AGENDA
CITY OF VALPARAISO & VALPARAISO CABLE AUTHORITY JOINT MEETING
465 Valparaiso Parkway
Valparaiso, Florida
850-729-5402
July 13, 2015
6:00 pm

Invocation (Commissioner Morgan)
Pledge of Allegiance (Mayor Arnold)

APPROVAL OF MINUTES

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

ACTION ITEMS
1. Added Agenda Items
2. "No Parking" signs George Murphy
3. Back yard Chickens----------Attach 1
4. Facebook Page----------Attach 1
5. FLOC Voting Delegate----------Attach 2
6. Utility Services at City Parks----------Attach 3
6. Etc.

OLD BUSINESS
1 Ordinance No. 665 Dog Boarding----------Attach 4
2. Ordinance No. 666 Land Use Change R2 to C-2 College Blvd----------Attach 5
3. Ordinance No. 667 Rezoning Change R2 to C-2 College Blvd----------Attach 5
4. Development Order Girls Power Station----------Attach 6
5. Resolution No. 07-06-08-15 Appoint Gas Board Member----------Attach 7
6. Etc.

REPORTS / CORRESPONDENCE / ANNOUNCEMENTS
1. TPO/DOT
2. Stormwater
3. Legal Activities
4. Median Beautification Update
5. Planning Commission Report
6. Visioning Committee Update
7. Community Liaison Report
8. Cable Update
9. Budget Workshop Monday July 20, 6PM
10. Okaloosa League of Cities Meeting Thursday, July 23
11. Disbursements
12. Etc.

SPEAKER'S FORM
CITY OF VALPARAISO COMMISSION

In an effort to better serve the community, the City Commission requests that items or requests to be presented before Commission be provided to the City Clerk by 9:00am on Wednesday of the week prior to the meeting. **Any related materials that you wish to distribute to Commission in support of your item must be submitted at that time as well** (see note at bottom). This will give Commission time to review your request and make any necessary inquiries. In addition, staff may need to contact you in response to your topic of concern or in response to action directed by the Commission.

As you complete the form below, please note that certain fields, marked by *, are required. Late or incomplete forms, particularly where required information is omitted, will be deferred by Commission to a future meeting pending receipt of all information.

The City appreciates your cooperation and adherence to these guidelines.

*******Please Print*******

DATE OF REQUEST 7-7-15 *COMMISSION MEETING DATE: 13 JUL

* NAME Beth Brubaker *PHONE #: 797-4337

* ADDRESS: 325 Jasmine Ave EMAIL: ChatelaineOfMonaco@gmail.com

* TOPIC/ISSUE #1 Change to Ord. Sec. 10-15 - allowing backyard chickens
#2 Facebook page - city announcements / goods deals, etc

*HAVE YOU SPOKEN WITH CITY STAFF ABOUT THIS ISSUE: If so, who and when?
Briefed Ms Tammy 7/7 when requesting paperwork -

*DESIRED ACTION BY COMMISSION
#1) approve backyard chickens/ducks
#2) Use facebook page to communicate town happenings

*PRESENTATION MATERIALS ARE ATTACHED: YES X NO ____ Type _____

Note: only one set of material is required for submission unless color copies are desired. The City will make and distribute the correct number of black / white copies to the Mayor, Commission and appropriate staff. However, those persons desiring color copies to be distributed must provide 10 sets at the time of submission.

Backyard chickens get OK from county

BY NICEVILLE.COM ON JUNE 17, 2015 COMMUNITY 0

People living on large lots in residential areas in unincorporated Okaloosa County can now raise a limited number of backyard chickens. Okaloosa County Commissioners on June 16 approved a revised ordinance easing the restrictions on raising chickens.

Under the updated ordinance, those living in single-family residential areas — outside city limits — with lots at least a half-acre in size, can have up to four chickens or four ducks, or a combination of the two. Roosters are not permitted.

Those living on lots less than a half-acre in size, or in residential areas zoned for higher density such as apartments or townhomes, can apply for a special exception. The process is costly though; around $1,100.

Chickens are not allowed where prohibited by a homeowners association or other covenants. Chickens must be banded with the owner's phone number. Other restrictions also apply.

Following a motion by County Commissioner Trey Goodwin, commissioners agreed to revisit the ordinance in six months to reevaluate it. Goodwin told Niceville.com he hopes to cut in half the lot size requirement, allowing those with a quarter-acre lot to raise chickens without seeking a special exception.

