

AGENDA
CITY OF VALPARAISO & VALPARAISO CABLE AUTHORITY JOINT MEETING
VALPARAISO, FL
850-729-5402
NOVEMBER 14, 2022
6:00 PM

Invocation (Mayor Smith)
Pledge of Allegiance (Mayor Smith)

APPROVAL OF MINUTES

October 11, 2022

CITIZENS' CONCERNS (non-agenda items)

1. Resident
2. Non-resident

ACTION ITEMS/POTENTIAL ORDINANCES

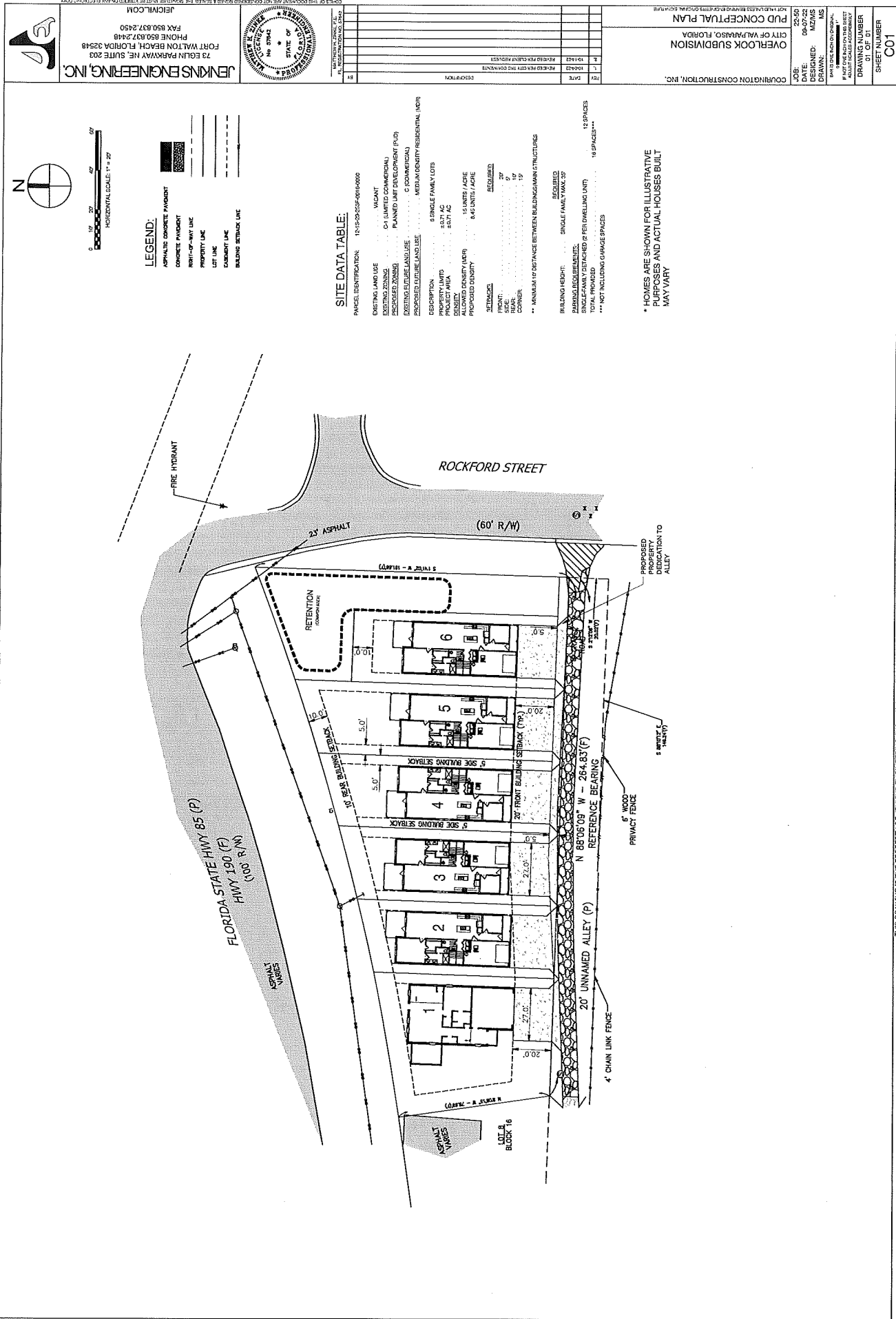
1. Added Agenda Item
2. PUD - Bradley Development -----Attach 1
3. Ordinance No. 718 Creating Community Center Board-----Attach 2
4. Ordinance No. 719 Amend Agenda & Attachment Timeline-----Attach 3
5. Resolution No. 08-11-14-2022 Recognizing 50th Anniversary of the FACC----Attach 4
6. Resolution No. 09-11-14-2022 Sale of Surplus Property-----Attach 5
7. Funding for 2024 Pumper Truck-----Attach 6
8. Short Term Vacation Rentals-----Attach 7

OLD BUSINESS

1. Update Surplus Property at 363 Washington Ave
2. Update New City Hall Renovation
3. Update Property in Plat III next to Water Tower

REPORTS / CORRESPONDENCE / ANNOUNCEMENTS

1. TPO/DOT
2. Stormwater
3. Community Liaison Report
4. Regional Sewer Update
5. Planning Commission Update
6. Department Updates-----Attach 8
7. Disbursements
8. Etc.



ORDINANCE NO. 718

AN ORDINANCE OF THE CITY OF VALPARAISO AMENDING ARTICLE VII BOARDS AND COMMITTEES, CREATING A NEW SECTION 2-196, TITLED COMMUNITY CENTER BOARD, AND PROVIDING FOR (1) FINDINGS, (2) REPEAL OF CONFLICTING ORDINANCES, (3) SEVERABILITY AND (4) AN EFFECTIVE DATE.

WHEREAS, the Valparaiso City Commission has determined that changes need to be made to the function, makeup and composition of the Valparaiso Senior Center, and

WHEREAS, such amendments are required to be made by Ordinance adoption, and

WHEREAS, the adoption of such an Ordinance is intended to improve the function of City government, and

WHEREAS, the City Commission's intent is to provide the public with all opportunities and rights for access to the existing City of Valparaiso Senior Center, and

WHEREAS, the City Commission feels it is in the best interest of the public to rename the facility to the City of Valparaiso Community Center,

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.

