

**DeFuniak Springs City Council**  
**Regular Meeting**  
**October 14, 2019**

The following members were present: Mayor Bob Campbell; Mayor Pro-Tem Robert McKnight (Seat 2); Councilmember Kevin Crystal (Seat 3); 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.

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

**Consent Agenda** - Mayor Campbell asked if there were any additions or deletions to the Consent Agenda. Councilmember R. McKnight asked that Item D3 concerning the road closure be removed and Councilmember K. Crystal asked that Item B2 concerning the Ben Nelson agreement be removed.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to remove Item D3 and Item B2 from the Consent Agenda.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye.  
Ayes 5, Nays 0. All ayes. Motion carried.

Mayor Campbell stated that Item B2 will be Item 5J and Item D3 will be Item 5I.

**Regular Agenda** Mayor Campbell asked if there were any additions/deletions to the Regular Agenda. Councilmember R. McKnight asked in the interest of time to defer Item 7B to the next meeting.

**Motion** by Councilmember W. Graham and seconded by Councilmember K. Crystal to defer Item 7B to the next meeting.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

**Consent Agenda – As Approved**

**A. Clerk**

1. Minutes for approval: September 23, 2019-Regular Meeting Minutes
2. Minutes for approval: September 20, 2019-Budget Meeting Minutes

**B. Administration**

1. Approval of the 2019 Florida Blue Health Insurance Renewal
2. See Item 5J
3. Approval to close Circle Drive south of 7<sup>th</sup> Street to the entrance of the Gulf Power building between the hours of 10 a.m. and 1 p.m. on November 11, 2019 for the Veterans Day Ceremony

**C. Finance**

1. Motion to approve the Bill Ratification for September 2019
2. Motion to approve a Resolution Establishing Water Usage Fees and setting October 1<sup>st</sup> of each subsequent year for the rates to increase along with the current rate set by the Florida Public Service Commission Price Index
3. Motion to approve a Resolution setting an established rate for Wastewater Usage Fees
4. Motion to rescind Resolution 2019-15 in its entirety and replacing the language to read in the last paragraph “with all adjustments shall be subject to any limitations set forth through any policy(s) of the City”

**D. Planning**

1. Kelly Schultz, via Capri Zodrow, requests waiving the 90-day submission requirement and approval for Walton High School to conduct the annual

2019 Homecoming Parade on October 18, 2019 from 1:30 – 4:00 p.m.  
therefore closing a portion of Baldwin Avenue and Circle Drive

2. Kelly Schultz, via Henry Rule, requests approval for the annual Krewe de Yak Mardi Gras Parade and Festival on February 1, 2020 with the parade at the intersection of Main and Circle Drive. The festival is held at the Amphitheatre

3. See Item 5I

E. **Airport** – No report

F. **Public Works** – No report

## **Regular Agenda, As Approved**

### **Administration**

Item 5A. Mell Smigielski, City Manager requests authorization for Dewberry to proceed with a Preliminary Engineering Report for the Wastewater Treatment Plant at an estimated cost between \$100,000 and \$150,000.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve staff to authorize Dewberry to proceed with a Preliminary Engineering Report for the Wastewater Treatment Plant at an estimated cost between \$100,000 and \$150,000.

Discussion ensued and it was determined that it complies with the Enterprise Fund and it typically takes about a year.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

Item 5B. Mell Smigielski, City Manager requests direction on whether to cancel or reschedule the meetings on Veterans Day, November 11 and Christmas week, December 23, 2019.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis authorizing rescheduling the meeting on November 11th to November 12th and cancelling the meeting on December 23, 2019.

**Vote:** Councilmember Crystal: nay, Councilmember Bierbaum: Aye, Councilmember McKnight: nay, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 3, Nays 2. Motion carried.

Item 5C. Mell Smigielski, City Manager requests approval for the IT Job Description.

Discussion regarding whether the language should read the requirement of possessing a Florida driver's license or a valid driver's license.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal approving the listed job description language to state having the possession of a valid driver's license.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

Item 5D. Mell Smigielski, City Manager, requests approval for the Cemetery Coordinator Job Description.

