

DeFuniak Springs City Council
Regular Meeting
May 28, 2019

The following members were present: Mayor Bob Campbell, Mayor Pro-Tem Robert McKnight (Seat 2); Councilman Todd Bierbaum (Seat 1); Councilman Kevin Crystal (Seat 3); and Councilman Henry D. Ennis (Seat 4). Also present were Attorney Clayton Adkinson, City Attorney; Mr. Mell Smigielski, City Manager; Ms. Debra Gibson, Finance Director; and Ms. Cindy Permenter, Deputy Clerk. Councilman Wayne Graham (Seat 5) was not present.

Mayor Campbell called the meeting to order at 6:00 p.m. followed by the invocation and Pledge of Allegiance led by Councilman Crystal.

Councilman Bierbaum requested the meeting be recessed in 45 minutes. The council concurred.

Consent Agenda

Additions/Deletions to the Consent Agenda:

1. Deletion: Request by Councilman Bierbaum to remove Consent Agenda Item 2-Visitor Center Management for discussion.

Motion by Councilman Bierbaum, second by Councilman Crystal, to approve the Consent Agenda with the revisions as presented. Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

1. Administration
 1. Main Street Farmers Market
 2. ~~Visitor Center Management~~
 3. Adoption of Marketing and Branding Package presented by Main Street

Regular Agenda

Additions/Deletions to the Regular Agenda:

1. Addition: Request by Councilman Bierbaum to discuss the Visitor Center Management
2. Addition: Request by Councilman McKnight to include in the regular agenda a discussion of a handout relating to city processes which were not addressed during the May 20, 2019 Workshop
3. Addition: Request by Councilman Crystal to make a committee appointment

Motion by Councilman Bierbaum, second by Councilman McKnight, to approve the Regular Agenda with the revisions as presented. Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Chief James Hurley, City Marshal, presented his agenda request at this time to allow him to attend another scheduled function. He made the council aware of issues which have been occurring at the city parks. He remarked there was a lack of lighting and informational signs. He also mentioned the facilities' vandalism, broken surveillance equipment, and strewn garbage. Residents in the Pat Covell Park 2 area have complained of loud music and parking issues associated with the May Day Festival. He suggested the council work with him and his staff to resolve these issues. Mayor Campbell recommended including event leaders in the discussions. Councilman Crystal questioned if there was a capacity limit for the parks. Chief Hurley said he was unsure and would have to consult the fire chief. Councilman Crystal discussed the different activities which have caused safety concerns and have resulted in citizen complaints.

Motion by Councilman Bierbaum, second by Councilman Crystal, to direct city staff to bring back cost estimates for repairs and lighting as discussed. Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Citizen Comments

Mr. Jeff Goldberg, Walton County Emergency Management Director, invited the council to attend a training class to be held at the Emergency Management facility on June 17, 2019 from 9:30 a.m. to 11:00 a.m. The training will cover how elected officials should react during a disaster. Mayor Campbell pointed out how important it is for those elected to know their roles during state of emergencies.

Ms. Suzanne Kallenbach noted the trash issues on both sides of U.S. Highway 331 and said she had contacted the FDOT about the Adopt-a-Highway Program. Mayor Campbell expressed his appreciation for citizens who help keep the council informed of issues like this. Discussion ensued to determine what company has been contracted to maintain the medians and right-of-ways in that area and the need to keep the areas clean and presentable.

Ms. Betty Crystal expressed concern with illegal activities which have occurred at Pat Covell Park 2. She noted there were not a lot of children in the neighborhood around the park and said visitors to the park do not live nearby. She listed positive ways to address the issues.

Agenda Requests

Ms. Elissa Pettis, Dewberry, requested adoption of a resolution authorizing the Loan Application and Agreement for Wastewater System Improvement Phase II. The application is due June 15, 2019.

Motion by Councilman McKnight, second by Councilman Bierbaum, to adopt Resolution 2019-14 authorizing the loan application and agreement for Waster Water System Improvement Phase II. Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Mr. Christopher Mitchell, Grant Writer, requested approval of the Dewberry Proposal for Live Oak Wastewater Improvement Project funded by a Community Development Block Grant and to move forward with the project. He stated Dewberry was the only firm to submit proposals for the advertised proposal. The total budget is \$700,000.00 which includes construction, engineering, and administration. The proposal was ranked by four council members. Councilman Crystal voiced concern that there had only been one response to the advertisement and questioned who the proposal was sent to. Mr. Mitchell stated approximately 50 requests were sent out and discussed the other avenues in which a firm could obtain information and submit a bid. Discussion continued on the funding, qualifications of applicants, and how the proposals and projects are advertised.

Motion by Councilman McKnight, second by Councilman Ennis, to approve the Dewberry proposal for the Live Oak Wastewater Improvement Project. Ayes 3, Nays 1. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Nay, Councilman Ennis Aye, Councilman Graham Absent.

Mr. Smigielski requested approval to renew the three year Memorandum of Agreement with FDOT for Median and Roadside Maintenance to include Resolution 2019-12. Councilman McKnight asked if the geographic area of the contract had been reviewed. Mr. Smigielski reviewed the areas to be maintained.