Val-P ORDINANCE

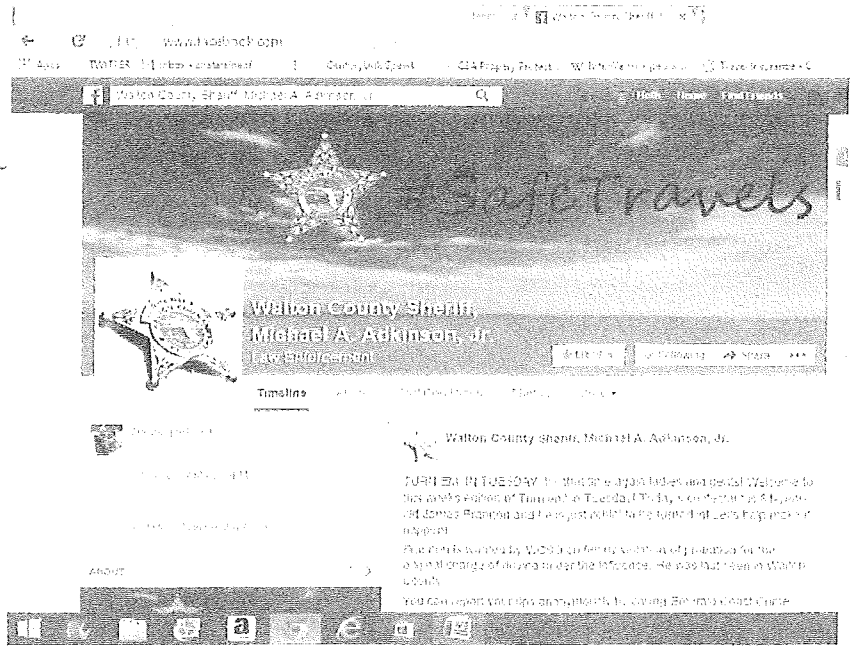
Sec. 10-15. - Livestock, fowl generally.

It shall be unlawful for the owner or custodian of any mule, cattle, goat, sheep, hog, goose, chicken, duck or other animal or fowl of like character to keep or maintain within the city or permit any such animal or fowl to run at large within the city limits. The keeping or permitting the running at large by such animals, or fowl, within the city is hereby declared to be a nuisance. The provisions of this section shall not apply to horses, household pets, or establishments duly licensed as riding stables; provided, however, that horses which are kept at riding stables, are ridden only in areas zoned I-2 and not ridden within ten feet of an existing highway or street.

Okaloosa & Walton County Sheriff's Office Facebook Page Samples

Okaloosa

Walton



A

301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

TO: Municipal Key Official

FROM: Michael Sittig, Executive Director

DATE: May 20, 2015

SUBJECT: 89th Annual FLC Conference – *Florida Cities: A Public Conversation*
VOTING DELEGATE INFORMATION
August 13-15, 2015 – World Center Marriott, Orlando

As you know, the Florida League of Cities' Annual Conference will be held at the World Center Marriott, Orlando, Florida on August 13-15. This year the theme for this year's conference is *Florida Cities: A Public Conversation*, which will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each municipality designate one official to be the voting delegate. Election of League leadership and adoption of resolutions are undertaken during the business meeting. Voting delegates will also adopt the FLC 2016 Legislative Action Agenda because the 2016 Legislative Session will begin early next year. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida for 2014.

Conference registration materials will be sent to each municipality in the month of June. Materials will also be posted on-line. Call us if you need additional copies.

If you have any questions on voting delegates, please call Gail Dennard at the League (850) 701-3619 or (800) 616-1513, extension 3619. **Voting delegate forms must be received by the League no later than August 7, 2015.**

Attachments: Form Designating Voting Delegate

President **Matthew D. Surrency,** Mayor, Hawthorne
First Vice President **Susan Haynie,** Mayor, Boca Raton • Second Vice President **Vacancy**
Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**

89th Annual Conference
Florida League of Cities, Inc.
August 13-15, 2015
Orlando, Florida

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. *Municipalities do not need to adopt a resolution to designate a voting delegate.*

Please fill out this form and return it to the League office so that your voting delegate may be properly identified.

Designation of Voting Delegate

Name of Voting Delegate: _____

Title: _____

Municipality of: _____

AUTHORIZED BY:

_____
Name

_____
Title

Return this form to:

Gail Dennard
Florida League of Cities, Inc.
Post Office Box 1757
Tallahassee, FL 32302-1757
Fax to Gail Dennard at (850) 222-3806 or email *gdennard@flcities.com*

Attachment is not available at this time.

ORDINANCE NO. 665

AN ORDINANCE OF THE CITY OF VALPARAISO AMENDING THE CITY OF VALPARAISO CODE OF ORDINANCES SECTIONS 14-45 AND 114-111 AND CREATING SECTION 14-49 ESTABLISHING DEFINITIONS, STANDARD OF CARE AND LICENSING REQUIREMENTS FOR DOG BOARDING FACILITIES, KENNELS, BREEDERS, PET STORES AND DOGGIE DAYCARES. PROVIDING FOR (1) FINDINGS, (2) REPEAL OF CONFLICTING ORDINANCES, (3) SEVERABILITY AND (4) AN EFFECTIVE DATE.

WHEREAS, the Valparaiso City Commission finds that privately owned commercial properties within the City are best zoned appropriate to their current and future uses, and

WHEREAS, the Valparaiso City Commission finds that the use of the property upon which commercial establishments are located are best served by allowing the business sector to prosper through expansion opportunities within the guidelines of the City of Valparaiso Code of Ordinances, and

WHEREAS, the Valparaiso City Commission finds that it is in the public interest to amend the current code to provide guidelines for dog boarding, kennels, breeders, daycares and pet stores,

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Valparaiso, Florida:

Section 1: FINDINGS

The foregoing Whereas clauses are hereby incorporated, adopted and confirmed as if fully set forth herein.