Section 2: PURPOSE AND INTENT: The Valparaiso Code of Ordinances, ARTICLE VII is hereby amended as follows with underlining indicating new language and strikethroughs indicating deleted language:

Section 2-196. City of Valparaiso Community Center Board.

Section 2-196.1 - Establishment of City of Valparaiso Community Center Board; Membership; Appointment; Terms; Vacancies; Compensation; Removal; Officers.

1. A Community Center Board is hereby established.
2. The Community Center Board shall consist of five (5) members, all of whom must be citizen members representing the City of Valparaiso at large.
3. Community Center Board members shall serve without pay.
4. The Mayor and Board of Commissioners shall be the appointing authority of the City of Valparaiso Community Center Board. All Community Center Board members shall be appointed at-large. Individuals applying for a Community Center Board vacancy shall submit an application to the City of Valparaiso to be reviewed by the Mayor and Board of Commissioners.
5. The term of office for the Community Center Board shall be five (5) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve, two (2), three (3), four (4) year and five (5) years, respectively.
6. Vacancies on the Community Center Board shall be filled within sixty (60) calendar days by Valparaiso Board of Commissioners. When a vacancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.

7. The members of the Community Center Board shall be volunteers and receive no compensation. They may request reimbursement from the City for expenses directly related to their duties as Board members.
8. Any member of the Community Center Board may be removed by the City Commission, for inefficiency, multiple absences, neglect of duty, malfeasance, or conflict of interest. The City Commission exercising the power to remove a member from the Community Center Board shall submit a written statement to the Community Center Board setting forth the reasons and the statement shall be read at the next meeting of the Community Center Board which shall be open to the general public.
9. The Community Center Board shall elect annually a chairman, vice- chairman, and secretary. The Community Center Board may elect any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of their annual term.

2-196.2 Meetings of the Community Center Board; Quorum; Minutes Rules and Regulation of the Board; Special Meetings; Voting Conflicts; Board Attorney; and Training.

1. The Community Center Board shall conduct public meetings on the date and time of every month in the place designated for such meetings as decided by a majority of the Community Center Board members. Such public meetings shall not conflict or be at the same time as City Commission meetings or any other meetings of boards created by the City Commission.
2. A quorum of the Community Center Board will be three (3) members. A majority vote of a quorum of the Community Center Board is required to take any official action or make any recommendation to the City Commission.
3. The Community Center Board shall adopt such rules and regulations for the conduct of public hearings and meetings as are consistent with State law and the City Code and are appropriate to its responsibilities, which shall be published and available to the public, as well as conflict of interest rules, to insure that no member is entitled to rule on a matter in which he has an interest directly or indirectly.
4. The Community Center Board shall conduct special meetings at the call of the City Clerk, who shall give written or oral notice to the Chairman of the Community Center Board. The Chairman will subsequently give notice to all members of the Community Center Board at least five (5) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.
5. Any member of the Community Center Board whose relative or business as defined in Florida Law would receive a special private gain or loss must disclose the nature of the interest and shall be disqualified from voting on the question.
6. The Community Center Board shall keep minutes and records of all proceedings including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the City Clerk. A transcript of the minutes of the Community Center Board shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
7. All Community Center Board members are subject to the State of Florida Sunshine Laws.
8. The City Attorney shall act as the Community Center Board's attorney. The City Attorney will assist with all legal matters for the Community Center Board including but not limited to assist the Community Center Board in conducting public hearings and meetings, preparation of documents to be submitted for approval to the City Commission, and to answer legal questions that may arise for the Community Center Board.

2-196.3 Duties

2-196.4 Operational Plan

It shall be the duty of the Community Center Board to annually review in October of each year the operational plan of the Community Center of the City of Valparaiso and make recommendations to the Mayor and Board of Commissioners for the maintenance, repairs, events, and general operation of Valparaiso Community Center. The operational plan as developed for the City of Valparaiso shall consist of the following elements at a minimum:

1. Goals and objectives for the annual operation of the Community Center.
2. Proposed activities and related fees.
3. An annual facilities report for the community center as a basis for a capital improvements program including, but not limited to the structural, electrical, mechanical, and plumbing elements of the facility.
4. In June of each year, a proposed operational budget for the Community Center to be submitted to the Board of Commissioners for consideration in the City's fiscal year budget.

2-196.5 Decisions

The Community Center Board is limited to recommendations to the Board of Commissioners. Community Center Board members shall review and act upon all matters brought before the Community Center Board for consideration. Upon majority vote, those decisions shall be prepared by the Chairman as recommendations to the City of Valparaiso Board of Commissioners, forwarded to the City Clerk, and placed on the next agenda for consideration.

Section 3: SEVERABILITY

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

Section 4: CONFLICTING ORDINANCES

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

Section 5: EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

Hubert B. Smith
Mayor

ATTEST:

Tammy Johnson, CMC
City Clerk

ORDINANCE NO. 719

AN ORDINANCE OF THE CITY OF VALPARAISO AMENDING ARTICLE 2, CHAPTER 2, SECTION 2-31 OF THE VALPARAISO CODE OF ORDINANCES TO REQUIRE ADEQUATE ADVANCE PREPARATION OF AGENDA AND ATTACHMENTS AND PROVIDING FOR (1) FINDINGS, (2) REPEAL OF CONFLICTING ORDINANCES, (3) SEVERABILITY AND (4) AN EFFECTIVE DATE.

WHEREAS, Government In The Sunshine is legally mandated in the Florida Constitution and statutes and is fully supported by the people of our City and State, and

WHEREAS, the City of Valparaiso conducts its regular monthly City Commission meetings on the second Monday of each month, and

WHEREAS, the citizens, employees, officers and Commissioners of the City of Valparaiso are entitled to have adequate advance notice of the subject matter to be discussed and voted on at the regular City Commission meetings.

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.

Section 2: Purpose and Intent: The Valparaiso Code of Ordinances, ARTICLE 2, CHAPTER 2, SECTION 2-31 is hereby amended as follows with underlining indicating new language:

Regular meetings.