Motion by Councilman Bierbaum, second by Councilman Crystal, to approve the three year renewal of the Memorandum of Agreement with FDOT for Median and Roadside Maintenance.

Councilman McKnight asked if the reconstruction of the U.S. Highway 331 intersection near City Hall was addressed in the contract. Mr. Smigielski said that would be included in his staff report later in the meeting. Discussion was held regarding complaints filed against sub-contractors.

Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

The meeting was recessed for approximately five minutes before being called back to order.

Mr. Smigielski discussed the need to relocate Gene Hurley Park in order to expand the airport and increase the economic development potential. The FRDAP grant requires the park to remain at the current location 25 years or in perpetuity; the 25 years has not been reached and the city could repay the grant principal with interest in the amount of \$356,192.00. Mayor Campbell and Senator Gainer have been communicating to alert the state of the city's intentions in hopes of having the principal and/or interest forgiven. He requested a resolution be adopted to inform the state of the city's intentions.

Motion by Councilman Bierbaum, second by Councilman Crystal, to adopt Resolution 2019-13 requesting the FDEP forgive the principal and interest for the acquisition and development of Gene Hurley Park.

Mayor Campbell expressed the need to expand the airport and to have this grant forgiven.

Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Mr. Harley Henderson requested the ball fields keep the same names once the park has been moved. Mayor Campbell said the county commission would also be considering a similar resolution in regards to the relocation and urged the citizens to encourage the commission to adopt their resolution.

Attorney Adkinson requested authorization of the first reading of the amended City Manager Ordinance.

Motion by Councilman Ennis, second by Councilman Bierbaum, to authorize the first reading of the amended City Manager Ordinance and advertise for adoption. Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Attorney Adkinson read the amended City Manager Ordinance into the record.

Mr. Stewart Duncan, JACOBS-Public Works, requested approval of the bid for Clarifier Installation to North Florida Construction and to begin contract negotiations. Councilman McKnight thanked Mr. Duncan and Mr. Craig Drake for the tour of Public Works and the treatment plant.

Motion by Councilman McKnight, second by Councilman Ennis, to award the Clarifier Installation bid to North Florida Construction and begin contract negotiations.

Councilman Bierbaum asked what the plan would be for the funds since the project came in under budget. Mr. Duncan said he would make available the list of items which need to be addressed.

Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Ms. Gibson presented a list of accounts needing to be opened in order to get the city back into compliance with the bond, note, and city ordinances. She discussed the airport grant which states the funds are to be deposited into a separate depository within a specified time. The opening of the accounts will allow for the deposits in a timely manner.

Motion by Councilman Bierbaum, second by Councilman Ennis, to open the accounts as presented for compliance and grant authority.

Councilman Bierbaum noted that the Grand Jury finding stated the city had an excessive amount of accounts. Ms. Gibson said all of the bonds require a reserve account in a separate depository and said she felt the findings did not take into account the bond requirements. She said it makes it easier to insure the monies are in reserve and not being used. Councilman McKnight said these seem to be routine financial administrative issues and questioned if these have to come before the council for approval. He felt this was an administrative issue which could be dictated by policy. Mr. Smigielski replied that requesting council approval acts as a check and balance to insure transparency.

Ms. Sharon Grenet thanked Ms. Gibson and Mr. Smigielski for their hard work.

Ms. Michelle Kitch noted the Fire Impact Fee was on the list and questioned if there was already a separate account for it. Ms. Gibson said it was not in a separate account and it was discovered during her review of the accounts. Ms. Kitch noticed the Police Impact Fee was not on the list. Ms. Gibson replied an account had been created for that. Ms. Kitch asked if the police department was in charge of their own account. Ms. Gibson said she was in charge of the accounts. Ms. Kitch asked what happened to the money in the reserve and asked Ms. Gibson if she knew the amount of money which goes into the accounts. Ms. Gibson stated she did not have that information on hand. Ms. Kitch asked if the council was given the information of what was being moved around. Ms. Gibson said the money is already designated. Councilman McKnight said a report could be given to the council by the city manager and the finance director at a later. Discussion continued on the account designations.

Ms. Melinda Henderson discussed the former council's concern with the number of accounts.

Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Motion by Councilman Bierbaum, second by Councilman McKnight, to appoint Councilman Kevin Crystal to the Walton County Prevention Coalition. Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Councilman McKnight questioned if nominations to the CRA were being accepted at this time. Mayor Campbell stated it would be accepted at a later meeting.

Motion by Councilman Bierbaum, second by Councilman McKnight, to retain control of the Visitors Center and direct city staff, city attorney, and Main Street DeFuniak Springs to draft a Memorandum of Understanding for the daily operation of the Visitors Center by Main Street DeFuniak Springs. Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

Councilman McKnight reviewed a handout with ideas to be discussed during a workshop on city processes which were not discussed during the May 20, 2019 Workshop. He asked that a workshop be held to discuss these issues. Discussion ensued on the appropriate date and time to hold a workshop. Staff will contact each council member with a date and time.