The Valparaiso Code of Ordinances, Sections 14-45 and 114-111 are hereby amended as follows with underlining indicating new language and strike-through indicating deleted language, and

The Valparaiso Code of Ordinances, Section 14-49 is hereby created as follows:

Sec. 14-45. - Schedule of business tax receipt taxes.

(93) DOG AND ANIMAL EXHIBITION, per day .....50.00 Per week 150.00
<u>DOGGIE DAY CARE FACILITIES AND DOG BOARDING BUSINESSES AS ALLOWED PER SECTION 14-49...100.00</u>

Sec. 114-111. - C-1 commercial district limited.

(1) *Permitted uses.*

Pet services. Limited to the provision of services such as bathing, grooming and sitting for dogs. Services shall be limited to indoor facilities for any zoning district except I-2. Overnight boarding is ~~prohibited~~ permitted per the requirements of Section 14-49. Services for pets other than dogs may be permitted through a conditional use permit.

Section 14-49. Breeders, kennels, boarders, daycares and pet stores.

(a). Definitions. As used in this section, the following definition shall apply:

1. Housing facility shall mean the larger structure within which primary enclosures containing animals are stored.

2. Kennel shall mean a commercial animal establishment used for keeping two (2) or more dogs or cats, for sale, breeding, boarding, daycare or treatment purposes. Animal hospitals, grooming or dog beauty parlors, as permitted by law, are excluded from this classification.

3. Primary enclosure shall mean a structure where an animal is housed and maintained.

4. Structurally sound shall mean that the physical conditions of the enclosure meets acceptable industry construction standards from the enclosure manufacturer or the building code.

(b). Minimum standards for the care of animals by breeders, kennels, boarders, daycares and pet stores. All commercial animal establishments located in or engaging in business in the State of Florida shall comply with the minimum standards contained in this article for the care of animals as indicated below:

1. Housing facilities. Indoor and outdoor housing facilities for animals shall be maintained in accordance with normal facility maintenance practices, shall protect the animal from injury; and shall contain the animal.

2. Water. Water, free of debris and accessible to the animal at all times shall be provided, except when directed otherwise in writing by a licensed veterinarian.

3. Storage of food. Supplies of food in commercial animal establishments shall be stored in sealed containers or other containers which protects the food against insect infestation and/or contamination. Refrigeration shall be provided for supplies of food whose labeling requires it.

4. Ventilation. Housing facilities for animals shall be ventilated with fresh air either by means of windows, doors, vents or air conditioning.

5. Shade. Outdoor housing facilities shall provide each animal with shade that covers each animal's entire body from the rays of the sun.

6. Primary enclosures. All primary enclosures for animals within an indoor or outdoor housing facility shall conform to the following minimum requirements, except where indicated otherwise in writing by a licensed veterinarian for medical reasons.

    a. Primary enclosures shall be structurally sound and constructed so as to permit the animal within them to remain dry.

    b. Primary enclosures shall be maintained so that the animals contained inside have access to water free of contamination.

    c. The floors of the primary enclosure that are not a solid surface shall be of an open-weave construction, where the openings are smaller than the size of the flattened foot of the animal contained inside. The solid surface of the mesh which the floor is made, shall be not less than one-fourth (1/4) inch wide in diameter. Where the floor of the primary enclosure is a solid surface, newspaper or a receptacle containing litter shall be provided to contain excreta.

    d. The primary enclosure shall be constructed and maintained so as to provide sufficient space for the animal contained therein to make normal postural adjustments and have full freedom of movement.

7. Feeding. All animals shall be fed at least once a day, except as otherwise directed in writing by a licensed veterinarian. The food shall be accessible, free from contamination and/or insect infestation, and shall be of sufficient quantity and nutritive value to meet the minimal daily requirements for the condition and size of the animal as set forth by the commercial food industry or by a licensed veterinarian.

8. Sanitation. Primary enclosures in commercial animal establishments shall be cleaned at least daily.

9. Separation. The following restrictions apply to animals house in the same primary enclosure in commercial animal establishments:

    a. Females in season shall not be housed in the same primary enclosure with males, except for breeding purposes.

    b. Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams or surrogate dams.

    c. Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

(c). Kennel license requirements.

1. No person, firm, association, business, joint venture, partnership shall provide the services of a kennel without first obtaining an occupational license for a kennel. A separate license shall be required for each place of business that kennel services are being offered.

2. Application for a kennel license shall be on a form prescribed by the Animal Care and Control Division within the specific jurisdiction.

3. The kennel license shall be valid for a period of twelve (12) months from the date of issuance. Failure to timely renew a license shall not alter or waive the requirement of renewal on the anniversary date of the original issuance.

4. The annual license fee for a kennel license shall be fixed by administrative order of the jurisdiction and approved by the governing authority. County-operated and city-operated and State of Florida registered not-for-profit humane organizations are exempt from this fee, but must be registered.

