

**DeFuniak Springs City Council**  
**Regular Meeting**  
**June 24, 2019**

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

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

**Meeting Minutes** – The minutes for the June 10, 2019 Regular Meeting were presented for consideration and approval.

**Motion by Councilman Graham, second by Councilman Bierbaum, to approve the June 10, 2019 Regular Meeting Minutes as presented. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

**Consent Agenda**

**Motion by Councilman Bierbaum, second by Councilman Ennis, to approve the Consent Agenda as presented.**

Councilman McKnight requested items 4(B) Request to approve Avcon Task Order No. 5 and 4(E) Request to approve the US 331 Gas System Upgrades and Expansion CSX Agreement be pulled from the agenda for discussion.

**Motion amended by Councilman Bierbaum, second amended by Councilman Ennis, to approve the Consent Agenda as follows with items 4(B) and 4(E) removed for discussion. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

A. Administration

1. Declare fire equipment as surplus and donate to the Argyle Volunteer Fire Department

B. Airport

- ~~1. Request to approve Avcon Task Order No. 5 contingent upon review and approval by the City Attorney~~

C. Finance

D. Planning Department

1. Request by Ms. Ashlie Hill-Walton County Pilot Club, to rent the Community Center to hold a Pancake Breakfast Fundraiser on September 12, 2019
2. Request by Ms. Ashlie Hill-Walton County Pilot Club-to hold a 5K Color Fun Run on October 5, 2019
3. Request by Ms. Ashlie Hill-Walton County Pilot Club, to rent the Community Center to hold a Dumpling Dinner Fundraiser on November 20, 2019
4. Request by Ms. Ashlie Hill-Walton County Pilot Club, to hold a Presidential Red, White, and Blue 5K Run and Car Show on February 22, 2020

E. Public Works

- ~~1. Request to approve the US 331 Gas System Upgrades and Expansion CSX Agreement~~

**Regular Agenda**

1. Addition: Agenda Request D- Mr. Mell Smigielski-request to approve the proposal for Governmental Consulting Services with Liberty Partners of Tallahassee
2. Addition: Consent Agenda Item 4(B)-Request to approve Avcon Task Order No. 5 contingent upon review and approval by the City Attorney

3. Addition: Consent Agenda Item 4(E)-Request to approve the US 331 Gas System Upgrades and Expansion CSX Agreement

Councilman McKnight requested that Item 4(B) be presented prior to the Liberty Partners of Tallahassee issue. Discussion was held regarding the placement of the items.

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

**Citizen Comments**

Mr. Harley Henderson, former City of DeFuniak Springs Mayor, briefly discussed the past action which was taken to reduce the mayor's salary and requested the council consider restoring the salary to a level worthy of the position and the duties which are performed.

**Agenda Requests**

Mr. Mike Blose & Ms. Allison Craig of All Good Farms, LLC requested to place two (2) Farmers' Market signs on city leased property adjacent to Harbeson Field. Councilman Graham questioned if there was a partnership with the Health Department. Mr. Blose said there was and the signs would only be up during Tuesdays and Fridays from 7:30 a.m. to 12:00 p.m. He discussed the difficulty customers are having trying to find the market. Ms. Craig said that the signs are not advertising a specific business. Ms. Kay Brady, Walton County Council on Aging, spoke in support of the signs and the Farmers' Market.

**Motion by Councilman Graham, to approve the placement of two signs as requested by Mr. Blose and Ms. Craig contingent upon the signs do not create a hazard.**

Mr. Smigielski stated the staff's recommendation was not to allow the signs based upon the current sign ordinance and discussed the precedence which would be set if the signs are allowed.

Ms. Sharon Grenet spoke in support of the signs.

Councilman McKnight called point of order and stated a second to the motion had not been made prior to discussion. Mayor Campbell called for a second.

Motion died for lack of a second.

Mayor Campbell advised Mr. Blose and Ms. Craig of ways to direct the customers to the Farmers' Market.