**Motion** by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum approving the listed job description for Cemetery Coordinator.

Councilmember K. Crystal asked Ms. Doris Johnson who was in the attendance a question about the cemetery, as he said she is the most qualified in the room. Ms. Johnson stated she has no

problem following policy and procedure, if it does not change case by case. She has no problem with the administrative move of records from City Hall.

Councilmember R. McKnight emphasized we should be using special care in mowing and watching for vandalism. He is concerned that the Cemetery Board has not reviewed the job description, so it should wait until they review it.

**Motion** by Councilmember H. Ennis and Councilmember T. Bierbaum to rescind their motion to approve the Cemetery Coordinator job description.

Discussion ensued on the merits of the position based on work load.

City Manager M. Smigielski, commented that yesterday's Cemetery Board meeting was canceled because information from this meeting was needed. He added the ordinance needs to be revised and taken to the Cemetery Board for review.

J. Owen came forward and addressed the Council as a member of the Cemetery Board. He has not seen the job description. He mentioned the mapping is only 75% complete. City Manager, M. Smigielski said that was the intent of the coordinator. He added the coordinator would handle mowing and damage issues.

**Motion** by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to have the Cemetery Board review the job description and meet with the representatives of the funeral homes and report back to Council at the next meeting.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: nay: Councilmember Graham: nay. Ayes 3, Nays 2. Motion carried.

Item 5E. Mell Smigielski, City Manager requests approval for the Grant Writer Job Description. He suggested having the position report to the Grant writer/Administrator instead of the City Manager.

Councilmember R. McKnight expressed his concern about having too many physical aspects of the job included. It should be more friendly to people with disabilities. He suggested a degree in English is a good start for this job.

City Manager M. Smigielski asked if it could be approved with the recommendations. City Attorney Clay Adkinson added the physical requirements could be removed.

Discussion on the merits of having the City Manager correct the amendments was discussed.

**Motion** by Councilmember R. McKnight and seconded by Councilmember Henry Ennis to direct the City Manager to revise the position description for the Grant Coordinator to eliminate the language for physical requirements, update the reporting process and add qualifications of a degree in English, as preferred.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

Item 5F. Mell Smigielski, City Manager requests approval for the Custodian Job Description. M. Smigielski stated this position is an addition for the Parks.

**Motion** by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to approve the listed job description, as written.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

Item 5G. Mell Smigielski, City Manager, requests approval of the Priority List for 2020.

City Manager, Mell Smigielski, said this is the State priorities list. The appropriation and short-term funding is limited, so we listed the top three. Our consultants are working on them. We have Triumph appropriations. The Lift station is listed #4, but we can only have one state-funded project open at one time. The State promised funding in the future when we get the project done. He said the water and sewer for Hwy 90 east, and a couple of airport projects that our consultant is working on are included. We also have a permanent workflow for the lake with a potential grant opportunity.

**Motion** by Councilmember W. Graham and seconded by Councilmember H. Ennis to approve the Priority List for 2020.

In response to Councilmember R. McKnight and his question regarding the sidewalk and street light addition, City Manager, M. Smigielski, replied they were more like capital improvements.

Mayor Campbell said #16, should be moved up to #4, as this is for the connector road utilities, as the Council agreed to partner with Veterans Lodge to get utilities there. Other commercial projects, amenities, and hotels will need it.

In response to Councilmember Ennis, Bill Imfeld came forward to state putting in infrastructure will have the most immediate impact to improve the economic standpoint. Jobs, construction of new industry and a diversified economy are the benefits.

Councilmember K. Crystal added the utilities will be cheaper to place while the road is being constructed. The world must be connected. Discussion ensued about the cost and J. Smith of the Veterans Lodge stated she will get the information to the City Manager tomorrow. She added she gave the full development order to Kelly Schultz.

**Motion** by Councilmember H. Ennis and seconded Councilmember R. McKnight to remove the original motion.

Councilmember W. Graham said we need documentation and guidelines to go by. He asked how it impacts the other items.

Mayor Campbell added this is the time to tell the Legislatures what we need as they are meeting now and returning February. He considers the utilities upgrade to be a benefit for DeFuniak.