5. Kennels shall be subject to inspection by Animal Care and Control for compliance. Refusal by the licensee or his agent to allow inspection of the premises will result in the suspension of license to operate as a kennel, until such inspection is allowed. Repeat refusals will be grounds for license revocation.

Section 2: CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: SEVERABILITY

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph section or clause is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: EFFECTIVE DATE.

This ordinance shall become effective immediately upon passage.

ADOPTED IN SESSION THIS _____ DAY OF _____2015

_____

John B. Arnold, Jr.
Mayor

ATTEST:

_____
Tammy Johnson, CMC
City Clerk

ORDINANCE NO. 666

AN ORDINANCE OF THE CITY OF VALPARAISO, FLORIDA AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE; PROVIDING FOR LAND USE CHANGE TO 1.79 ACRES OF LAND MOL; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Valparaiso has the authority to enact this ordinance changing its Comprehensive Plan in accord with Chapters 163. 3187, 166.021, and 166.041 Florida Statutes, and the adopted Comprehensive Plan, Section 7.07; and

WHEREAS, this small scale amendment to the Comprehensive Plan is compatible with adjacent land use categories; and

WHEREAS, the City of Valparaiso Planning Commission conducted a PUBLIC HEARING using quasi-judicial procedures on 19 May 2015 to address amending the Future Land Use Map in that part of the City of Valparaiso, identified as a partial section of Parcel No. 01-1S-23-0000-0002-0060 containing 1.79 acres MOL, from Medium Density Residential to Commercial Unlimited; and

WHEREAS, the City Commission sitting as the Local Planning Agency conducted a PUBLIC HEARING on 08 June 2015 on said amendment to the Future Land Use Map.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF VALPARAISO, FLORIDA:

1. That the Future Land Use Map of the adopted Comprehensive Plan is hereby amended by changing the Future Land Use category of the parcel described above from Low Density Residential to Commercial. The parcel location is indicated in Exhibit B, which is attached hereto and made a part hereof. The parcel is specifically described In Exhibit A attached hereto, containing 1.79 acres, more or less.

2. **Effective Date**

This ordinance and plan amendment shall become effective thirty-one (31) days after adoption on second reading by the City Commission, unless the amendment is challenged pursuant to Section 163.3187, F.S. If challenged, the effective date shall be the date a Final Order is issued by the Department of Community Affairs or the Administration Commission finding that the amendment is in compliance in accordance with Section 163.3184 F.S. If applicable, the provisions of Section 163.3189(2)(b), F.S. also govern this ordinance.

ADOPTED IN SESSION THIS_____ DAY OF July, 2015.

ORDINANCE NO. 667

AN ORDINANCE OF THE CITY OF VALPARAISO, FLORIDA AMENDING ITS ZONING MAP; PROVIDING FOR A PURPOSE; PROVIDING FOR A ZONING CHANGE TO 1.79 ACRES MOL OF LAND FROM R-2, MULTI-FAMILY RESIDENTIAL TO C-2, UNLIMITED COMMERCIAL DISTRICT: PROVIDING FOR ZONING MAP AMENDMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Valparaiso has the authority to enact this ordinance changing its Zoning Map in accordance with the Land Development Code; and

WHEREAS, this zoning change is compatible with adjacent land use categories; and

WHEREAS, the City of Valparaiso Planning Commission conducted a PUBLIC HEARING using quasi-judicial procedures on 19 May 2015 to address rezoning that part of the City of Valparaiso, identified as a partial section of Parcel Number 01-1S-23-0000-0002-0060, from R-2, Multi-Family Residential, to C-2, Unlimited Commercial District; and

WHEREAS, the City Commission sitting as the Local Planning Agency conducted a PUBLIC HEARING on 08 June 2015 for said rezoning.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF VALPARAISO, FLORIDA:

1. That the Zoning Map of the city is hereby amended by changing the zoning district of the property described above from Multi-Family Residential (R-2) to Commercial District Unlimited (C-2). The parcel location is indicated in Exhibit B, which is attached hereto and made a part hereof. The parcel is specifically described in Exhibit A which is attached hereto and made a part hereof.

2. Effective Date

This ordinance and the zoning map shall become effective simultaneously with final adoption of Ordinance No. 666.

ADOPTED IN SESSION THIS _____ DAY OF July, 2015.

