No. 83-50 (passed October 24, 1983), under which the lienholder is the United States Department of Agriculture, being USDA Loan Number 92-01;
2. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 1985B issued in the amount of \$100,000.00, pursuant to ordinance, under which the lienholder is the United States Department of Agriculture, being USDA Loan Number 92-03;
3. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 1989A issued in the amount of \$1,498,100.00, pursuant to ordinance, under which the lienholder is the United States Department of Agriculture, and being USDA Loan Number 92-06;
4. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 1989B issued in the amount of \$427,600.00, pursuant to ordinance, under which the lienholder is the United States Department of Agriculture, and being USDA Loan Number 92-08;
5. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 2005A issued in the amount of \$1,436,300.00, pursuant to ordinance, under which the lienholder is the United States Department of Agriculture, and being USDA Loan Number 91-12; and
6. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 2005B issued in the amount of \$246,700.00, pursuant to ordinance, under which the lienholder is the United States Department of Agriculture, and being USDA Loan Number 91-13;
7. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 2010A issued in the amount of \$51,081.32, pursuant to ordinance, under which the lienholder is the State of Florida Dept.

Ms. Angela Knecht  
January 26, 2024  
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of Environmental Protection State Revolving Loan Fund (Funding Number 300110), and the actual revenues pledged are water and sewer revenues;

8. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 2010B issued in the amount of \$60,023.20, pursuant to ordinance, under which the lienholder is the State of Florida Dept. of Environmental Protection State Revolving Loan Fund (Funding Number 300111), and the actual revenues pledged are water and sewer revenues; and

9. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 2012A dated October 26, 2012, issued in the amount of \$2,244,000.00, pursuant to ordinance, under which the lienholder is the United States Department of Agriculture, and being USDA Loan Number 92-15; and

10. The City of Bonifay, Florida, Water and Sewer System Revenue Bonds, Series 2012B dated October 26, 2012, issued in the amount of \$145,000.00, pursuant to ordinance, under which the lienholder is the United States Department of Agriculture, and being USDA Loan Number 92-18.

This opinion letter speaks only as of the date hereof. I assume no obligation to update or supplement this opinion letter if any applicable laws change after the date of this opinion letter or if I become aware after the date of this opinion letter of any facts or other developments, whether existing before or first arising after the date hereof, that might change the opinions expressed above.

Respectfully submitted,



Jonathan T. Holloway

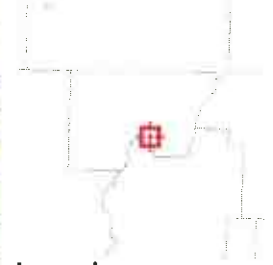
cc: City of Bonifay, Florida



# Holmes County, FL



Overview



Legend

- Parcels
- Roads
- City Labels

Parcel ID	0606.02-002-001-001.000	Alternate ID	606.2-2-1-1	Owner Address	MEMORIAL FIELD
Sec/Twp/Rng	06-04-14	Class	DRIVE-IN/OPEN STAD		210 VETERANS AVE
Property Address	210 VETERANS AVE	Acreage	15.42		BONIFAY, FL 32425
District	2				
Brief Tax Description	BEG 427 FT E OF SW COR OF <i>(Note: Not to be used on legal documents)</i>				

Date created: 3/4/2024  
 Last Data Uploaded: 3/4/2024 6:52:13 AM

Developed by Schneider  
 GEOSPATIAL

**LAND SWAP AGREEMENT**

This Land Swap Agreement is made and entered into this \_\_\_ day of February, 2024, between City of Bonifay, a municipal subdivision of the State of Florida (referred to herein as the “City”) and Kiwanis Club of Bonifay, Florida, a Florida not for profit corporation (referred to herein as “Kiwanis”).