The regular meetings of the city commission shall be held on the second Monday of each month at 6:00 p.m., in the city hall. The City Clerk shall cause the Agenda and all attachments thereto to be fully assembled and delivered to ~~the City Hall mailboxes of each Commissioner and the City Attorney by 5:00 p.m. of the Wednesday~~ Thursday preceding each regular City Commission meeting. The City Clerk shall cause the Agenda ~~and attachments~~ to be placed on the City's website. ~~and A hard copy of the agenda and attachments will be available at City Hall for review by the public in hard copy with the City's "read file" at the same time, so that the citizens of the City of Valparaiso are able to participate fully in their governance. Any material or agenda item which is not so assembled, delivered and available for review and analysis shall not be considered by the City Commission absent an affirmative vote of four (4) members of the City Commission. In circumstances involving matters of an emergency or time-sensitive in nature, a majority vote of the Commission shall place such matters on the agenda.~~

Section 3: SEVERABILITY

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

Section 4: CONFLICTING ORDINANCES

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

Section 5: EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS __DAY OF __, 2022.

Hubert B. Smith
Mayor

ATTEST:

Tammy Johnson, CMC
City Clerk

RESOLUTION NO. 08-11-14-22

A RESOLUTION BY THE CITY OF VALPARAISO RECOGNIZING THE 50TH ANNIVERSARY OF THE FLORIDA ASSOCIATION OF CITY CLERKS (FACC) AND HONORING THIS ACHIEVEMENT.

WHEREAS, the Office of the Municipal Clerk is a time-honored and vital part of local government; and is one of the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides a professional and essential link between the citizens, the local governing bodies and intergovernmental agencies at the local, state and federal levels along with other essential services; and

WHEREAS, the Florida Association of City Clerks (FACC) is the professional membership organization for Florida's municipal clerks and others who work within the clerk's office; and

WHEREAS, FACC began in 1972 when its founder, the late Robert N. Clark, CMC, City Clerk of Sunrise, saw the need for an organization to bring together like-minded people to unite the voice of all municipal clerks, to share ideas and to assist one another in the work of municipal government; and

WHEREAS, FACC celebrates its 50th anniversary in 2022, and a golden anniversary is a momentous occasion worthy of commendation and Florida's cities, towns and villages will all join in observation of this celebratory event; and

WHEREAS, municipal clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in educational programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, FACC is a primary source for the educational programs, seminars, workshops and webinars for educating Florida's municipal clerks and those who serve in the clerk's office, and municipal clerks look to FACC to provide the training needed to obtain their Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMC) certifications; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VALPARAISO:

Section 1. That the City of Valparaiso celebrates the 50th anniversary of the Florida Association of City Clerks, and

Section 2. That FACC is commended for 50 years of excellent service provided to the municipal clerks in the State of Florida.

PASSED AND ADOPTED THIS ____ DAY OF _____ 2022.

RESOLUTION NO. 09-11-14-22

A RESOLUTION TO APPROVE SALE OF SURPLUS PROPERTY FROM THE CITY OF VALPARAISO AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statute 274.05 allows a governmental unit to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function; and

WHEREAS, the Police Department has a vehicle that no longer serves a need; and

WHEREAS, a replacement vehicle has been purchased to update the aging fleet; and

WHEREAS, the Police Chief has requested disposal of the surplus property.

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

The City of Valparaiso is hereby authorized to sell the following item of surplus property:

1. 2017 Dodge Charger

This resolution is effective upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____ 2022.

Hubert B. Smith
Mayor

SUTPHEN CORPORATION

***6450 Eiterman Road
Dublin, OH 43016***

PROPOSAL

City of Valparaiso Fire Department
Chief Tommy Mayville
431 Valparaiso Parkway
Valparaiso, FL 32580

Date: October 13,2022

FOR YOUR REVIEW:

We hereby propose and agree to furnish the following firefighting apparatus upon your acceptance of this proposal:

**One 2024 Sutphen Custom Fire Apparatus utilizing Sourcewell Cooperative
Purchasing Contract #113021 SUT \$ 720,920.00**

****If payment in full is made within 30 days after issue of a Purchase Order,
you may deduct \$ 28,380.00 for a FINAL SELLING PRICE of ... \$ 692,540.00**

Apparatus will be manufactured completely in accordance to the following proposal and delivered approximately **28-30 months** after approval of contract, subject to delays from all causes beyond our control. Unless accepted within **45 days** from this date, the right is reserved to withdraw this proposal.

Respectfully submitted by:



Guy Lombardo- Sales Representative

CITY OF VALPARAISO, FLORIDA

MEMORANDUM

DATE: November 9, 2022

TO: Honorable Mayor and City Commissioners

FROM: Tammy Johnson- City Clerk

SUBJECT: FUNDING FOR THE 2024 PUMPER TRUCK

Option 1:

The City could use ARPA Funds to purchase the Pumper Truck saving approximately \$200,000+ in interest.

The City would pay for the engine up front with an estimated delivery date of May 2025.

Based on guidance from the State and Local Fiscal Recovery Funds (SLFRF) Compliance & Reporting Guide, the above would be an eligible expense.

Option 2:

The City could do a lease finance. (See proposal on next page)

Option 3:

Lease Purchase with the Florida League of Cities they are willing to go out 12 to 15 years at 3.99%. It could be a few basis points higher today but should not be as much as the proposal on the next page.

A lot of times with fire trucks they build it in stages with the chassis and then the rest. We cannot pay out the whole amount until you have a VIN and the whole vehicle in hand. You can use a requisition fund to make submissions and receive payments for those submissions if you want or pay for it up front to get the discount then get reimbursed later when the whole truck is delivered since many times the truck is not ready on the date we close so we cannot pay out all the money according to bank rules for securitized assets.

