

DeFuniak Springs City Council
Regular Meeting
September 23, 2019

The following members were present: Mayor Bob Campbell; Mayor Pro-Tem Robert McKnight (Seat 2); Councilmember Todd Bierbaum (Seat 1); Councilmember Henry D. Ennis (Seat 4); and Councilmember Wayne Graham (Seat 5). Also present were Clay Adkinson, City Attorney; Mell Smigielski, City Manager; Debra Gibson, Finance Director; and Maryanne Schrader, City Clerk. Councilmember Kevin Crystal (Seat 3) was excused.

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

Mayor Campbell asked City Manager, M. Smigielski, to make an introduction. M. Smigielski introduced the new Airport Director, Matthew Overton.

Consent Agenda

Additions/Deletions to the Consent Agenda

Mayor Campbell asked if there were any changes to the agenda.

Councilmember R. McKnight asked that Item 8 be moved to the regular agenda asked for clarification on Item 2. City Attorney, Clayton Adkinson advised that items on the Consent Agenda are not for discussion, but he could ask a question for clarification.

Councilmember R. McKnight, regarding Item 2, asked whether the \$7,000 expenditure was voted on by the Special Events Committee. City Manager, M. Smigielski replied that they did not have a quorum at their last meeting. As he has authority for approval, he recommended approval of the purchase.

Motion by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to move Item 8 to the Regular Agenda. Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis Aye: Councilmember Graham: Aye. Ayes 4, Nays 0. Motion carried.

Mayor Campbell confirmed that Item B8 will be moved from the Consent Agenda to the Regular Agenda to Item 5E.

Consent Agenda

A. Clerk

1. Minutes for approval: September 9, 2019-Regular Meeting Minutes
2. Minutes for approval: September 10, 2019-Budget Meeting Minutes

B. Administration

1. Approval for the Mayor to execute the American Kayaking Association for LakeFest Agreement covering May 15, 16, 17, 2020 in the amount of \$5,500
2. Approval of the purchase from Christmas Night, Inc. in the amount of \$12,744.58 and the purchase from Christmas Designers.com in the amount of \$24,167.28 for additional Christmas Displays
3. Approval for the Mayor to execute Amendment #3 for Operations, Maintenance, and Management Services in the amount of \$790,954 for the Waste Water Treatment Plant
4. Approval for an authorized official to execute the Dex Imaging Copier 4-year agreement in the amount \$554.62 per month for copier services
5. Approval for an authorized official to execute the Term Sheet for the Grant Award Agreement with Triumph Gulf Coast, Inc. and the Walton County Economic Alliance (WEDA) (Project #190) in the grant amount of \$1,742,407
6. Approval for the Mayor to execute the Interlocal Agreement between Walton County, the City of DeFuniak Springs, and the Walton County

Economic Development Alliance related to the Triumph Gulf Coast Award

7. Approval for an authorized official to execute the agreement with CW Roberts to complete the upper sidewalk around Chipley Park in the amount of \$209,114.75 (FEMA 4177-DR PW 611 project)

C. Airport

1. Jim Gierlinski requests approval for an authorized official to sign the renewal of the Corporate Aircraft Association contract for DeFuniak Springs Airport

D. Planning

1. Approval for Trinity Fellowship Bible Church to use the Skate Park for the Skate Contest on November 2, 2019

E. Public Works

1. Approval for an authorized official to execute the RAW Construction agreement for the US 331 Gas System Upgrades and Expansion project (Reimbursement Grant-Funded)

Regular Agenda

Mayor Campbell then asked if there were any additions or deletions to the Regular Agenda.

City Manager, M. Smigielski asked that Items 9A and 9B be removed from the regular agenda because of some questions that have arisen.

Motion by Councilmember R. McKnight and seconded by Councilmember W. Graham to accept the amended agenda.

Vote: Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 4, Nays 0. Motion carried.

