



AGENDA

CITY COUNCIL MEETING - REGULAR SESSION

MONDAY, MARCH 18, 2024 at 6:00 PM

Bonifay City Hall Council Meeting Room – 301 J Harvey Etheridge St.

I. CALL TO ORDER

A. Invocation

B. Pledge of Allegiance

II. APPROVE AGENDA

III. APPROVE MINUTES

A. March 4th, 2024 Regular Session Minutes

B. March 4th, 2024 Public Hearing (Comp Plan) 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

VII. OLD BUSINESS

VIII. NEW BUSINESS

[A.](#) Reading of Title and Adoption of Resolution 2024-20

[B.](#) Drainage Easement 106 Verner(sp) Circle - Johnson Real Estate Holdings 1, LLC

IX. COUNCIL / DEPARTMENT SUPERVISORS / CITY ATTORNEY DISCUSSION

Items not listed on Formal Agenda.

A. Personnel Updates

B. Department Updates

C. Employee Spotlight

- Down Home Street Festival

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

MONDAY, MARCH 04, 2024 at 9:00 AM

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

I. CALL TO ORDER

Mayor Larry Cook called the meeting to order at 9:00 am.

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, Director of Public Works Trey Barbee, Chief Plant Operator Matt Perry, 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.

C. Adopt Amended Resolution 2024-005

Moved to New Business Item C.

II. APPROVE AGENDA

Executive Assistant Smith corrected the Ordinance number under new business, Item B, to 440.

Motion made to approve agenda with amendments 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

III. APPROVE MINUTES

A. February 20th, 2024 Regular Session Meeting Minutes

Motion made to approve February 20, 2024 minutes 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

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 Crews.

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 addressed the Council about purchases being made outside the procurement policy.

VI. PLANNING & ENGINEERING

A. Melvin Engineering

Not present.

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

Motion made to approve the Planning and Zoning Board 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. Ordinance 440- Comprehensive Plan Changes

Motion made to approve introduction of Ordinance 440 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

City Attorney Holloway called for an amended motion for Ordinance 440 to be read by title and to take a roll call vote.

City Clerk Callahan read the title of Ordinance 440.

Motion made to amend motion to a first reading and approval 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

C. Amended Resolution 2024-005

City Clerk Callahan read Resolution 2024-005 by title.

Motion made to approve amended Resolution 2024-0005 by roll call vote 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

VIII. NEW BUSINESS

A. Kiwanis Club Land Agreement

Shanley Hatfield, Kiwanis Club President, introduced himself and Sandy Spear.

Sandy Spear said the Kiwanis Club was requesting the City of Bonifay to do a land swap to give Kiwanis ownership of Memorial Field. The purpose of this is for the Kiwanis Club to obtain a loan to build a pavilion, to increase seating, over the bucking shoots on the south end of the field.

The City would receive 1.17 acre on Depot Street that joins Veterans Memorial Park on the northwest corner.

Council Members voiced concerns over school use and the field being plowed up, stating these issues need to be addressed in the contract.

City Attorney Holloway will work with the school board and Kiwanis to prepare a written contract. Council Members will send their input to Executive Assistant Smith.

B. Police Department- Body Camera Grant

Motion made to approve moving forward with a 50% match SRT Micro Grant for 10 police body cameras 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

IX. COUNCIL / DEPARTMENT SUPERVISORS / CITY ATTORNEY DISCUSSION

Items not listed on Formal Agenda.

A. Personnel Updates

No updates.

B. Department Updates

-Police Department February Recap

-Fire Department February Recap

The Police Department had 684 calls, and the Fire Department had 56 calls.

C. Employee Spotlight

Mayor Cook spotlighted Matt Perry for filling in for Public Works Director Barbee for water and sewer issues.

X. ADJOURN

Motion made 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 10:01 am.

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 - PUBLIC HEARING

MONDAY, MARCH 04, 2024 at 8:00 AM

Bonifay City Hall Council Meeting Room – 301 J Harvey Etheridge St.

I. CALL TO ORDER

II. APPROVE AGENDA

III. NEW BUSINESS

A. Comprehensive Plan Changes

A Public Hearing was held at 8:00 am for Comprehensive Plan changes.

Kay Dennis stated she has taken a look the City's Comp Plan and what changes needed to be made. Everything that is in the Comp Plan is mirrored by the adopted Land Development Regulations. Combining residential and mixed uses allows the City to save valuable time and money when zoning changes are needed. It also provides the City Council the ability to provide variances when needed without an amendment. The Planned Unit Development Use was also removed. When a PUD is necessary, an amendment can be submitted to change the existing to desired use. While Floor Area Ratio is a planning technique frequently used, units per acre is being used due to ease of use for residents.

Public Hearing adjourned at 8:18 and moved into a Planning and Zoning Board meeting.

Stephanie Smith moved to appoint Bettie Slay as Chairperson and it was seconded by Kate Bush.

Bettie Slay was appointed Chairperson of the Planning and Zoning Board by unanimous consent.

Bettie Slay called the meeting to order.

Stephanie Smith motioned and Kate Bush seconded approval to recommend adopting the Comprehensive Plan Amendment, pending attorney review.

IV. 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.

Richard Willsey addressed the board saying that Mayor Cook is using commercial property for residential purposes.