LEASE FINANCING PROPOSAL

Requested by
South Florida Emergency Vehicles
Guy Lombardo



Presented To (As Lessee)
City of Valparaiso, FL

Proposal Date:	October 13, 2022			
Equipment Description:	(1) New Sutphen Custom Pumper			
Commencement Date:	November 15, 2022			
	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>	<u>Option 4</u>
Equipment Cost:	\$720,920	\$720,920	\$720,920	\$720,920
Prepay Discount:	\$28,380	\$28,380	\$28,380	\$28,380
Amount Financed:	\$692,540	\$692,540	\$692,540	\$692,540
Lease Term:	7 Years	8 Years	9 Years	10 Years
First Payment Date:	5/15/2025	5/15/2025	5/15/2025	5/15/2025
Payment Frequency:	Annual	Annual	Annual	Annual
Lease Rate:	4.82%	4.86%	5.54%	5.62%
Payment Amount:	\$127,661.94	\$114,459.20	\$108,275.64	\$100,367.85
Payment Factor:	0.18434	0.16527	0.15635	0.14493

Qualifications:

1. **Pricing:** This is a lease proposal for the payment stream(s) indicated above. If any of the information identified above are not correct, please advise us so that we can determine if a new proposal is required. Other important elements of this proposal are:

- a) **Rate Expiration:** Due to the current increasing rate markets, this proposal is valid under the following circumstances:
- The award is received within 7 days of the Proposal Date.
 - The transaction is closed within 30 days off the Proposal Date.
- If you are unable to award within 7 days, please contact us prior to your decision meeting date and we will provide a current proposal.

b) **Closing Costs:** There will be no up-front costs of any kind charged by Lessor including closing costs, points, administrative costs, etc. Your attorney may charge you to review the lease documents and complete the opinion letter required with our lease documentation.

c) **Fixed Rates:** Rates for ten (10) years and under are fixed for the entire term. Terms over ten years have a one time rate adjustment after ten (10) years to the then current interest rates for the remaining term.

2. **Type of Lease:** This is a lease-purchase type of financing. After all the lease payments are made, Lessee will own the equipment without further cost.

3. **Financial Reporting:** All city, county and tax districts (including fire districts) will be expected to provide GAAP audited financial reports. All non-profit corporations (vfd's) will be expected to provide IRS 990 federal tax returns. If you do not maintain these types of financial reports, please contact us to discuss.

4. **Vendor Payable / Escrow Account (where applicable):** In the event that the truck(s) and/or equipment are not ready to be delivered, proceeds of this lease will be held in a vendor payable account until delivery/acceptance. This is a non-interest bearing account to Lessee.

5. **Credit Approval and Documentation:** This is a proposal only, and does not represent a commitment to lease. This financing is subject to credit review and approval and execution of mutually acceptable documentation, including the opinion of lessee's counsel opining that the agreement is legal, valid and binding, obligation of Lessee.

Financing by: **Leasing 2, Inc.**
Contact: **Brad Meyers**
Phone: 813-258-9888 x12
Email: bmeyers@leasing2.com
Web: www.leasing2.com



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF VALPARAISO, FLORIDA, MAKING FINDINGS OF FACT RELATING TO CERTAIN ADVERSE EFFECTS OF UNSUPERVISED VACATION RENTALS BY OWNER; AMENDING THE CITY'S CODE OF ORDINANCES TO REGULATE SHORT TERM VACATION RENTALS BY OWNER AS PERMITTED BY STATE LAW THROUGH ADDITION OF CHAPTER 99; REQUIRING REGISTRATION OF EACH UNIT; REQUIRING DESIGNATION OF RESPONSIBLE PARTY FOR EACH UNIT; SPECIFYING MAXIMUM OCCUPANCY LIMITS; PROHIBITING CERTAIN ACTIONS BY OWNERS AND OCCUPANTS; ESTABLISHING CIVIL AND CRIMINAL PENALTIES FOR VIOLATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, prior to 2011 Florida's cities and counties regulated local land use issues and decisions under the Home Rule authority granted them by the Florida Constitution; and

WHEREAS, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida)(hereafter "HB 883") which preempted the local regulation of a specific land use commonly called short-term vacation rentals by owner (transient rentals less than thirty days in duration and commonly located in residential areas); and

WHEREAS, short-term vacation rental units are designated by Florida law as public lodging establishments the same as hotels, motels and bed and breakfast establishments; and

WHEREAS, the preemption bill provided for very little oversight from the state for short-term vacation rentals and as a result, standards for short-term vacation rentals have become relaxed when compared to other public lodging establishments such as hotels, motels, and bed and breakfast establishments; and

WHEREAS, HB 883 prevented local communities from enacting new regulations necessary to address any negative impacts caused by short-term vacation rental units; and

WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida, hereafter "SB 356") which rescinded the previous preemption on local regulation of short-term vacation rentals, but also provided that a local law, ordinance, or regulation adopted after June 1, 2011, may not prohibit short-term vacation rentals or regulate the duration or frequency of short-term vacation rentals; and

WHEREAS, SB 356 has returned some local control to communities to mitigate the effects of short-term vacation rentals in an attempt to make them more compatible with existing neighborhoods and accountable for their proper operation; and

WHEREAS, single-family residential neighborhoods and their required infrastructure are generally designed to accommodate typical single-family residential homes with two (2) to five (5) persons per household on average; and

WHEREAS, local governments apply design standards tailored for residential neighborhoods to their roads, driveways, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers and the like; and

WHEREAS, residential and vacation condominiums and their required infrastructure are generally designed to accommodate typical single-family units with at least one full bathroom for every four (4) occupants on average; and

WHEREAS, condominiums are designed for limited occupancy and typical residential uses which do not include large and frequent parties at all times of the day and night; and

WHEREAS, permanent and long term single-family home and condominium residents inherently understand, know and generally respect their physical surroundings and their neighbors because they have daily familiarity with the neighborhood or condominium building and share a common interest in “getting along” with their neighbors, all of which tends to naturally limit excessive, bothersome and sometimes dangerous behavior and conditions; and

WHEREAS, permanent and long-term residents within residential neighborhoods and condominiums establish long-term friendships, social norms and a sense of community which leads to mutual respect among property owners on an ongoing basis; and

WHEREAS, the vacationing, short term occupants of transient rental units do not share that common understanding and self-interest and moreover are, by definition, “on vacation” which carries a cultural motivation to act more freely away from the daily routines of their lives at home, and in a residential neighborhood or a residential condominium that frequently leads to excessive, bothersome and sometimes dangerous behavior and conditions; and