Regular Agenda

Administration

5. ADMINISTRATION

- A. Mell Smigielski, City Manager requests ranking and approval of the 2020 Priority List
- B. Mell Smigielski, City Manager requests direction to approve the sale of City-owned properties and transfer the proceeds to CRA, as the properties are no longer needed
- C. Mell Smigielski, City Manager requests an appointment to the Special Events Committee
- D. Mell Smigielski, City Manager requests an appointment to the Tree Board Committee
- E. Mell Smigielski, City Manager - Approval for the Mayor to execute an Interlocal Agreement with Walton County for the use of the Walton County Meeting Facilities to conduct the City Council meetings with the hire of a Bailiff of said rate

Item 5A. City Manager, M. Smigielski displayed the 2020 Priority List on the overhead projector and requested direction from the Council regarding ranking and approval. He said it was for perusal with no action. He added Senator Gainer and Representative Drake will be at the County and the Mayor will be discussing some of the items with the airport in particular. In reply to Councilmember R. McKnight, M. Smigielski said they were for capital projects.

The key points that Councilmember R. McKnight presented were: funding for sidewalk infrastructure, funding to develop, mark and promote bike lanes and bike signage for a safe route to schools, and funding for improved roadway signage. He added that one item that was left over from the Economic Development plan that was approved by the Council three years ago is improved signage related to the routing of 331 and I-10.

Mayor Campbell asked for his recommendations in writing to help with his talking points. He asked for everyone to get their information to Mell in writing.

Item 5B. Mr. Smigielski requested direction to approve the sale of City-owned properties and transfer the proceeds to CRA, as the properties are no longer needed. He showed the list of properties on the overhead screen with the assessed value. He asked for approval to go out for sealed bids. He suggested the money could be set aside in a separate fund to give to the CRA for seed money.

10-3n-19-19720-00b-0010	68 Pirtle Dr.	.933 acres	\$12,790.00
22-3n-19-19450-000-0180	20th St North	.505 acres	\$ 7,700.00
25-3n-19-19070-001-7240	N. 11th St	.172 acres	\$ 1,912.00
25-3n-19-19070-001-7420	Chaffin Ave	.309 acres	\$ 2,700.00
25-3n-19-19070-001-7421	Chaffin Ave	.143 acres	\$ 1,500.00
25-3n-19-19400-000-0383	Bruce Ave.	.366 acres	\$ 5,177.00
25-3n-19-19070-001-0231	2 nd St N.	.057 acres	\$ 2,125.00
			\$33,904.00

Motion by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to approve the sale of City-owned properties and transfer the proceeds to the Community Redevelopment Agency.

Councilmember R. McKnight asked when they would get their money, as the CRA does not have any operating funds. Mell replied they will receive it whenever the disbursement of taxes is done. City Attorney Adkinson added that it would be in FY2020.

Vote: Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye, Councilmember Graham: Aye. Ayes: 4; Nays: 0. Motion carried.

Item 5C. Mr. Smigielski requested approval of the appointment to the Special Events Committee. Councilmember W. Graham presented his choice, Frankie White.

Motion by Councilmember W. Graham and seconded by Councilmember T. Bierbaum approving the appointment to the Special Events Committee of Frankie White.

Vote: Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye, Councilmember Graham: Aye. Ayes: 4; Nays: 0. Motion carried.

Item 5D. Mr. Smigielski requested approval of the appointment to the Tree Board Committee. Councilmember T. Bierbaum presented his choice, Kim Wennerberg.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis approving the appointment to the Tree Board Committee of Kim Wennerberg.

Vote: Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye, Councilmember Graham: Aye. Ayes: 4; Nays: 0. Motion carried.

Item 5E. Approval for the Mayor to execute an Interlocal Agreement with Walton County for the use of the Walton County Meeting Facilities to conduct the City Council meetings with the hire of a Bailiff of said rate.

Motion by Councilmember Bierbaum to table the vote until there is a full Council present. Mayor Campbell announced the motion died for a lack of a second.