EXHIBIT B

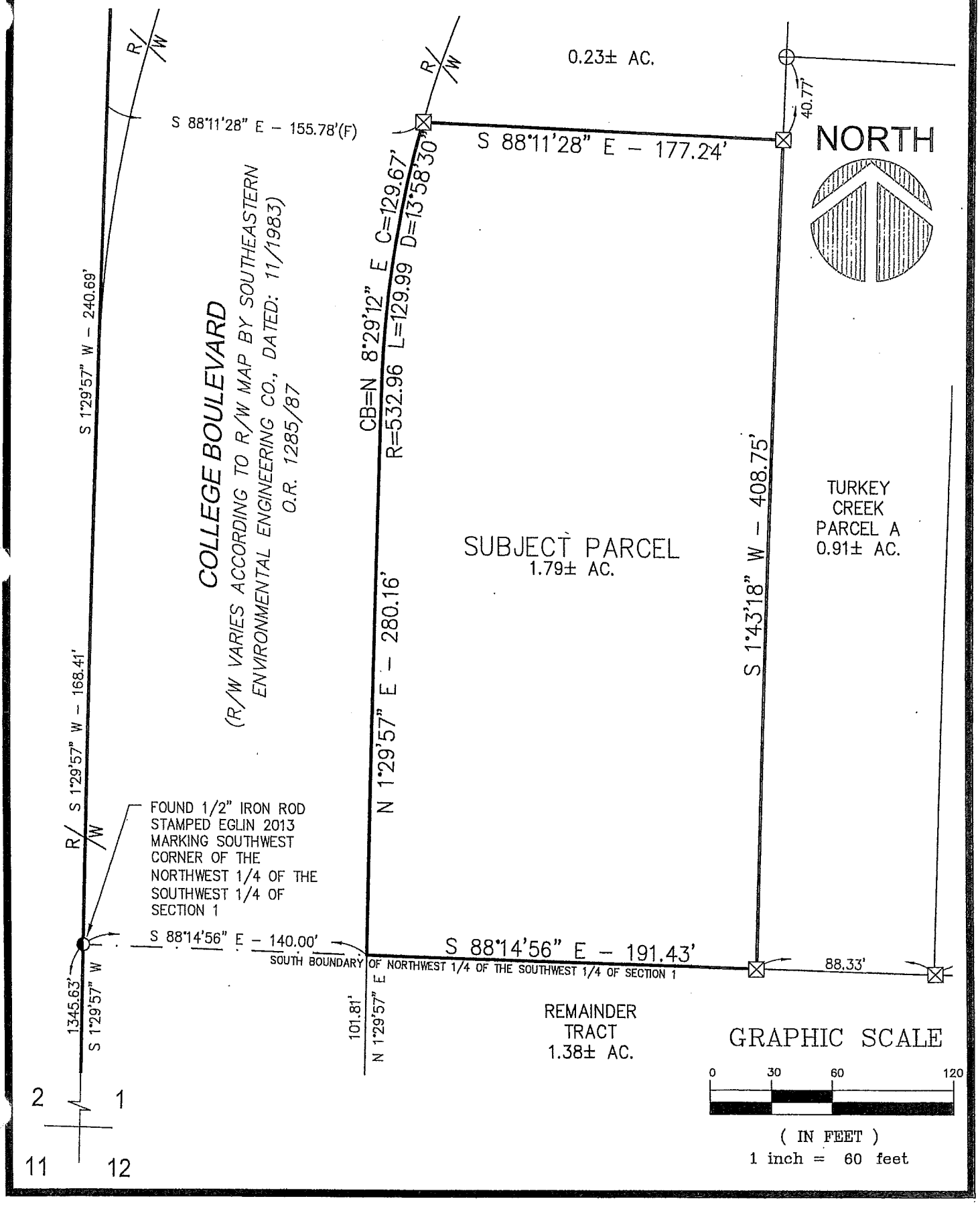

0.23± AC.
40.77'
NORTH
S 88°11'28" E – 155.78'(F)
S 88°11'28" E – 177.24'
R/W
R/W
CB=N 8°29'12" E C=129.67'
R=532.96 L=129.99 D=13°58'30"
S 1°29'57" W – 240.69'
COLLEGE BOULEVARD
(R/W VARIES ACCORDING TO R/W MAP BY SOUTHEASTERN ENVIRONMENTAL ENGINEERING CO., DATED: 11/1983)
O.R. 1285/87
SUBJECT PARCEL
1.79± AC.
TURKEY CREEK PARCEL A
0.91± AC.
S 1°43'18" W – 408.75'
N 1°29'57" E – 280.16'
S 1°29'57" W – 168.41'
R/W
FOUND 1/2" IRON ROD STAMPED EGLIN 2013 MARKING SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1
S 88°14'56" E – 140.00'
S 88°14'56" E – 191.43'
88.33'
SOUTH BOUNDARY OF NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1
1345.63'
S 1°29'57" W
101.81'
N 1°29'57" E
REMAINDER TRACT
1.38± AC.
GRAPHIC SCALE
0
30
60
120
(IN FEET)
1 inch = 60 feet
2
1
11
12

EXHIBIT A

DESCRIPTION (AS FURNISHED):

A PARCEL OF LAND, LYING IN SECTION 1, TOWNSHIP 1 SOUTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA, LYING EAST OF COLLEGE BOULEVARD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1, LYING ON THE EASTERLY BOUNDARY OF EGLIN AIR FORCE BASE;

THENCE N 01°29'57" E ALONG THE COMMON EAST BOUNDARY OF EGLIN AIR FORCE BASE AND WEST BOUNDARY OF SAID SECTION 1, A DISTANCE OF 1345.63 FEET TO A FOUND 1/2" CAPPED IRON ROD STAMPED EGLIN 2013, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUHTWEST QUARTER OF SAID SECTION 1;