WHEREAS, a single-family dwelling home is typically the largest investment a family will make in its lifetime, with the home held sacred in popular culture as the heart and the center of the family unit; and

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without over-intrusion by an excessive number of transient occupants in the neighborhood; and

WHEREAS, transient rental units located within established neighborhoods and condominiums can disturb their neighbors’ quiet enjoyment, lower property values, and burden the design layout of a typical neighborhood or condominium; and

WHEREAS, the presence of transient rental units within single-family dwelling units in residential neighborhoods and in residential condominiums creates negative compatibility

impacts, among which include, but are not limited to, excessive noise, on-street parking, vehicular trespass on private property, accumulation of trash, and diminished public safety; and

WHEREAS, under Florida law, virtually all short-term vacation rental and transient rental units are “public lodging establishments” because they are either rented to transient guests more than three times in a calendar year or they are held out or advertised to the public as a place regularly rented to transient guests; and

WHEREAS, traditional public lodging establishments (hotels, motels, and bed & breakfasts) are restricted by city zoning to commercial and other non-residentially zoned areas where intensity of uses is separated from less busy and quieter residential uses; and

WHEREAS, short-term vacation rentals with no application of mitigating standards when located in residential neighborhoods and condominiums create disproportionate impacts related to their size, frequently are over-occupied, and generate unruly behavior, all of which makes necessary some regulation; and

WHEREAS, the City finds that the adverse impacts of short-term vacation rentals are more frequent in condominiums than in detached, single family residential neighborhoods, but that conversely, when adverse impacts do occur in a single-family neighborhood they are frequently more severe; and

WHEREAS, the City finds short-term rentals are causing problems in many cities around the state by creating commercial activity in residential areas (mini-hotels in neighborhoods). Problems include noise, inadequate parking, infrastructure intended for residential use is now being used on a commercial scale, and decreased property values in neighborhoods taken over by vacation rentals; and

WHEREAS, the City finds that irresponsible short-term vacation rental and transient rental operations materially harm the reputation of the City and tourism by creating localized public and private nuisances, including by way of example and not limitation, noise, destruction of property, accumulation and improper (or no) disposal of trash and garbage, illegal or unauthorized parking and trespass, drunkenness, underage drinking, illegal drug usage and dealing; and

WHEREAS, the owners of short-term vacation rental and transient rental properties frequently do not live in the neighborhood of the property they rent and do not experience the quality of life problems and negative impacts associated with unregulated short-term vacation rental and transient rentals in residential neighborhoods and condominiums; and

WHEREAS, short-term vacation rental and transient rental properties located in the City are frequently owned or controlled by persons who do not live in the City, in Okaloosa County or even in the State of Florida; and

WHEREAS, the owners of short-term vacation rental and transient rental properties typically rely entirely upon their renter to personally occupy the unit (not transfer the unit to an unknown

person), to not over-occupy the unit, to be respectful of their neighbors, to properly dispose of their garbage and trash and, generally, to not be a nuisance in the neighborhood or the condominium; and

WHEREAS, the experience of the City is that the short-term vacation rental and transient rental owner's reliance upon their renters in these matters is becoming increasingly misplaced and that other visitors and residents alike are bearing the consequences; and

WHEREAS, the City is experiencing increasing complaints from other visitors and residents about over-occupied short-term vacation rental and transient rental units, house or condo parties involving open access, excessive noise, rowdy and sometimes dangerous behavior, excessive alcohol and illegal drug use, underage drinking, destruction of property and accumulations of garbage and trash associated with short-term vacation rental and transient rental units in excess of that attendant to a typical residential occupancy; and

WHEREAS, as a governmental agency, the City is appropriately limited in its ability to enter private property and deal with inappropriate behavior before criminal mischief or worse occurs, leaving a broad range of activities to occur within short-term vacation rental and transient rental units that would not be tolerated in a traditional public lodging establishment such as a hotel or bed-and-breakfast under local management; and

WHEREAS, Florida law recognizes that sooner or later some guests of a public lodging establishment will become intoxicated, profane, lewd, brawling, indulge in language or conduct which disturbs the peace and comfort of other guests, or possess or deal in illegal drugs, and therefore authorizes the operator of the establishment to immediately require an unruly guest to leave or be arrested for a second-degree misdemeanor (FS. 509.141); and

WHEREAS, the absentee owner of a short-term vacation rental or transient rental unit is frequently not immediately available to authorize anyone to enter the unit or deal with unruly guests before a crime is committed; and

WHEREAS, the City is not authorized to enter a short-term vacation rental or transient rental unit until it possesses probable cause that criminal activity is occurring or has occurred and even then a warrant may be required; and

WHEREAS, the City is discovering absentee owners who if contacted avoid taking responsibility for their unit, presumably believing that if the situation gets bad enough the police, or someone, will handle it; and

WHEREAS, Florida law authorizes the "appointed agent" of the owner of a public lodging establishment, including a short-term vacation rental or transient rental unit, to exercise all of the owner's rights to eject undesirable guests, to refuse service to an undesirable guest and to be immune from criminal or civil liability for false arrest of a disorderly guest (FS 509.13(2); 509.141; 509.142 and 509.143); and

WHEREAS, the City finds that by requiring each short-term vacation rental and transient rental unit to have a responsible, natural person who resides in the community promptly available to exercise the rights of a public lodging operator and otherwise be aware of the use and condition of the unit, the problems being created by undesirable short-term vacation rental and transient rental guests will be dealt with more quickly and easily in each instance and, in addition, over time the frequency of those problems will be reduced as it becomes known that there is someone local who is responsible for the unit and can eject unruly guests if necessary.

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF VALPARAISO:

Section 1: Findings.

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

Section 2. From and after the effective date of this ordinance, Chapter 99 of the Code of Ordinances of the City is created as follows:

Chapter 99 – VACATION RENTALS BY OWNER

ARTICLE I. - IN GENERAL

Sec. 99-1. – Legislative intent.