City Manager Smigielski, City Manager, said the Council requested he meet with the County to discuss using their facilities because we needed better a/v equipment, seating, and accessibility.

Motion by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to move the City Council meetings to the Walton County Facility.

Councilmember McKnight voiced his concern about voting on the move when the Council has not voted on the agreement first.

City Attorney Clay Adkinson said the Council could amend the motion by adding the move to the location as part of the motion.

Councilmember T. Bierbaum and Councilmember H. Ennis spoke on the merits of voting on the Interlocal Agreement before we know if we have the meeting room.

Councilmember W. Graham asked about the cost and City Manager, M. Smigielski replied we do not have to purchase a metal detector if we move, so that will save between \$3000 to \$5000. Our cost is the hire of a bailiff at a minimum of four hours at \$30 an hour for a total of \$120 dollars per meeting.

Mayor Campbell stated the vote is on the conditions we have the meeting room.

Councilmember R. McKnight responded that after listening to his colleagues, the appropriate way to vote is on the Interlocal Agreement first not including the move. Afterward, it would come back to the Council for vote to move.

Vote: Councilmember T. Bierbaum: Aye, Councilmember R. McKnight: Aye, Councilmember H. Ennis: Aye, Councilmember W. Graham: Nay. Ayes: 3; Nays: 1. Motion carried.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to move the meeting location to the County facility contingent on execution of the Interlocal Agreement with the County.

Councilmember T. Bierbaum stated citizens cannot hear at our current location or on-line, so we will have a better audio facility by moving.

Councilmember W. Graham asked if it was budgeted. City Manager M. Smigielski said there is money in the Administration budget. Councilmember T. Bierbaum asked about the total cost.

Councilmember R. McKnight said we could be at the County for four or five years because we have to wait for a City Hall to be built. The expense for the bailiff at a minimum of four hours is \$2900 dollars a year at four years for a total of \$12,000. However, Mayor Campbell summarized construction of a new City Hall could be realized 18 or 24 months, as the City Hall property could be marketed.

Discussion ensued on the merits of remaining in the current location or returning to the City Hall. The key points presented were the cost of upgrading acoustics in the current location and the expense of upgrading the City Hall restrooms to make them temporarily handicapped accessible.

Mayor Campbell stated the vote is moving to the County facility.

Vote: Councilmember Bierbaum: Aye, Councilmember McKnight: Nay, Councilmember Ennis: Aye, Councilmember Graham: Aye. Ayes: 3; Nays: 1. Motion carried.

Citizen Comments

Resident, Melinda Henderson, came to the dais to speak against the cover for the amphitheater. She believes the stage needs to be remodeled. She added we need an auditorium behind the Chautauqua Hall of Brotherhood. She prefers the auditorium as it would have versatility and that grant monies would be more available.

Dan Cosson, resident, agreed with Dr. Henderson. He added, the hurricane in 1975 destroyed the auditorium.

Sharon Grenet came forward and said she is in favor for a cover at the Amphitheater, as it gets very hot for events. She would like to see both improvements made, however.

Residents that requested to be on the agenda, following:

Mr. Jay Evans, Main Street DeFuniak Springs Executive Director, did a presentation on a comprehensive plan for growth. Mr. Evans showed the example of their new website "visitdefuniaksprings", which is also on Twitter and Facebook. To market the city, they are working on a shop button for purchasing tickets for Christmas Reflections. He believes it is a good first step in marketing. He suggested thinking of broadband as a utility, as connectivity is poor. He asked if Main Street could work with city staff to come to a solution.

Discussion ensued concerning the limited access to providers. In response, to Councilmember R. McKnight, City Manager, M. Smigielski said the city no longer receives franchise fees, as the State took it away. City Attorney Clayton Adkinson added we do not have much leverage. Mayor Campbell asked about a group that could provide a study. J. Evans added there is a group out of Tallahassee that has set up a business option. The cell coverage for broadband has to be in the ground, as the towers will not work without it. Citizens have poor uploads at 9 mbps. Connectivity is the new way we do business now.

