



# **MINUTES**

## **CITY COUNCIL MEETING - REGULAR SESSION**

**MONDAY, SEPTEMBER 25, 2023 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

Also present

City Clerk Rickey Callahan, City Attorney Michelle Jordan, City Superintendent Trey Barbee, Police Chief Johnny Whitaker, Chief Plant Operator Matt Perry, Deputy Clerk Tracy Walker, and Executive Assistant Sierra Smith

### **II. APPROVE AGENDA**

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

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

### **III. APPROVE MINUTES**

#### **A. 09-11-23 Regular Session**

Motion made to approve the minutes of 09-11-23 Regular Session by Council Member Carroll, Seconded by Council Member Crews.

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

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

Already approved.

#### **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. The City of Bonifay welcomes you to this meeting. This is time set aside for the Citizens of Bonifay to address the City Council. **This is NOT a question and answer period.** 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,

Teri spoke against the negative actions and words of other citizens.

##### **A. Richard Willsey**

Richard Willsey said he was wrong in stating the Executive Assistant job was not advertised. It was only advertised in the local paper and on the City website. He said if City wasn't going to pay her \$19, they should pay her \$34 an hour. He mentioned that there are job recruiting services that you can use for free. Mr. Willsey said the City could not afford Florida Retirement System without the 3% millage rate. Mr. Willsey questioned the step raises on the Pay Scale, Code Enforcement, Annexations and Equipment for the Fire Department.

##### **B. Ryan Martin**

Ryan Martin said that when came on the Council the City had outstanding loans for grants that had been written, and had to wait on funds to come in to pay bills. He stated that money had to be transferred from the Enterprise Fund to the General Fund to compensate. Departments were told not to spend any money if they did not have to. Code Enforcement was a money pit. Mr. Martin said he is not in favor of a high tax, he is in favor of more people chipping in, and the Ad Valorem is the best way to do it.

#### **VI. PLANNING & ENGINEERING**

##### **A. City Planner**

No updates.

##### **B. Mott MacDonald**

No updates.

##### **C. DHM Melvin Engineering**

Motion made to approve work authorization for engineering and design services for Rural Infrastructure Grant Number DO240 by Council Member Crews, Seconded by Council Member Carroll.

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

Motion made to adopt Resolution 23-65 approving application for a RIF Grant by Council Member Crews, Seconded by Council Member Carroll.

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

#### **D. Dewberry Engineers**

Timeline on Memorial Field and Etheridge Street Projects

Dewberry Termination of Agreements Letter

City Clerk Callahan stated the time line given to the City back in late June showed the 60% plans on Etheridge Street complete, they would be finished on August 16th, and be ready to review on August 22nd. They show a 90% completion by September 20th, and the City has not heard anything from Dewberry.

City Clerk Callahan said Memorial Field 60% plan review was due August 29th, and we have not received those plans. The 90% plans were supposed to be finished by September 27th, and presented to the City October 6th.

City Clerk Callahan stated based on this and that we have already lost a FRDAP Grant because Dewberry thought they could file an extension and found out that they couldn't, I am asking permission to send a Termination of Agreements on the Memorial Field Improvement Project, and the Etheridge Street Drainage & Street improvements Project, and we ask for the work product that has been paid for be sent to us.

Motion made to approve sending Termination of Agreements letter by Council Member Crews, Seconded by Council Member Carroll.

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

### **VII. OLD BUSINESS**

#### **A. Resolution 2023-45 Personnel Handbook**

Motion made to adopt Resolution 23-45 approving the adoption of the Personnel Handbook by Council Member Crews, Seconded by Council Member Carroll.

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

## B. Adopt Pay Scale

Motion made to table Pay Scale by Council Member Sellers, Seconded by Council Member Crews.

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

## C. Adopt Organizational Chart

Motion made to adopt Organizational Chart by Council Member Sellers, Seconded by Council Member Carroll.

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

## D. Charter Review Committee meeting 10-12-23 at 5pm (Executive Assistant Smith will contact charter review members to confirm their willingness to continue to serve)

Motion made to approve Charter Review Committee meeting by Council Member Crews, Seconded by Council Member Carroll.

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

City Hall will provide applications to the public for people who are interested in serving.

## VIII. NEW BUSINESS

### A. Approve appointment of Interim Police Chief Johnny Whitaker to the position of Chief of Police, Bonifay, Florida

Note from City Attorney: Since Mr. Macon's statutory time to appeal his termination has passed, the Council can safely proceed with approving the permanent employment of Chief Whitaker following his emergency interim appointment by the Mayor. Based on my review of the applications, Whitaker was a well-qualified applicant from the last advertisement. Based on the short amount of time that passed since the advertisement, I see no legal concerns with proceeding with his permanent employment rather than re-advertising for the position. Now that we have fully complied with the new statute regarding termination of police chiefs (Sec. 166.0494, Fla. Stat.), we should revert to following our charter which calls for the Council to appoint the police chief. I would recommend doing so sooner rather than later, as the emergency situation following Mr. Macon's termination and appeal period has passed and the Mayor's emergency authority should not extend beyond the state of the emergency.

Motion made to approve appointment of Interim Police Chief Johnny Whitaker to the position of Chief of Police, Bonifay, Florida by Council Member Crews, Seconded by Council Member Carroll.

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

**B. Swear in Chief Whitaker**

City Clerk Callahan swore in Police Chief Johnny Whitaker.

**C. Review and Consider Appointment Process Action**

Note from City Attorney: I strongly recommend that the Council consider an application process for filling open Council seats. I have attached several sample applications from other communities for review and consideration. Some are very simple and some are quite in-depth.

Motion made to adopt application form for applicants who wish to be considered for a Council appointment by Council Member Crews, Seconded by Council Member Sellers.

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

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

Items not listed on Formal Agenda.

**A. Personnel Updates**

No Personnel Updates

**B. Department Updates**

No Department Updates

**C. Employee Spotlight**

Recognize Officer Betty Sims, Bonifay Police Department, in creating a public records request receipt (including dates and signatures) and tracking system. This was enormously helpful in preparing a response to a public records request this week, per Attorney Jordan.

**X. ADJOURN**

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

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

Mayor Cook adjourned the meeting at 6:59 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.**