The City intends to address the increasing problems associated with unsupervised short-term vacation rental and transient rental units (including without limitation, over-occupancy, open partying, excessive noise, parking in the street, vehicular trespass, underage drinking, illegal drug dealing and usage, and excessive trash and garbage accumulation) by establishing a mandatory, annual registration system specifying maximum occupancy, requiring routine, commercial garbage and trash service for the unit, requiring designation of a local person, either the owner or the owner's agent, to be responsible for the unit and authorized to address excess occupancy, nuisances and dangerous activity and to eject and deny access to unruly occupants and their guests, and to prohibit certain actions of owners and occupants. The purpose of requiring a local, responsible party is have someone locally aware of the condition and use of the unit who is authorized and able to quickly respond to complaints and immediate problems associated with the short-term vacation rental and transient rental unit and deal with unruly occupants or their guests as authorized by FS 509.141, 509.142 and 509.143.

Sec. 99-2. – Definitions.

As used in this Chapter the following words have the following meanings:

Guest means any person physically within the unit or upon its grounds with the knowledge of an occupant.

Maximum occupancy means the maximum number of persons who may be occupants of a unit at the same time and computed as provided in this chapter.

Occupant means any one of the number of patrons, customers, tenants, lodgers or boarders of a rental unit authorized by the rental agreement to sleep and bathe within the unit, and includes the guest of such a person if the guest intends to or does either sleep or bathe within the unit.

Owner means a natural or artificial person holding all or a divided or undivided interest in the fee title to a unit.

Responsible party means a natural person 21 years of age or greater.

Rental unit or Vacation Rental Unit means an individual unit or dwelling which is rented by its owner, or by its owner's agent, directly to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, excluding (i) any unit in a timeshare plan and (ii) any unit which is subject to supervision by immediate, on-site management 24 hours-a-day, 7 days-a-week authorized and equipped to prevent over-occupancy and to eject an unruly guest from such unit, such as in a traditional hotel. Rental unit includes short-term vacation rental units.

Tourist Home - a private dwelling in which transient sleeping accommodations are provided for monetary gain. Tourist home is the same as a guest home, vacation rental, bed and breakfast, boarding house or any other nomenclature used to describe overnight rentals.

Sec. 99-3. – Prohibition.

- (1) No person shall rent, lease or occupy, or permit another to rent, lease or occupy, a rental unit situated within the City for a period of less than 30 days or one calendar month, whichever is less, unless there is a valid registration permit issued by the City to the owner of the unit and there is affixed to the interior side of the primary door of the unit a notice legibly setting out the information required there by this Chapter.
- (2) It shall be unlawful for any person to rent as landlord or tenant a rental unit situated within the City for occupancy in excess of its maximum occupancy.
- (3) It shall be unlawful for any person to be an occupant of a short-term vacation rental unit situated within the City at any time that the number of occupants of the unit exceeds its maximum occupancy.
- (4) It shall be unlawful for any person to modify or alter any valid and current registration permit, or apply the permit to any rental unit other than the unit for which it is issued.
- (5) It shall be unlawful for any person to modify, alter or remove the notice posted on the interior side of the primary door to the unit which sets out the information required there by this Chapter.
- (6) It shall be unlawful to allow any on street parking for any purpose.
- (7) It shall be unlawful to create excessive noise beyond what a reasonable, prudent person would consider annoying in any residential neighborhood.

- (8) It shall be unlawful to rent, lease, or occupy, or permit another to rent, lease, or occupy, a rental unit for a period of less than thirty days or one calendar month, whichever is less, in any zoning district with the exception of R-2.

Sec. 99-4 – 10. Reserved.

ARTICLE II. – REGISTRATION PERMITS

Sec. 99-11. – Application and issuance of registration permits.

The City Administrator or his or her designee shall issue to the owner or owners jointly of a rental unit who first apply each year an annual registration permit upon receipt of an application from the owner or owners of the unit containing all the following:

- (1) The name, address and telephone number of the unit owner(s) applying. If the unit owner is not a natural person, then additionally the names, addresses and telephone numbers of all the officers, managing members or partners of the entity.
- (2) The address of the unit, a copy of the complete and most recent record for the unit from the Okaloosa County Property Appraiser's website, the name of the condominium or complex within which the unit is located if applicable, and any tradename used to market the unit.
- (3) The number of full air-conditioned bathrooms (sink, toilet and tub or shower) in the unit.
- (4) The name, address and telephone number(s) of the responsible party for the unit and the original of that person's written acceptance of a responsible party's duties set forth in this chapter, which acceptance is signed and acknowledged by the responsible party before a notary public. At the owner's option, the name, address and telephone number(s) of an alternate responsible party for the unit and the original of that person's written acceptance of a responsible party's duties set forth in this chapter, which acceptance is signed and acknowledged by the responsible party before a notary public. There shall only be one responsible party and one, optional alternate responsible party for each unit at any time. If qualified, the unit owner may be the responsible party or the alternate and shall execute the acceptance.
- (5) If the unit owner is not the responsible party, then the unit owner's original, written designation of the responsible party, and alternate if applicable, as the owner's agent to exercise all rights of the owner to deal with unruly occupants or their guests under FS. 509.141, 509.142 and 609.143, which designation must be signed and acknowledged by the owner before a notary public and state that it may be revoked only in writing and that the writing must include the designation of a new responsible party, be executed with the same formality as the original and not be effective until delivered to the City Administrator.
- (6) A copy of a business tax receipt for the unit obtained from the City.
- (7) A copy of the Florida Department of Business and Professional Regulation license of the unit as a transient public lodging establishment.
- (8) A copy of the Okaloosa County Clerk of the Court registration certificate for the purpose of collecting and remitting tourist development taxes (bed tax) on transient rental of the unit.