**Motion** by K. Crystal and seconded by H. Ennis to adopt moving #16 up to #4.

Discussion ensued regarding the importance of the project.

Councilmember T. Bierbaum called for the question. Mayor Campbell asked to close the debate. All ayes except for Councilmember McKnight.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: nay, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 4, Nays 1. Motion carried.

Item 5H. Mell Smigielski, City Manager requests approval to allow Main Street to utilize office space in City facilities. He said Main Street must move from their current location.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve allowing Main Street to utilize office space in City facilities.

In response to Councilmember R. McKnight, City Manager M. Smigielski replied they will not pay rent, but it will be quantified, as the person will serve as a gatekeeper at the annex.

Resident, Melinda Henderson, said she is interested in the support of Main Street. With the increased jobs, they may need to have that space. She added that Main Street could move to the Chamber or the Visitor's Center, as the new jobs need to go into the annex.

In response to the questions, City Manager M. Smigielski replied that we know where the new employees will go.

Councilmember T. Bierbaum said we should consider a new City Hall that allows everyone to be in one building.

Councilmember W. Graham asked about a conflict of interest. City Attorney Clay Adkinson replied Main Street will have to follow open government laws.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: nay. Ayes 4, Nays 1. Motion carried.

Item 5I. Kelly Schultz, via Russel Eichorn, requests approval for a “Roll Out Concept’s 1<sup>st</sup> Annual Charity Cornhole Tournament” scheduled for Saturday, October 26<sup>th</sup> which includes a street closure from 7 a.m. to 8 p.m. A sound system will be utilized at the event.

Councilmember R. McKnight asked Ms. Shultz if we notify businesses about road closures in relation to time, especially in relation to a 13-hour time frame. K. Shultz replied they just process the application, but do not coordinate it. Councilmember R. McKnight requested a policy be put in place. Assistant to the Mayor, Cindy Permenter, said she does a PSA on street closures. Councilmember R. McKnight added the businesses concerned should be notified. City Marshal, Jim Hurley, said he gives updates.

Councilmember T. Bierbaum called a point of order, as there is discussion without a motion on the floor.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the request for a “Roll Out Concept’s 1<sup>st</sup> Annual Charity Cornhole Tournament” scheduled for Saturday, October 26<sup>th</sup> which includes a street closure from 7 a.m. to 8 p.m.

Councilmember T. Bierbaum commented that events are held with street closures, and if they have the proper barricades, he supports it.

Councilmember R. McKnight said the downtown merchants should be aware of the street closures before they come to the Council.

Jay Evans of Main Street said they notify businesses before the closure.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

**Item 5J.** Approval of the Christmas Reflections Independent Contractor agreement with Ben Nelson

Councilmember K. Crystal asked to have the contract pulled and reviewed by Legal, as it does not show who Mr. Nelson reports to, his mileage or other checks and balances.

City Attorney Clay Adkinson said he can review before the next meeting.

**Motion** by Councilmember Crystal and seconded by Councilmember T. Bierbaum to postpone to the next meeting.

Councilmember R. McKnight inquired as to whether the postponement would cause his work to be delayed. City Manager M. Smigielski replied that his contract is from October 1 – September 30<sup>th</sup>, so it would not affect it.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. Motion carried. All ayes. Motion carried.

At 7:22 p.m. the Mayor called for a seven-minute recess. The Mayor resumed the meeting at 7:32 p.m.

**Item 6 A. Citizen Comments**

1. Sharon Grenet asked if the draft Charter amendment be available by the next meeting.
2. Melinda Henderson, Executive Director for DeFuniak, thanked the stores, shoppers and city employees who made the Peddler's Alley so successful.
3. Marie Hinson thanked the Council for their support of the Depot Museum. They have different exhibits. On October 26<sup>th</sup> they are sponsoring the History Fair. She invited everyone to come by.

Mayor Campbell said Ms. Chandler passed away. She was the first female councilmember. Her services are at First Baptist Church at 10 a.m. on Saturday.

