

DeFuniak Springs City Council
Regular Meeting
August 26, 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); 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.

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

Proclamation

Mayor Campbell presented a Labor Day Proclamation recognizing the labor forces within the city and read the proclamation for the record.

Consent Agenda

Additions/Deletions to the Consent Agenda-There were no additions or deletions to the Consent Agenda.

Motion by Councilman Graham, second by Councilman Ennis, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Aye.

- A. Administration
- B. Clerk
 - 1. Minutes for approval: July 23, 2019-Budget Workshop; July 29, 2019-Special Meeting; July 30, 2019-Budget Workshop; August 6, 2019-Budget Workshop; and August 12, 2019-Regular Meeting
- C. Finance
- D. Planning
 - 1. Sara Comander-DBPA-requesting approval to close Baldwin Avenue between Bass Style Shop and Bogey's to host Halloween Happenings on October 31, 2019 from 4:00 p.m. to 9:00 p.m.
 - 2. Rickey Nelson-requesting a special event permit for October 18-19, 2019; October 25-26, 2019; and October 31, 2019 to host a haunted house at 826 Baldwin Avenue and a request to place a Port-a-Potty in a designated area near the event venue
 - 3. Christine Guzowski-DeFuniak Springs Woman's Club-requesting a special event permit to hold Halloween Trick or Treating around the lake yard on October 31, 2019, requesting to close Lake Circle from 4:30 p.m. to 7:30 p.m.
 - 4. Christine Guzowski-DeFuniak Springs Woman's Club-requesting a special event permit to hold the annual Christmas parade on December 14, 2019; requesting to close Lake Circle beginning at 12:00 p.m. to 3:00 p.m.; and requesting police assistance with crowd control

Regular Agenda

Additions/Deletions to the Regular Agenda

Mr. Smigielski said the only addition would be if Councilman Crystal wished to make an appointment to the Special Events Committee to fill the position vacated by Mr. Jay Evans, Main Street DeFuniak Springs Executive Director, due to a possible conflict of interest in accordance with the Sunshine law. A brief discussion was held regarding the same possible conflict with the appointment of Ms. Sandra McCullough to the committee due to her employment position with Main Street DeFuniak Springs. Councilman Crystal withdrew his consideration of Ms. McCullough.

There were no revisions to the Regular Agenda.

Motion by Councilman Bierbaum, second by Councilman Ennis, to approve the agenda as presented. Ayes 5, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Aye.

Ms. Lisa Henderson, Walton County Tax Collector, requested a fee waiver for the use of the main room, meeting room, and kitchen of the Community Center on November 9, 2019 from 12:00 p.m. to 8:00 p.m. to host a fundraising event for St. Jude Children's Hospital. A brief discussion was held regarding the dedication of the proceeds from the event to local citizens.

Motion by Councilman Crystal, second by Councilman Ennis, to approve a fee waiver and the use of the Community Center by the Walton County Tax Collector as presented. Ayes 5, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Aye.

Mr. David Harrison, MOJO Sportswear Company CEO, talked about the economic future of DeFuniak Springs and the effects growing technology will have on local businesses. He noted that Walton County is one of the fastest growing counties in the nation and that the city needs to anticipate growth in the area by increasing economic development to meet the needs of the people. Discussion ensued regarding the need to upgrade services to meet the needs of the citizens and the need for a dependable labor force.

Citizen Comments

Dr. Melinda Henderson spoke on the need for transparency, tracking, and progress made for ordinances, resolutions, projects, and issues brought before the council. She raised questions about what phases the proposed annexation of the city and the placement of lights around Lake DeFuniak were in. She recommended timely reports be made available to both the council and public showing the progress made in the projects and issues; linking them with the strategic plan and the goals and objectives set by the council.

Lt. Cory Webster, Walton County Sheriff's Office, announced his appointment as district commander for the DeFuniak Springs, Mossy Head, Paxton, Darlington, and the Eucheanna Valley areas.

Ms. Suzanne Callenbach expressed her gratitude to the council for addressing the trash issue on U.S. Highway 331. She encouraged the use of volunteers to help keep the roadway clean. Mayor Campbell questioned if there would be legal issues which needed to be addressed. Attorney Adkinson said the most important was to ensure that the city manager was aware which volunteer committees were working and where. He also recommended making sure that insurance policies were updated for this purpose.