- (9) A copy of the Florida Department of Revenue certificate of registration for the purposes of collecting and remitting state sales tax and surtax on transient rental of the unit.
- (10) An exterior sketch of the Vacation Rental facility shall be provided. The sketch shall show and identify all structures, pools, spas, hot tubs, fencing and uses, including areas for off-street parking. For purposes of the sketch, off-street parking spaces shall be delineated so as to enable a fixed count of the number of spaces provided.
- (11) A building sketch by floor shall be provided, showing a floor layout identifying all bedrooms, other rooms, exits, hallways, stairways, bathrooms, as applicable.
- (12) Either (i) a copy of a contract with a local, commercial garbage company to provide not less than twice a week trash and garbage removal from the unit consisting of at least one residential container for every four, or fraction of four, of the number of maximum occupants, or (ii) evidence that the unit is located within a complex of units with routine, weekly trash and garbage removal service.
- (13) A copy of the notice required to be posted on the interior of the primary access door of the unit, and a statement that the original has been properly posted.
- (14) A statement by the owner/applicant, under penalty of perjury, that all application information is true and complete to the best of the owner's knowledge and belief.
- (15) Annual Inspection completed by Building Official and Fire Chief for compliance with Florida Building Code and Florida Fire and Life Safety Code.
- (16) Payment of an annual registration fee in the amount of \$950.00. This is not the annual business tax receipt fee.
- (17) The City Administrator is authorized and directed to adopt, and amend from time to time, such administrative policies and forms as may be necessary or convenient to implement this section. Submission of information required by this section that is materially false or so incomplete as to be materially misleading is a violation of this law.

Sec. 99-12. – Duties of the responsible party.

The duties of the responsible party, whether owner or owner's agent, are:

- (1) To be available by landline or mobile telephone at one of the listed phone numbers twenty-four hours a day, seven days a week and capable of handling any issues arising from the use of the unit;
- (2) To come to the unit within one (1) hour following notification from an occupant, the owner, or the City to address issues related to the short-term vacation rental;
- (3) To receive service of any legal notice on behalf of the owner for violations of this Chapter or other law;
- (4) To exercise all rights of the owner under FS. 509.141, 509.142 and 609.143 to deal with unruly occupants or their guests in the unit;
- (5) To maintain continuous compliance with the decal and all interior postings required by law; and
- (6) To otherwise monitor the unit at least once a week when rented to check upon the condition of the unit and the occupants' compliance with this Chapter.

- (7) To require all persons renting the unit to keep the responsible party informed of the names, addresses and if known the email addresses and telephone numbers of all persons renting the unit, the number of occupants for each rental period, and if the information is not constantly, accurately and timely provided then to immediately resign the position, immediately notify the owner and notify the city clerk in writing within three (3) business days of resignation.

Failure of a responsible party to discharge any one of these duties shall be a violation of this Chapter.

Sec. 99-13. – Content of registration permits.

Each registration permit shall be dated the day of issuance, uniquely numbered and clearly state the maximum occupancy limit for the unit. All permits shall expire one year after issuance. The City Administrator is authorized to determine the form of the permit from time to time and to include such other information as he or she determines useful in implementing the purpose of this law. There shall be only one permit outstanding for a unit at any given time. A replacement permit shall not be issued unless the applicant for it affirms under oath that the original has been lost or destroyed and promises to return it to the city if found before expiration.

Sec. 99-14. – Content of interior unit posting.

A notice shall be posted on the interior of the primary door of the unit clearly specifying:

- (1) The name, address and telephone number of the responsible party for the unit and explaining that an occupant may contact the responsible party if there are any issues with the unit.
- (2) The fact that Florida law authorizes the responsible party to summarily eject and deny access to occupants or their guests who become intoxicated, profane, lewd, brawling, or engage in any conduct which disturbs the peace and comfort of others.
- (3) The maximum occupancy of the unit, including registered occupants and their guests.
- (4) The location of garbage and trash containers, the days and times of pickup and the pickup location; and if the pickup location is different from the storage location, that the occupant is required to return the container after pickup if the collector does not.

Sec. 99-15. – Computation of maximum occupancy.

Maximum occupancy of a rental unit shall be four persons per air-conditioned, full bathroom (sink, toilet and bath or shower). At no time shall there be more than a total of eight (8) occupants per Vacation Rental. In the event there is more than one building or dwelling on a single platted lot, the maximum occupancy shall be capped at eight (8) per lot or structure, whichever is less.

Sec. 99-16 – 20. Reserved.

ARTICLE III. – ENFORCEMENT

Sec. 99-21. – Intent and finding.

Violations of this Chapter shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is key that rental units' responsible parties are responsive and responsible in the management of the property for compliance with this Chapter. Nonetheless, the City does find and determine that repeated violations of this Chapter present a serious threat to the public health, safety and welfare which is irreparable and irreversible and are of an itinerant or transient nature. Therefore, and pursuant to Florida Statutes Chapter 162, Part II, the City hereby establishes and imposes the civil infraction penalties set forth in this Article III.

Sec. 99-22. – Warnings and civil penalties.

Each day (any 24 consecutive hour period) that a violation of this Chapter occurs or continues shall constitute a separate, civil infraction punishable by a civil penalty in the amount specified below:

- (1) A warning shall be issued for first-time violations and may have a correction/compliance period associated with it. Such warnings may include notice to other agencies for follow-up, such as the Department of Business and Professional Regulation, the Department of Revenue, the Okaloosa County Clerk of Court and the Okaloosa County Property Appraiser, as applicable. Non-compliance within a correction compliance period shall constitute a second violation.
- (2) Second violation: \$200.00
- (3) Third and all subsequent violations: \$500.00 and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.
- (4) Repeat violations may relate to different requirements imposed by this law, but must relate to the same unit.

Sec. 99-23. – Civil Penalty Procedure.

Violations of this Chapter may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated this section. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under this section may be contested in the County Court for Okaloosa County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 and 775.083, Florida Statutes or subsequent superseding legislation.

Sec. 99-24. – Criminal Penalties.

Notwithstanding the civil penalties provided in this Article, any person found to have willfully failed to comply with any provision of this Chapter shall be guilty of an offense punishable as

provided in Section 1-12 of the Code. Each day (24 consecutive hour period) that a violation occurs or continues shall be a separate offense.

Section 3. Conflicting Ordinances.

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

Section 4: 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 5. Codification.

The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Valparaiso Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon passage.

ADOPTED IN SESSION THIS _____ DAY OF _____ 2022

Hubert B. Smith.
Mayor

ATTEST:

Tammy Johnson, CMC
City Clerk

Ordinance No.