THENCE S 88°14'56" E ALONG THE SOUTH BOUNDARY THEREOF, A DISTANCE OF 140.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID COLLEGE BOULEVARD;

THENCE ALONG SAID RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) CALLS:

1) N 01°29'57" E, A DISTANCE OF 280.16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 532.96 FEET;

2) THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°58'30", AN ARC DISTANCE OF 129.99 FEET, (CHORD BEARING = N 08°29'12" E, CHORD = 129.67 FEET) TO A 4"x4" CONCRETE MONUMENT (NO IDENTIFICATION);

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED S 88°11'28" E, A DISTANCE OF 177.24 FEET TO A 4"X4" CONCRETE MONUMENT (NO IDENTIFICATION) LYING ON THE WEST BOUNDARY OF THE TURKEY CREEK PARCEL;

THENCE S 01°43'18" W ALONG SAID WEST BOUNDARY, A DISTANCE OF 408.75 FEET TO A 4"X4" CONCRETE MONUMENT (NO IDENTIFICATION) MARKING THE SOUTHWEST CORNER OF SAID TURKEY CREEK PARCEL AND INTERSECTION WITH THE AFORESAID SOUTH BOUNDARY OF THE QUARTER-QUARTER;

THENCE N 88°14'56" W ALONG SAID SOUTH BOUNDARY, A DISTANCE OF 191.43 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1.79 ACRES, MORE OR LESS.

FRESH AND SALTWATER SPORTS
ON CHOCTAWHATCHEE BAY

CITY OF VALPARAISO

465 VALPARAISO PARKWAY • (850) 729-5402
VALPARAISO, FLORIDA 32580

HOME OF
EGLIN AIR FORCE BASE

June 30, 2015

Mr. Matthew H. Zinke, P.E.
Vice President
JE / GCT Engineering
121 Hart Street
Niceville, FL 32578

RE: Girl Power Station
Review of Initial Submittal

Dear Mr. Zinke:

The City of Valparaiso has reviewed the provided submittal including the construction plans for the above referenced project and has the following comments:

1) On Dwg No. C02: Site Plan, revise the project use from Recreational Community Center to Volleyball Academy and the height from two-story to one-story with mezzanine to accurately reflect the project's use and the proposed building's construction.
2) On the plans, on the south side of the building, show a minimum 25' wide improved area for Fire Department accessibility.
3) On Dwg No. C04: Utility Plan, relocate the fire hydrant to the landscape island north of the entrance.
4) On Dwg No. C09: Utility Details, add the words "Double Check Detector" to the title of Detail 9/C09: Backflow Preventer Detail.
5) Apply for and obtain an Okaloosa County ROW Permit for the connections to the existing water main located just inside the asphalt pavement of the eastern side of College Blvd.
6) Revise Attachment C of the Traffic Impact Analysis to state "Okaloosa" instead of "Walton" County.

If you have any comments or questions, please contact me at phone number (850) 729-5402.

Sincerely,

Carl Scott
City Administrator

Jenkins Engineering, Inc.
1234 Airport Road, Suite 126
Destin, FL 32541
850-837-2448

GCT Engineering
121 Hart Street
Niceville, FL 32578
850-678-5141

July 2, 2015

Mr. Carl Scott
City Administrator
City of Valparaiso
465 Valparaiso Pkwy
Valparaiso, FL 32580

RE: Girl Power Station
Response to City of Valparaiso Initial Submittal Comments

Dear Mr. Scott:

In reply to the City of Valparaiso comments dated June 30, 2015, this letter addresses the outstanding issues and provides responses to the comments along with a revised set of signed and sealed civil plans and any other requested documents. The responses to the comments are listed below:

1) Dwg No. C02: Site Plan, has been revised to indicate a project use of Volleyball Academy and a height of one-story with mezzanine.
2) The plans have been revised to show a 25' wide stabilized area for Fire Department accessibility on the south side of the building.
3) Dwg No. C04: Utility Plan, has been revised to show the fire hydrant in the landscape island north of the entrance.
4) Dwg No. C09: Utility Details, has been revised to add the words "Double Check Detector" to the title of Detail 9/C09.
5) An Okaloosa County Driveway Permit has been received and an Okaloosa County ROW Permit for the connections to the existing water main located just inside the asphalt pavement of the eastern side of College Blvd has been submitted to the County.
6) Per Joe Poole, P.E. of STS, who provided the Traffic Analysis, Attachment C is actually correct. Since the best ITE Trip Generation Manual use code for the project is ITE 495 (Recreational Community Center) and the ITE Trip Generation Manual does not have a pass-by rate for this code and Okaloosa County doesn't have one either, the one from the Walton County Land Development Code was used. Okaloosa County considers the Walton County LDC an acceptable reference and source for trip generation and has been used successfully in many other studies in Okaloosa County..

If you have any comments or questions, please contact me at phone number (850) 678-5141.