**6B. Residents that requested to be on the agenda, following:**

Item 6B1. Mr. Victor Bowman – Presentation on the Chautauqua Hall of Brotherhood. Mr. Bowman applauded Dr. Melinda Henderson for her work on the project. He said his firm was hired on May 27, 2016. He displayed several concepts including a parking garage area below. He introduced his project team. In response to Dr. Henderson, they could seat 1200 people.

Item 6B2. Julie Smith gave an update on the Veterans Lodge. Julie will provide the City with numbers on Tuesday. She thanked the Council for voting to move them up on the Priority List.

Item 6B3. Cindy Permenter came forward to show the crosses that they plan to put around the lake yard for the Veteran's Tribute. The Public Works will help to have the proper placements and asked for approval to place the crosses around the lake yard.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to place the crosses around the lake yard.

Councilmember R. McKnight stated he would also like to honor our Judeo-Christian heritage, as well.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. Motion carried. All ayes. Motion carried.

**Item 6B4. Jay Evans – Main Street Quarterly Update**

J. Evans explained he just came back from Venice and talked about their complete Street Master Plan and the importance of working with the businesses and residents. We do not want to hinder any growth for the downtown area. Venice Main Street worked with their city to add planning. He added he is hoping for Restore grant money. He said that Florida Main Street has a new website. They can keep the community well-informed by utilizing their website. He thanked the Council for their support.

**Item 6B5. Jack Owen – Request Council to set up a Workshop date to finalize the draft Charter Amendment**

Jack Owen, Chairman, recommends that a special meeting be called for the Council to review. The items are a revised charter, compensation for elected officials, term limits for all elected except for the City marshal, and the mayor's right to vote.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to direct the City Manager to set up a time for a workshop to review the final draft of the Charter.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

## **Executive Requests –**

Item 7A. Councilmember Ennis Appointment to the Special Events Committee.

**Motion** by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to appoint Judea Kring to the Special Events Committee.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

Item 7B was removed from this agenda and moved to the next meeting.

Item 7C. Councilmember McKnight requests approval to lobby and advocate for the City at several government agencies and offices on his trip to Washington D.C.

**Motion** by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to support Councilmember McKnight to lobby and advocate for the city.

Councilmember Crystal asked if our Congressman will be available. Councilmember R. McKnight said he will meet with his office. He added that Amtrak, National Park Service, and the USDA are some offices he hopes to visit.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

## **PUBLIC WORKS**

Item 9A. Jim Gierlinski requests approval of an Architect and Contractor for the Chautauqua Hall of Brotherhood, as we have been awarded the Phase 2 grant, so he requests that we enter into a contract.

**Motion** by Councilmember W. Graham and seconded by Councilmember R. McKnight to approve entering into a contract with the Architect, Victor Bowman and Contractor, John Parish.

Councilmember T. Bierbaum commented that the Hall of Brotherhood needs project management, dedicated project manager, architect and deadline, as there were many questions about the project. We do not have clear direction of the plans and we were not notified of any changes. The city maintains the building, as it is our focal point.

Councilmember K. Crystal asked if we have a cost and when we will finish it. Mr. Bowman explained that he asked for qualified bidders to bid on the project. We thought it would be 1.3 million dollars with three phases. He explained this is a difficult project because of the restoration. We had to match brick, rebuild windows, match putty because of historical reasons. He said he hoped to have it finished with the second grant. Mr. V. Bowman added he is the project manager. He said the Council requested the building be made wider.

Councilmember R. McKnight said we had to do an in-kind match. We need a tally of hours for the city project manager. One is the city's responsibility and the other is the architect.

After more discussion on the delay in getting the grant money, the delay in going out to re-bid and lack of communication, Councilmember H. Ennis called for the question.

Dr. Henderson said when you go out for bid you must have someone with historical preservation experience, so we want them to have the opportunity to finish the project. Mr. Bowman has done a number of grants. She stressed the plans are Mr. Bowman's work product, so we do not own it.

Mayor Campbell announced that Councilmember W. Graham called for the question and asked to stop discussion. All ayes except for Councilmember R. McKnight.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: nay, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 4, Nays 1. Motion carried.

Dr. Henderson added the State has requirements for voluminous documentation.