Ms. Leigh Moore, Scenic Walton, presented information regarding Scenic Walton's (f/k/a Scenic Corridor Foundation) expansion to county wide. She briefly discussed the organization and its goals to improve the roadways and right-of-ways throughout the county. She assured the council that the aesthetics in north Walton County would not be the same as south Walton County. She discussed current and proposed projects supported by the organization and said the projects are long-term. The focus is on gateways into the communities and municipalities. Mayor Campbell requested the website be announced to allow the citizens to see the work the organization has done. Ms. Moore said the website was: [www.scenicwalton.org](http://www.scenicwalton.org). She reported more members are needed and said operations are funded through membership dues. Councilman McKnight discussed the five gateways into the city and questioned if other areas/roads could be addressed. Ms. Moore said other areas can be considered and discussed the need to create a list of local priorities. Councilman McKnight discussed the importance for the city to have a healthy curb appeal. Councilman Bierbaum asked how involved the organization was with the Okaloosa-Walton and the Regional Transportation Planning Organizations (TPO). Ms. Moore said Scenic Walton is heavily involved with the TPO and briefly discussed projects which were presented to the board. Councilman Ennis praised Ms. Moore on her diligence.

Mr. Smigielski requested approval of the Special Events Committee (SEC) By-Laws reducing the number of members to six (6) and the council's appointments to the committee. The SEC would be the head of the other working committees and explained the processes working committees would follow for funding, approvals, etc. Each member of the SEC would be a

member of one of the working committees. The intent is for the working committees to be outside of the Sunshine Law to allow the different committees' members to communicate on tasks needing to be done for events. The SEC would be held under the Sunshine Law and would be responsible for the day-to-day approvals. The by-laws were last amended in October, 2017. The next meeting of the Special Events Committee will be held Thursday night.

**Motion by Councilman McKnight, second by Councilman Bierbaum, to approve the Special Events By-Law reducing the number of members to six (6).**

Councilman McKnight asked if the working committees could operate outside the Sunshine Law. Attorney Adkinson said the job of the working committees will not be making advisory recommendations to the SEC. The SEC will make the advisory recommendations to the council. A non-advisory board whose role is fact finding or implementation assumes the role of staff and is not subject to the Sunshine Law. Dr. Melinda Henderson recommended the working groups appoint the members of the SEC subject to council approval. Attorney Adkinson said that action would place the working groups in an advisory position; their meetings would then be held in the Sunshine. Discussion was held regarding the appointment of the SEC and their responsibility for appointing each of their members as a liaison to one of the working groups.

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

Councilman Graham deferred his appointment to the next regular meeting.

**Motion by Councilman Bierbaum, second by Councilman McKnight, to appoint Ms. Ginger Dyson to the Special Events Committee. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

**Motion by Councilman McKnight, second by Councilman Bierbaum, to appoint Ms. Eldora Campbell to the Special Events Committee. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

**Motion by Councilman Ennis, second by Councilman Bierbaum, to appoint Ms. Laurie Truett to the Special Events Committee. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

**Motion by Councilman Bierbaum, second by Councilman McKnight, to approve Ms. Marie Hinson as Mayor Campbell's appointment to the Special Events Committee. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

Councilman McKnight noted, without the appointments of Councilmen Crystal and Graham, all the members appointed at this meeting would be required to attend the scheduled meeting in order to have a quorum. Mr. Smigielski requested the councilmen submit the contact information for their appointees to Ms. Permenter or himself.

Councilman McKnight briefly discussed the request to approve Avcon Task Order No. 5 contingent upon review and approval of the city attorney. He questioned if the Airport Advisory Committee had reviewed the task order and asked if Avcon was the only firm to fill this task order. Mr. Smigielski said that Avcon was the contracted consultants on airport matters and the Airport Advisory Committee has reviewed the request. He reported that the contract has been decreased by \$14,000.00 due to certain tasks being fulfilled by non-senior members of Avcon's staff. Councilman McKnight questioned if the \$500,000.00 would be sufficient to get the work done. Mr. Smigielski stated it was.

**Motion by Councilman Bierbaum, second by Councilman Ennis, to approve the Avcon Task Order 5 contingent upon review and approval by the City Attorney.**

Mr. Henderson addressed the proposal and said certain areas have already been accomplished and paid for. Mr. Smigielski said this task order was for the actual drawings and details of the particular project.

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

Councilman McKnight expressed concern regarding the lack of a current agenda submission form and said there was not enough information regarding the request to approve the US 331 Gas System Upgrades and Expansion CSX Agreement. Ms. Elissa Pettis, Dewberry Engineers, said she was unable to find the appropriate form online. Councilman McKnight asked if a map was available to show the location of the project. Ms. Pettis said there was and discussed the location. Discussion ensued on the need to table the issue until additional documentation could be provided.