Executive Requests

Councilman Crystal suggested the council consider holding council meetings in the County Commission Chambers at the courthouse. He said he had met with Mr. Stan Sunday, Deputy County Administrator, regarding the use of the facility and to determine what would be required of the city.

Mr. Jason Cook, Walton County Technology Support, discussed a recent litigation the county was a party to that required their meeting facilities and public information be ADA compliant. In response to the litigation the county has made strides in providing equipment and programs which give the public better opportunities to receive information. He said should the city decide to use the commission chambers, staff will need to be trained to run the new system which allows slide shows, agenda building, audio/visual recording and live-stream, and minutes creation. Councilman Crystal stated the chamber would hold 90 people and encouraged the development of a partnership with the county. Councilman Bierbaum asked if the streaming service would be a separate account which will be held exclusively by the city. Mr. Cook said it would and discussed how the archived documents could be retrieved from the city's website. Councilman Bierbaum asked if there would be a cost to use the system. Mr. Cook replied that could be worked out with the commission. Councilman Crystal said the chambers would be used temporarily and that a one year agreement would be entered into. Councilman McKnight asked if the city manager had been involved with the discussions with the county. Mr. Smigielski stated he had not had any communications with the county on this issue. Councilman McKnight spoke in opposition to moving the city meetings. Councilman Ennis spoke in support of keeping the meetings at the civic center or potentially at city hall. Councilman Bierbaum spoke in favor of

moving the meetings to the commission chambers. He briefly discussed comments from citizens regarding the quality of the current city videos. Mayor Campbell discussed the benefits of using the commission chambers and stated more information was needed to determine what would be required of the city. Mr. Smigielski said it would be prudent for staff to iron out all the details and report back to the council. Mayor Campbell briefly discussed issues staff had in preparing the agenda for this meeting. Discussion continued on the how the issue was presented.

Mr. Dan Cosson asked that the amount it would cost the city to hold the meetings at the commission chambers be presented at the next council meeting. Councilman Crystal stated there would be no cost to the city. Mr. Cosson spoke in favor of moving the meetings to an area with better quality equipment and conditions.

Mr. Cosson commented on the progress the new council is making.

Mr. Jay Evans, Main Street DeFuniak Springs-director, recommended looking at alternate avenues for meeting venues and discussed the issues encountered during the workshop presentation on city branding. If the meetings are not moved the audio/visual equipment in the community center needs to be enhanced. Councilman Crystal noted the room at the civic center was not designed for council meetings. He said the goal is to have a new city hall. Councilman Bierbaum commended the employees who help in assembling and disassembling the meetings.

Ms. Kitch questioned if meeting rules had been changed since there was no motion for discussion. Mayor Campbell stated that there was no action required for this issue.

Councilman Crystal discussed the need for an Educational Accomplishments and Certifications Training Raise Policy. He requested staff be directed to create the policy and present it to the council for approval. Councilman McKnight agreed that written policies are needed, but it should fall under administration duties. Mr. Smigielski said the policy will be drafted and submitted to the city attorney for review prior to presentation to the council.

Councilman Crystal requested approval for travel to the LOCUS Leadership Summit scheduled for June 23-25, 2019 in Washington D.C. and discussed how this would help to build governmental partnerships. Councilman McKnight questioned if there was a policy on council travel and what past practices have been. He discussed the need for a trip budget and said he supported the trip. Mayor Campbell stated that it would fall under executive travel and in the past the city manager had the discretion to approve trips. A prior council voted to change that procedure. He spoke in favor of giving the city manager approval authority. Discussion was held on the requirement to bring trip requests to the council for approval.

Motion by Councilman McKnight, second by Councilman Ennis, to approve Councilman Crystal's travel to the LOCUS Leadership Summit in Washington, D.C. as long as there is a budget for the trip. Ayes 4, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Absent.

City Attorney

Attorney Adkinson discussed an infringement by the city into Okaloosa Gas District territory. The district does not oppose the city's plan to extend the line to the new county fire station. Discussion ensued on the location of the lines.

Staff Reports

Mr. Smigielski discussed the proposed traffic lights at the I-10 exit ramps and said the funding was planned for 2020. However, the funding for right-of-way designs is planned for 2022. He announced there will be a minor project at the U.S. Highway 331 and U.S. Highway 90 intersection and discussed the changes which would be made to the intersection. Councilman Bierbaum voiced concern with traffic back-up associated with the traffic lights located at the I-10 off ramps. Discussion was held regarding the traffic issues at the intersections and having conversations with FDOT.

Mayor Campbell asked about the traffic light at 20th street. Mr. Smigielski said that it was a couple of years away from being implemented.

Council Comments


Councilman McKnight expressed his condolences to Ms. Lacey Woodham, Personnel Director, on the sudden loss of her husband.

Councilmen Bierbaum, Crystal, and Ennis had no items to present.

Mayor Comments

Mayor Campbell also expressed his condolences to the Woodham Family.

There being no further items to discuss, the meeting was adjourned at 8:11 p.m.



Mayor Robert (Bob) Campbell



Cynthia Permenter, Deputy Clerk