WITNESSETH:

WHEREAS, the City is the owner of that certain property described as 15.42 +/- acres described as Parcel ID# 0606.02-002-001-001.000, Holmes County, Florida that is known as Memorial Field; and

WHEREAS, Kiwanis and the City entered into that certain agreement for improvements to and use of Memorial Field dated on or about March 29, 1955 as recorded in Deed Book 81, Page 221-224, as subsequently amended on October 30, 1970 as recorded in Official Records Book 11, Page 233 and as subsequently amended on April 10, 1995 as recorded n Official Records Bok 231, Page 384, public records of Holmes County, Florida; and

WHEREAS, Kiwanis is the owner of that certain property described as 1.17+/- acres described as Parcel ID# 0606.02-000-000-052.000, Holmes County, Florida (the “Kiwanis Parcel”); and

WHEREAS, Memorial Field is at risk of becoming unusable due to safety concerns and is in need of substantial improvements to alleviate those risks; and

WHEREAS, the City is unable to fund the improvements required for the continued use of Memorial Field; and

WHEREAS, Kiwanis has historically paid for such improvements to Memorial Field; and

WHEREAS, Kiwanis is willing to invest the funds required to improve Memorial Field on the condition that fee title to that portion of Memorial Field described in attached Exhibit “A” (the “City Parcel”) is conveyed to Kiwanis; and

WHEREAS, Kiwanis is willing to transfer and convey fee title to the Kiwanis Parcel in consideration of the conveyance of the City Parcel; and

WHEREAS, the City and Kiwanis desire to swap the City Parcel for the Kiwanis Parcel.

NOW THEREFORE, for ten dollars and other valuable consideration, the parties agree as follows:

1. The recitals stated hereinabove are true and accurate.
2. The City shall transfer and convey via general warranty deed to Kiwanis the City Parcel.
3. Kiwanis shall transfer and convey via general warranty deed to the City the Kiwanis Parcel.
4. Kiwanis shall accept title to the City Parcel subject to any agreements with the Holmes County School District pertaining to the use of the City Parcel.
5. Either party may purchase title insurance as to the respective parcel it is receiving
6. Either party may at its own expense obtain an owner’s title insurance policy insuring such party’s interest in the property being acquired by such party. If title to the property is found to be defective in the opinion of such party’s attorney, then such party may terminate this Agreement or waive any such defect and proceed to closing. For purposes of clarity, neither party shall have a duty to cure any defects in title.

7. Each party shall be responsible for all documentary stamps and recording fees associated with the transfer of title of their respective property described herein, including title insurance premiums, title search fees and closing fees associated with the transfer of title.
8. Each party acknowledges and agrees that the property described herein is being exchanged in its current AS-IS condition, with all faults and makes no representation or warranty as to the right of ingress or egress to the property or its fitness for any intended use by such party.
9. Each party shall be responsible for their own attorney's fees, if any.
10. Closing will take place on or before March 15, 2024.
11. Kiwanis shall designate the closing agent for this transaction.
12. If either party defaults under this Contract, the parties do hereby acknowledge and agree that its sole remedy against the defaulting party shall be to terminate this Agreement.
13. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and cannot be amended or supplemented except by written agreement signed by both parties
14. Time is of the essence of this Agreement.
15. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument.

16. Each party shall at the time of Closing execute all such documents as may be necessary or appropriate in order to consummate the transaction contemplated by this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

City of Bonifay

Kiwanis Club of Bonifay, Florida

\_\_\_\_\_  
By: Larry Cook  
Its: Mayor

\_\_\_\_\_  
By: Shanley Hatfield  
Its: President



EXHIBIT "A"

That portion of real property lying South of Veterans Blvd, East of South Depot Street, North of Cassie Avenue (abandoned) and West of Creel Street (abandoned), located in Section 6, Township 4 North, Range 14 West, Holmes County, Florida;

ALSO the North 33 feet of Cassie Avenue (abandoned) lying between S. Waukesha Street and South Depot Street, located in Section 6, Township 4 North, Range 14 West, Holmes County, Florida;