PUBLIC WORKS MONTHLY ACTIVITIES REPORT

October 2022

CEMETERY

- Met with families--6
- Made funeral arrangements—2
- Performed inurnment of cremains—1
- Oversaw funeral operations—2
- Oversaw marker installs—1
- Sold niches—2
- Sold grave spaces—4

SHOP TRADES WORKER

- Inspecting and inventorying all city buildings
- City Hall—began pressure washing operations
- Mitchell Building/ Library
 - Replaced 2 door handles
 - Installed door stops
 - Replaced 16 bulbs in outside walkway overhang
 - Repaired emergency flood lights
 - Changed A/C filters
 - Repaired toilet in Commission Chambers
 - Repaired closure on door
- Sr. Center—inspected alarm system

MISC

- Delivered corn hole game to library for event
- Delivered chairs, trash cans, podium, flag and cooler for dinner event at New City Hall

PARKS

- Mowed, weedeated, pulled weeds, blew, removed debris all city parks/ building & city ROWs
- City Hall—Irrigation maintenance
- Florida Park—Repaired dock
- Glen Argyle Park
 - Cut up and removed fallen tree
 - Cleaned lights
 - Began repair of foot bridge
 - Reworked area lighting on walkway
- Lincoln Park
 - Pressure washed bathrooms, walkways and pavilions and blew
 - Made repairs to playground equipment
 - Repaired leaking shower
 - Fluffed mulch by swing sets
- T-Pier
 - Installed new posts and reinstalled sign
 - Repaired door & knob on bathroom
- TJ Brooks Park
 - Replaced water spigot
- Twin Cities Park—Replaced dock board

- **Misc:**
 - Training new employee
 - Assisted Streets with A-Base at 296 John Sims Pkwy
 - Delivered chairs, trash cans, podium, flag and cooler for dinner event at New City Hall

STREETS

- **CONCRETE/ SIDEWALK**
 - Detroit Ave-poured new concrete apron
 - 274 Grandview Ave-poured new sidewalk after water repair
 - Formed and poured new stormdrain lid
- **SIGN MAINTENANCE**
 - Straightened and leveled signs—2
 - Installed new posts—1
 - Replaced stop sign—1
 - Repaired signs--1
- **TREE MAINTENANCE**
 - Cut low hanging vines, branches and limbs in 7 locations
 - Cut line of sight brush and trees in 3 locations
 - Hedged bushes in 1 location
 - City Hall/ PD
 - Cut trees and pulled weeds
 - Graded in backfill dirt to bring level up on new parking lot
 - Formed up and graded in 2 dump truck loads of A-base and rolled
 - Added 4 new parking bumpers
 - Pulled up hedge bushes on side of building
- **DOT MOWING**
 - Mowed ROWs on Hwy 85, removing 150 lbs of debris
- **ROW MOWING & MAINTENANCE**
 - Mowed 1 location in ROWs
 - Mowed 2 parks
- **STREET MAINTENANCE**
 - Edge Ave—Blew dirt off roadway, cut all exposed roots beside asphalt extension, added dirt, seeded and watered on 4 occasions
 - Grandview Ave-added dirt and seed and watered
 - Detroit Ave-Added dirt and seed and watered
 - Spencer Alley—added dirt to washout areas and seeded
- **STORMWATER**
 - Okaloosa Ave—replace storm drain lid
 - 296 Bayshore culvert—built retention wall with pylon poles, backfilled swale and added base material for access to L/S 7
- **Illicit Discharge**
 - John Sims Pkwy/ Market St—shoveled 2 tons of dirt off street
 - Changed 5 dog waste stations twice , removed 30 lbs of waste
- **STREET SWEEPING**
 - Miles of residential streets swept: 72
 - Lbs of debris removed: 8,800
- **MISC**
 - Removed dead animal from roadway—1
 - Perrine Park—delivered 10 Trash cans for event

Assisted Depts

- Water & Sewer
 - Filled in hole with dirt after water line repair in 1 location
 - Assisted with hydrant replacement
 - Installed A-Base for L/S 7

SANITATION

- 190.31 Tons (380,600 lbs.) of Household Trash collected
- 8.80 Tons (17,600 lbs.) of Roadside Bulk collected
- Number of trips to the dump: 45
- 400 Yds. of yard waste has been taken to landfill
- Number of trips to Landfill: 20
- New Trash cans delivered: 1

WATER/ SEWER

- **REGULATORY COMPLIANCE SAMPLING**
 - Monthly Bacteriological sampling
 - Static Water Levels
- Locates—31
- Turn meter on—10
- Turn meter off—11
- Manually read meters—65
- New meters installed—2
- Meters replaced—7
- Nodes replaced—2
- Meter boxes and/or lids replaced—1
- Checked meter for issues—3
- Water Leaks/ Breaks—3
- Checked water pressure complaint—1
- Flushed hydrants to maintain water quality—20
- Well 3—painted pump and pipe assembly and cleaned well
- Sewer calls—8
- Sewer lines videoed—2
- Maintenance on Lift Stations--3

Support Staff

- **REGULATORY COMPLIANCE REPORTING**
 - Prepared & sent September 2022 Monthly Operational Report (MORs) to FDEP & Poly, Inc
 - Document gathering for upcoming Sanitary Survey Inspection
- **RECORDS MAINTENANCE**
 - Produced Static Water Level Report for October
 - Updated Sept's Water Loss Report
 - Updated Water Distribution Log for October
 - Produced October Purge Data Report
 - Prepared Sept's Public Works Activities Report
 - Updated Oct's hydrant flushing log
 - Attended EPA webinar for sampling and reporting procedures for UCMR sampling in 2023
- **WORK ORDERS GENERATED/ PROCESSED**
 - In-house work orders generated—40

- Work orders processed from City Hall—16
- Locate requests from Sunshine 811—71
- Meter Leak Alert customers contacted—76
- Meters/ Mi.Nodes commissioned—25
- Received 168 phone calls.
 - Cemetery-2
 - Parks-3
 - Sanitation-55
 - Shop-3
 - Streets-9
 - Water/ Sewer-60
 - Misc/ Other Depts- 136