Councilmember T. Bierbaum said the leverage is that the City recognizes that we are at a great disadvantage. It could be City owned or public-private relationships. Fiber must be in the ground. There is a severe need for a provider.

Motion by a Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to have Main Street seek options and bring them back to the City.

Vote: Councilmember T. Bierbaum: Aye, Councilmember R. McKnight: Aye; Councilmember H. Ennis: Aye, Councilmember W. Graham: Aye. All ayes. Motion carried.

Jack Owen, Charter Review Committee, came forward and requested the Council review and advise on the draft of the proposed Charter until the next regular Council meeting. He stated Phase 1 is completed. The Charter review is Phase 2 and Phase 3 will cover review of the

Municipal Code. Phase 2 includes the preamble, powers and duties of the Council, compensation changes during the elected term, expanded language for the City Marshal, City Manager, City Clerk and City Attorney, periodic Charter review for every ten years, annual state of the City Report and reference language on the amended Charter. The committee presents the revised Charter with three stand-alone referendums which are the Mayor's right to vote in a tie, whether the Marshal shall be appointed or elected and elected officials length of terms except for the City Marshal.

The Committee suggests Phase 3 be reviewed by the Council. The current committee would prefer to be polled to ask their interest in continuing to serve should the Council want them to continue with Phase 3.

Councilmember T. Bierbaum expressed gratitude to the committee for their hard work and effort.

In response to Councilmember R. McKnight, Mr. Owens replied that the Council would have to amend the requirement of the City Manager to be employed by the Council, as our attorney advised the committee that it is State Statute. City Attorney Clay Adkinson added it would have to go to referendum by a vote of the council.

J. Owens went over the three items the committee recommend go to referendum: The mayor's right to vote, the compensation for the City Marshal and term limits for elected officials. Mayor Campbell added he would like to get rid of the requirement of the right to break a tie in a vote, as he would like to be able to talk to each councilmember one on one. City Attorney Clay Adkinson added that the committee could not come to a consensus on term limits.

J. Owens said the committee will bring a clean document back to the Council. He added the committee would like to be released from their duties of the Code review.

Motion by Councilmember R. McKnight, seconded by Councilmember H. Ennis to approve the release of the duties of the Charter Review Committee.

Vote: Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye, Councilmember Graham: Aye. Ayes: 4; Nays: 0. Motion carried.

Executive Requests – No requests.

Public Works – the following items were removed from the agenda

9A. Jim Gierlinski requests direction to proceed with the Chautauqua Hall of Brotherhood contract renewal

9B. Jim Gierlinski requests approval to rollover \$100,000 from the 2019 budget to the 2020 budget for The Chautauqua Hall of Brotherhood city projects

City Attorney – Nothing to report.

Staff Report

City Manager, M. Smigielski announced the policies and procedures are due tonight. The workshop will start at 5:30 p.m. before the first October Council meeting. He will take a few comments and go through the chapters for the workshop and then have a break before the regular meeting. Councilmember T. Bierbaum suggested they start the workshop at 5:00 p.m. and then have a break.

City Manager, M. Smigielski said the water increase is 2.36 percent. He asked about the sewer rate. Councilmember R. McKnight said we could defer on sewer for now. Mayor Campbell agreed we will wait until next year. M. Smigielski said the water increase will go into effect November 1st.

Council Comments

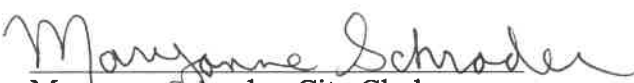
Councilmember R. McKnight reminded everyone that the FDOT 331 South to Bob Sikes Road meeting will be here in the building. He encourages everyone to attend.

Mayor Comments - Mayor Campbell had no items to present.

There being no further items to present, the meeting was adjourned at 7:22 p.m.



Mayor Bob Campbell



Maryanne Schrader, City Clerk
Proper notice having been duly given