Sincerely,

Matthew H. Zinke, P.E.
Vice President

cc: Terri Fedonczak – The Pride Foundation / VRC

enc: Revised 24" x 36" Signed and Sealed Construction Plans dated July 2, 2015
Okaloosa County Driveway Permit
Okaloosa County ROW Permit Submittal

RESOLUTION NO. 07-06-08-15

A RESOLUTION APPOINTING A MEMBER TO THE OKALOOSA GAS BOARD AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the term of Valparaiso's representative to the Okaloosa Gas Board has expired, and

WHEREAS, it is in the best interest of the City of Valparaiso to fill this vacancy.

NOW, THEREFORE, BE IT RESOLVED BY THE VALPARAISO CITY COMMISSION THAT:

The following is hereby appointed to serve on the following board for a four year term or at the pleasure of the Valparaiso City Commission:

1. Okaloosa Gas Board

Member	Term Expires
	June 30, 2019

This resolution is effective upon adoption.

PASSED AND ADOPTED THIS 13TH DAY OF JULY, 2015.

John B. Arnold, Jr.
Mayor

ATTEST:

Tammy Johnson, CMC
City Clerk

MEMORANDUM

To: Mayor Arnold, City of Valparaiso and Carl Scott, City Administrator

From: Hayward Dykes, Jr., Esq., City Attorney

Date: February 25, 2015

Re: Okaloosa Gas Board Appointment

ISSUE

Whether the City of Valparaiso may appoint to the Okaloosa Gas Board an elected commissioner, who is not the mayor, to serve as the representative to the Okaloosa Gas District.

FACTS

The Okaloosa County Gas District (hereafter the "Gas District") was formed by the State of Florida as an Independent Special District.[1] The City of Valparaiso (hereafter "the City"), along with Okaloosa County, Niceville, Fort Walton Beach, and Crestview operate as the Board of Directors for the Gas District.

According to the special act of the Florida legislature forming the Gas District, it was established that the board of directors would be appointed by each municipality in following manner:

> "Section 8. The Board of Directors.—The District shall have a Board of Directors, consisting of one member of each member municipality and one member appointed by the Board of County Commissioners of Okaloosa County, to represent the interest of the unincorporated areas and the interest of the nonmember cities. *The member for each member municipality shall be appointed by the governing body of such member municipality…The representative of each municipality may, but need not be, the mayor or chief executive officer of such municipality* and the member appointed by the Board of County Commissioners of Okaloosa County may, but need not be, an elected official, except and provided that no member of the Board of County Commissioners of Okaloosa County shall serve in such capacity…" [Emphasis added.]

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[1] Chapter 2000-443 (House Bill No. 1637, Laws of Florida.

City of Valparaiso v. Reid Litigation

As you know, Section 8 of the act was reviewed by County Court Judge Patricia Grinsted in a case involving Charles Reid and the City's attempt to pass Ordinance 599, which would require the City's Gas Board representative to be an "elected commissioner" other than the mayor.[2] Since I assume you are familiar with the facts I will not go into them in this memo. However, I will note that the court adjudged the City's attempt to appoint an elected city commissioner who was not the mayor as illegal and against common-law and public policy.[3] The court found the City could appoint the mayor (who is also a commissioner), chief executive officer of the City, or some other person, but shall not appoint another elected commissioner to the Gas District Board since it was not allowed under the act that formed the Gas District.

CONCLUSION

Based on the foregoing, and my review of the relevant statues and facts surrounding the issue presented, I am of the opinion the City of Valparaiso Commission, may not appoint a city commissioner who is not the mayor to represent the City on the Okaloosa County Gas Board. This does not mean the City cannot appoint its chief executive officer or some other non-commissioner to represent the City on the Gas District Board. I believe any attempt to do so would invite further litigation on this matter. I offer the above opinion for the benefit of the City Valparaiso and its staff. No other person or persons should consider this memo or the opinions contained herein as legal advice. If there are any questions regarding this memo or anything contained herein please do not hesitate to contact my office.

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[2] Reid v. City of Valparaiso, Okaloosa County Case 2010 CC 001550.

[3] Order Granting Petitioner's Request for Temporary Injunctive Relief, dated July 26, 2010 and Final Judgment, dated October 14, 2010.

PAM BONDI
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April 19, 2011

Mr. Douglas M. Wyckoff
Valparaiso City Attorney
116 Live Oak Avenue East
Defuniak Springs, Florida 32435

Dear Mr. Wyckoff:

On behalf of the Mayor of the City of Valparaiso, you ask whether the city has the authority to appoint a city commissioner, other than the mayor, to serve on the Board of Directors of the Okaloosa Gas District, an independent special district created by special act.[1]

Section 8 of the Okaloosa Gas District's charter, as codified by section 2, Chapter 2000-443, Laws of Florida, establishes the membership of the district's board of directors:

> The District shall have a Board of Directors, consisting of one member of each member municipality and one member appointed by the Board of County Commissioners of Okaloosa County, to represent the interest of the unincorporated areas and the interest of the nonmember cities. The member for each member municipality shall be appointed by the governing body of such member municipality . . . . The representative of each municipality may, but need not be, the mayor or chief executive officer of such municipality . . . .