**Motion by Councilman Bierbaum, second by Councilman McKnight, to table the request to approve the US 331 Gas System Upgrades and Expansion CSX Agreement to allow for additional information to be provided. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

Mr. Smigielski requested approval of the proposal for Governmental Consulting Services-Liberty Partners of Tallahassee. He reported the duties of the consulting service was to help obtain funding for city projects. Attorney Adkinson requested the motion be made contingent upon legal review of the formal agreement.

**Motion by Councilman Bierbaum, second by Councilman Ennis, to approve the proposal for Governmental Consulting Services-Library Partners of Tallahassee contingent upon legal review of the formal agreement.**

Discussion was held on the benefits these services would have for the city.

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

#### Executive Requests

Councilman McKnight reported the discussion on city processes held during the June 17, 2019 Workshop was not completed and there were items left unaddressed. He requested an additional workshop be scheduled to discuss the remaining items. Discussion was held to determine the appropriate time and date to schedule the workshop.

**Motion by Councilman McKnight, second by Councilman Ennis, to continue the workshop and direct staff to schedule an appropriate date and time. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

#### City Attorney

Attorney Adkinson presented for consideration an ordinance amending Ordinances 506, 743, 810, and 816 to provide for specific authority to be exercised by the city manager related to personnel hiring; discipline, including suspensions, and terminations.

There were no public comments.

**Motion by Councilman Ennis, second by Councilman Bierbaum, to adopt Ordinance 899 amending Ordinances 506, 743, 810, and 816 to provide for specific authority to be exercised by the city manager related to personnel hiring; discipline, including suspensions, and terminations. Ayes 4, Nays 0.** Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Absent, Councilman Ennis Aye, Councilman Graham Aye.

Attorney Adkinson read the ordinance into the record.

Attorney Adkinson said there had been questions regarding the city manager's authority and policies on approving water bill waivers/fee adjustments and on approving events. The policies regarding water bills can be addressed through resolution. The city manager has the ability to authorize events requested by the council and mayor, but does not have the authority for public

requests. He said he would work with the city manager to present more consistent updates to the council. Actions addressing these issues will have to be made through ordinance and resolution.

**Staff Reports**

Mr. Smigielski reported that Mr. Ryan Adams, airport director, has submitted his resignation and will begin work with FDOT. He announced the audit will be complete June 27<sup>th</sup>; the deadline is June 30<sup>th</sup>. Mr. Smigielski stated there were 58 applicants for the city clerk position and three of the applicants met the requirements. The applicants will be contacted to schedule interviews. He gladly announced the funding for the Chautauqua building had not been vetoed by the Governor and that Mr. Chris Mitchell, grants coordinator, will be verifying the information. Mr. Smigielski stated the previously scheduled Community Redevelopment Agency (CRA) meeting was cancelled and would be rescheduled.

**Council Comments**

Councilman Graham had no items to present.

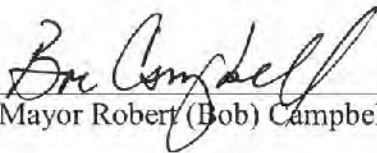
Councilman Bierbaum discussed his recent attendance to the Okaloosa-Walton Transportation Planning Organization (TPO) meeting. He stated that during the meeting Commissioner Bill Chapman appointed Mayor Campbell to replace Commissioner Melanie Nipper on the Northwest Florida Regional TPO and that he would serve as the alternate.

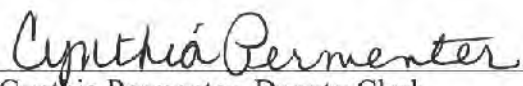
Councilmen McKnight and Ennis discussed the recent orientation held at the Emergency Services bunker.

**Mayor Comments**

Mayor Campbell briefly discussed the closing of the audit and expressed his excitement with the changes on the state and local levels which will take place with the new council. He thanked everyone for their hard work.

There being no further items to discuss, the meeting was adjourned at 7:06 p.m.

  
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Mayor Robert (Bob) Campbell

  
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Cynthia Permenter, Deputy Clerk