Item 9B. Jim Gierlinski requests \$60,000 to be placed in the Facility Maintenance Chautauqua account line item for the removal of the center column and shoring up the 2<sup>nd</sup> Floor, as well as a Security/SCADA system

J. Gierlinski answered Councilmember K. Crystal that it is money left over from last year's budget.

**Motion** by Councilmember W. Graham and seconded by Councilmember K. Crystal to approve the request that \$60,000 be placed in the Facility Maintenance Chautauqua account line item for the removal of the center column and shoring up the 2<sup>nd</sup> Floor, as well as a Security/SCADA system.

In reply to Councilmember T. Bierbaum, Pete Journey, Account Executive for Mobile Communications America, came forward and stated that they work with the police department and Public Works. They are using the system that is in place now.

City Attorney, Clay Adkinson, stated that there is a \$7000 quote for the security system, and we should get three different quotes.

Councilmember W. Graham rescinded his motion.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the request based on contingent funding of three quotes from security companies.

Councilmember R. McKnight asked about the structural issue. V. Bowman replied the center column is in the way, so the structure will take the place of the center column.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. Motion carried.

**Item 9C. Motion** by Councilmember R. McKnight and seconded by Councilmember H. Ennis approving the request to enter into negotiations with J&P Construction, Inc. for the installation and purchase of a new blower at the Wastewater Treatment Plant in the amount of \$387,000.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

**Police** – City Marshal James Hurley requested approval to seek assistance from the BCC for the demolition of the old Health Department Building.

City Marshal James Hurley said one of the main goals is a new police department and thinks the old health department would be good location. He said they will fill in the hole behind the Fair building.

**Motion** by Councilmember H. Ennis and seconded by Councilmember K. Crystal approving the City Marshal to seek assistance from the BCC in the demolition of the old Health Department Building.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

City Attorney –



**Item 12A. 2<sup>nd</sup> Reading Ordinance** – City Attorney, Clay Adkinson read Ordinance 903 Amending Chapter 6.5, Art. II, Section 6.5-17 of the Municipal Code entitled “Waiver of Fees” and Chapter 16, Art. IV, Section 16-26 entitled “Waiver of Fees” and Chapter 6.5, Art. II, Section 6.5-32 entitled “Waiver of Fees” previous adopted and enacted pursuant to Ordinances 481, 545, 687, and 782, repealing, in part and superseding those ordinances, providing for conflict and severability and an effective date.

Mayor Campbell asked if there were any public comments. No one came forward.

**Motion** by Councilmember W. Graham and seconded by Councilmember H. Ennis to approve adoption of Ordinance 903 Amending Chapter 6.5, Art. II, Section 6.5-17 of the Municipal Code entitled “Waiver of Fees” and Chapter 16, Art. IV, Section 16-26 entitled “Waiver of Fees” and Chapter 6.5, Art. II, Section 6.5-32 entitled “Waiver of Fees” previous adopted and enacted pursuant to Ordinances 481, 545, 687, and 782, repealing, in part and superseding those ordinances, providing for conflict and severability and an effective date.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. Motion carried.

**Item 12B.** City Attorney, Clay Adkinson, asked for rejection of any and all bids on the Chipley Park construction project, as certain documents were not included in the original bid, there was only one bidder and FEMA said we had to treat it as a single source bid. Ms. Pettis is available for any questions regarding the requirements.

He asked that the bid be re-advertised October 16th and October 23rd, a mandatory pre-bid meeting be set on October 30<sup>th</sup>, on November 1<sup>st</sup> open the bids at 9:00 a.m. and set a special meeting for November 1st at 5 p.m. to award the bid.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to reject any and all prior bids for the Chipley Park (Lake Yard), re-advertise the bids and mandatory meeting, set a date of November 9 a.m. for a bid opening and a Special meeting for November 1 at 5:00 p.m. to award the lowest bidder.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

**Item 12C.** City Attorney, Clay Adkinson, said he needed a motion for the Council to adopt a City Policy for Minority Women’s Business Enterprise (M/WBE) certification. He said the adoption of a City Policy is recommended by FEMA when we go through a procurement process. The City Clerk will maintain a list that Dewberry has provided to us.