V. 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.

RESOLUTION NO. 2024-20

A RESOLUTION OF THE CITY OF BONIFAY, FLORIDA, RELATING TO THE STATE REVOLVING FUND PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for financial assistance to local government agencies to finance the design and/or construction of improvements to drinking water systems; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund priority list designates Project Number DW30014 (the “Project”) as eligible for available funding; and

WHEREAS, the City of Bonifay, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, as follows:

SECTION I. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION II. The City of Bonifay Florida is authorized to apply for a loan to finance the Project.

SECTION III. The revenues pledged for the repayment of the loan are net water and sewer system revenues and net sanitation system revenues after payment of debt service on the following obligations:

- (a) 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;
- (b) 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;
- (c) 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;

- (d) 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;
- (e) 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
- (f) 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;
- (g) 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. of Environmental Protection State Revolving Loan Fund (Funding Number 300110), and the actual revenues pledged are water and sewer revenues;
- (h) 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
- (i) 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
- (j) 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.

The revenues are hereby pledged, subject to the foregoing prior pledges of revenue.

SECTION IV. The Mayor is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The Mayor is authorized to delegate responsibility to

appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION VI. The legal authority for borrowing moneys to construct this Project is Section 166.111, Fla. Stat. (2023).

SECTION VII. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VIII. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION IX. This Resolution shall become effective immediately upon its passage and adoption.

RESOLVED after due motion, second and discussion in open session this _____, 2024.

CITY OF BONIFAY, FLORIDA

ATTEST:

By its Interim Mayor, Larry Cook

By Rickey Callahan, City Clerk

APPROVED AS TO FORM:

Jonathan Holloway
City Attorney

This document prepared by:
Jonathan Holloway P.A.
420 East Pine Avenue
Crestview, Florida 32539
(850) 398-6808

DRAINAGE EASEMENT

**STATE OF FLORIDA
COUNTY OF HOLMES**

KNOWN ALL MEN BY THESE PRESENTS that **JOHNSON REAL ESTATE HOLDINGS 1 LLC** (“Grantor”), whose address is Post Office Box 18521, Panama City Beach, Florida 32417 for and in consideration of One Dollar (\$1.00) and other good and valuable consideration in hand paid by the **CITY OF BONIFAY, FLORIDA**, a Florida Municipal Corporation (“Grantee”), whose address is 301 N. Etheridge Street, Bonifay, Florida 32425, the receipt whereof is hereby acknowledged, does hereby grant and convey to Grantee the right to construct, operate, maintain and repair a stormwater drainage conveyance, including the right of ingress and egress thereto and therefrom, along, under and across the following described property in Holmes County, Florida, to wit:

See Exhibit “A” attached hereto and made a part hereof

TO HAVE AND TO HOLD the said easement and right-of-way hereinabove granted to the said City of Bonifay, its successors and assigns, subject to the conditions herein, forever, for the use and purpose aforesaid and for no other purpose.

In the event that the City should cease using the easement area for municipal purposes, then this easement shall immediately become null and void and the City shall have no further right, title or interest in and to the subject parcel.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this ____ day of March, 2024

[REMAINDER OF PAGE BLANK – SIGNATURE PAGES ON FOLLOWING PAGES]

GRANTOR:

JOHNSON REAL ESTATE HOLDINGS 1 LLC

By: _____
Print Name: _____
Title: _____

First Witness:

Second Witness:

Print Name:
Print Witness Address:

Print Name:
Print Witness Address:

**STATE OF FLORIDA
COUNTY OF HOLMES**

This foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of March, 2024, by _____, who is personally known to me or provided _____ as identification.

NOTARY PUBLIC:

Sign: _____
Print: _____

State of Florida at Large (Seal)

My Commission Expires:

GRANTEE:

CITY OF BONIFAY, FLORIDA

By: _____
Larry Cook, Mayor

ATTEST:

Rickey Callahan, City Clerk

EXHIBIT A
LEGAL DESCRIPTION
OF EASEMENT AREA

A 10 FOOT WIDE STRIP OF LAND ALONG THE EAST PROPERTY LINE OF THE BELOW-DESCRIBED PARCEL, BEGINNING AT THE NE CORNER OF SAID PARCEL AND RUNNING SOUTHEAST ALONG THE EAST PROPERTY LINE OF SAID PARCEL APPROXIMATELY 171.50 FEET TO THE NORTHERN MOST RIGHT-OF-WAY LINE OF THE L&N RAILROAD:

A part of Lot 6 Block B of Highland Subdivision as recorded in Plat Book 2 page 3 of the public records of Holmes County, Florida: Being more particularly described as follows; Commence at an iron rod marking the N.W. Corner of said Lot 6 for a Point of Beginning, thence run S-73°03'12"E for 68.96 feet, thence run S-36°58'07"-E for 15.86 feet, thence run S-13°59'03"E for 171.51 feet to the Northern most right of way of the L&N railroad, thence Northwesterly along said right of way run along the arc of a circular curve concave Southwesterly an arc distance of 114.72 feet, thru a central angle of 02°15'18" and a radius of 2914.85 feet, (chord bearing of N 71°34'49"W chord of 114.71 feet), thence run N-02°50'59"W (Bearing Base), for 163.15 feet to the Point of Beginning, containing 0.34 acres more or less. All lying and being a part of Sec. 36, T5N, R15W, Holmes Co., Florida.