Thus, it is the responsibility of the governing body, not the mayor, to appoint the representative of the municipality to the gas district's board of directors. As stated in this office's statement of policy, a copy of which is enclosed, questions relating to the powers and duties of a public board or commission (or other collegial public body) should be requested by a majority of the members of that body. In the absence of a request from a majority of the members of the Valparaiso City Commission, this office cannot comment upon of the duties of the commission.

In addition, I note that the circuit court in *Reid v. City of Valparaiso*[2] considered the authority of the city commission to appoint a commissioner other than the mayor to the district board. In addressing a city ordinance that required that the city's representative on the gas board be an elected city commissioner,[3] the court, in granting the request for injunctive relief, stated in its general conclusions of law:

> *Ordinance No. 599* is also contrary to the common-law rule of public policy which disqualifies all officers who have appointing power from filling the offices or positions for which they appoint.[4]

In holding that the appointment of a city commissioner to the Gas District Board was void, the court stated that the ordinance was illegal and against common-law and public policy.[5] Thus, the court, in striking down the ordinance, considered the common law rule disqualifying a governmental body from appointing one of its own members to a position over which it has appointment power unless such appointment is authorized by law to be applicable to the Valparaiso City Commission's appointments to the district board.

This office cannot, through an opinion, comment upon the validity of a ruling of the court. In an effort to be of some assistance, however, and inasmuch as the court referenced several Attorney General Opinions, I would generally note that in 1994 the Florida Supreme Court in *State ex rel. Clayton v. Board of Regents*,[6] considered whether this common law principle prohibited the Florida Board of Regents from appointing one of its own members as university president, a position over which it had appointment power. The Court concluded that no such common law principle existed in Florida, stating:

> We find there was no common law principle in existence in England on July 4, 1776, that governs the issue in this case. Further, conduct involving public officers, such as dual office-holding, financial benefit from office, and abuse of public trust, are issues directly addressed by the Florida Constitution. *See* art. II, §§ 5, 8. In addition, our Constitution requires that public officials must conduct public business in the open and that public records must be made available to all members of the public. Art. I, § 24, Fla. Const. As noted by Clayton, other jurisdictions may indeed have developed through judicial decisions a common law principle prohibiting a governmental body from appointing one of its own members to a position over which it has appointment power. While such a common law principle does not exist in Florida, however, we note that, when taken as a whole, the constitutional provisions governing public officials in Florida are even more restrictive as to the manner in which public officials

may hold office and conduct public business than the judicially enacted common law doctrines in other jurisdictions.[7]

In light of the Florida Supreme Court's decision in *State ex rel. Clayton v. Board of Regents*, this office has stated that no common law principle precludes a member of a governmental body from appointing one of its own members to a position over which it has appointment power.[8]

Regarding the issue of dual office-holding, I would generally note that the courts of this state and this office have recognized that Article II, section 5(a), Florida Constitution, the constitutional prohibition against dual office-holding, refers only to state, county, and municipal offices[9] and thus is not applicable to independent special district offices.[10]

I trust you will understand that the duties of this office are prescribed by law. I hope, however, that the above informal comments may be of assistance.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tsh

Enclosure: Statement of Policy

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[1] Chapter 2000-443, Laws of Fla.

[2] Order Granting Petitioner's Request for Temporary Injunctive Relief, Case No. 2010 CC 001550 (Fla. 1st Jud. Cir. Okaloosa Co.), filed July 26, 2010.

[3] Ordinance No. 599, amending Art. VII, Div. 2, s. 2-194, Valparaiso City Code.

[4] Order, *supra* at General Conclusions of Law, C., p. 9. The court referenced several Attorney General Opinions issued during the 1980s for this proposition.

[5] *Id.* at D., p. 10.

[6] 635 So. 2d 937 (Fla. 1994).

[7] *Id.*

[8] *See* Op. Att'y Gen. Fla. 03-20 (2003). *See also* Ops. Att'y Gen. Fla. 96-59 (1996), 96-84 (1996), 00-17 (2000), 04-07 (2004), 08-56 (2008), and 11-05 (2011). *And see* s. IX of this office's Dual Office-holding Pamphlet (available online at: http://myfloridalegal.com/webfiles.nsf/WF/MRAY-6S3PP7/$file/dual.pdf) which addresses whether common law principles prohibit a public agency from appointing one of its members to a position over which it has appointment power.

[9] Article II, section 5(a), Florida Constitution, provides in part that except as provided therein "[n]o person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein . . . ."

[10] *See In re Advisory Opinion to the Governor*, 630 So. 2d 1055, 1058 (Fla. 1994) (community college district board of trustees member is an officer of a special district and is not a state, municipal, or county officer within the meaning of Art. II, s. 5(a), Fla. Const.). *And see* Ops. Att'y Gen. Fla. 71-324 (1971) (hospital district's governing body); 85-24 (1985) (community redevelopment district established by general law); 94-83 (1994) (airport and industrial district); 99-49 (1999) (community redevelopment agency); 01-14 (2001) (water control district); 00-17 (2000); 02-49 (2002) and 02-83 (2002) (water control district); and 08-06 (2008) (mosquito control district).