**Motion** by Councilmember H. Ennis and seconded by Councilmember K. Crystal to adopt a City policy for Minority Women’s Business Enterprise (M/WBE) certification.

Councilmember R. McKnight asked if there are any other bid notifications for minority or special groups that we need to aware of and Ms. Pettis said the State list they provided also included veterans.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

**Item 12D.** City Attorney, Clay Adkinson, read the Ordinance on 1<sup>st</sup> Reading Ordinance amending the Director of Finance Ordinance relating to the ability of the City Manager to discipline, terminate and suspend. He emphasized that this covers the authority of the city manager.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis approving on 1<sup>st</sup> Reading, an Ordinance amending the Director of Finance Ordinance relating to the ability of the City Manager to discipline, terminate and suspend.

In response to Councilmember K. Crystal, City Attorney, Clay Adkinson replied that currently we do not have an appeals process. This process ensures the Council is not under obligation to take up an action requested by the employee.

Discussion ensued on the checks and balances of whether the ordinance should include the City Manager ability to hire and fire the Finance Director directly, and whether job descriptions, better performance and evaluation procedures are more effective.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. All Ayes. Motion carried.

**Item 12E.** City Attorney, Clay Adkinson, read the 1<sup>st</sup> Reading Ordinance providing for the amendment of Ordinances 881, Chapter 18 “Land Development Code”, Article VII, “Specific Uses”, Section 18-60 “Alcoholic Beverages and Distribution; Providing for Repeal of Conflicting Provisions and Ordinances; Severability; and for an Effective Date.

City Attorney, Clay Adkinson said the policy would bring our code into compliance and eliminates the person as opposed to the business, they will be properly licensed, and the terms of permitting are included. He added this is step one of the process. The policy for special events should be in policy form. The State regulates alcohol use. If we permit it, and they do not comply, we can yank their permit. Step two will cover how the city will regulate it, and step three will approve the policy for issuing permits.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum approving on 1<sup>st</sup> Reading, an Ordinance providing for the Amendment of Ordinances 881, Chapter 18 “Land Development Code”, Article VII, “Specific Uses”, Section 18-60 “Alcoholic Beverages and Distribution; providing for repeal of conflicting provisions and Ordinances; Severability; and for an effective date.

There were no public comments.

**Vote:** Councilmember Crystal: Aye, Councilmember Bierbaum: Aye, Councilmember McKnight: Aye, Councilmember Ennis: Aye: Councilmember Graham: Aye. Ayes 5, Nays 0. Motion carried.

### **Item 13. Staff Report**

City Manager, M. Smigielski, said the next meeting will be at the Courthouse. The Council will need to enter at the front door through security. He said live streaming could be used at an additional cost. They use ICompass for their live streaming.

He added the audit has started. He thanked the Finance Director for her work.

He mentioned that the new Code Enforcement candidate is keeping her job with the City of Crestview. Councilmember K. Crystal suggested that we offer her more money. City Manager, M. Smigielski said he would ask.

City Manager, M. Smigielski, said representatives from Jacobs are in attendance. Kyle Holder came forward to answer any questions.

In response to Councilmember R. McKnight, K Holder on the strong smell near Bruce Avenue and 2<sup>nd</sup> Street junction, he said the location has had numerous complaints for decades. He said Lift Station 1 drops into a gravity flow manhole. This odor is not related to the recent spill at Lift Station 2.

Mayor said we are running a force main down 2<sup>nd</sup> Street and asked if they could bypass? K. Holder responded it will depend on the hydraulic monitoring and the older station. He added the pump comes up 11<sup>th</sup> street in the back yards. It is sealed and should be opened.

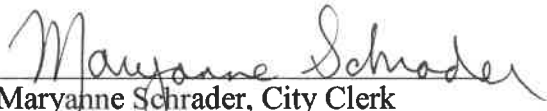
Mayor Campbell adjourned the meeting at 9:18 p.m.

October 14, 2019-Regular Meeting

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Prepared by: Maryanne Schrader

  
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Mayor Bob Campbell

  
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Maryanne Schrader, City Clerk  
*Proper notice having been duly given*