Executive Requests

Councilman Crystal presented a report on the 93rd Florida League of Cities conference and found that many cities are facing the same issues as DeFuniak Springs regarding economic development. He listed several ideas to consider that would help the city move forward: enterprise opportunities with other cities, utility fee review, review of franchise agreements, and public-private partnerships. He discussed a deposit give back program implemented by the City of Newberry which allows utility users who have been consistent with their payments for a certain amount of time to have their deposits returned to them. He encouraged the creation of an orientation program for newly elected officials. Councilman Crystal said that Walton County is now the 4th fastest growing county in the nation and the first in the state. He voiced his appreciation for the opportunity to attend the conference.

Finance

Ms. Gibson requested to approve a contract with Tyler Technologies for software. She said the request is so that an implementation team can get started with the set-up; no funds will be expended until after October 1, 2019. The contract has been reviewed the city attorney. Attorney Adkinson noted that on Exhibit B, Invoicing and Payment Policy Section 2.2 has been revised to

state “billed as delivered on October 1, 2019.” The contract has been approved by legal counsel with the changes as presented.

Motion by Councilman McKnight, second by Councilman Ennis, to approve the Tyler Technologies software contract as presented.

Councilman Graham asked the amount of the contract. Ms. Gibson replied \$224,000.00.

Councilman McKnight discussed the benefits of the program and said that it would be closely monitored.

Ayes 5, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Aye.

City Attorney

Attorney Adkinson presented for consideration the revised Special Events Bylaws. He discussed the changes which requires that each member of the committee serve as a liaison to one of the city’s designated events. He asked the council to consider the committee membership number and recommended an odd number to prevent a tie and eliminate quorum issues. He recommended either a reduction to five members or an increase to seven members. A five-member committee would designate the mayor, or his appointee, as an ex officio, non-voting member and would serve as the committee chair. A seven-member committee would require the seventh member be nominated by an entity outside of the council. He said no action was required at this meeting.

Councilman McKnight voiced concern with language on page one which states that the committee shall not attempt to provide events or activities specific to certain businesses or industry and noted that later in the document the energy expo is addressed; the energy expo is industry specific. Attorney Adkinson agreed and said that the language is in the current bylaws which is why he provided the language “provided the city council has authorized such involvement in advance.” Councilman McKnight spoke in favor of striking the language which states “specific to a certain business or industry.” Attorney Adkinson discussed how the city cannot spend public dollars on a purely private enterprise. He said taking the phrase out is acceptable, but if it is left in, he recommended the phrase providing the authorization by the council remain as well.

Councilman Bierbaum spoke in support of the five-member committee and the need to reduce the committee due to quorum issues. Councilman McKnight addressed the language which allows the committee to coordinate or combine with other community groups and questioned if there were any limitations to their involvements. Attorney Adkinson stated that the language currently exists in the bylaws and that it is encouraging public-private partnerships. The committee cannot insist upon taking over an event of a private entity. He said that he would bring back a revised document for consideration. Mayor Campbell discussed the different community groups the city works with on different events.

Ms. Sharon Grenet, Walton County Heritage Association, spoke in support of the ability to work with the city on different events.

Councilman McKnight recommended using the word “partner” instead of “combine” in the language addressing the work of the committee with other groups. Attorney Adkinson agreed to the revision and suggested revising the paragraph to state as follows: The Committee shall work with other community groups to coordinate efforts in order to maximize our mutual effectiveness.

Motion by Councilman Bierbaum, second by Councilman Crystal, to approve the Special Events Bylaws with the changes as discussed and reducing the committee membership to five with the mayor, or his designee, to serve as an ex officio member.

Councilman McKnight questioned if ex officio members were exempt from the Sunshine Law. Attorney Adkinson discussed how the inability to vote affects the Sunshine status of an ex officio position.

Ayes 5, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Aye.

Attorney Adkinson said a revised document will be brought back for review.

Attorney Adkinson presented the first reading of the Rental Fee Ordinance (903) which would approve to give the authority of waiver of rental fees for the Community Center, Chautauqua Building, and the Chipley Park amphitheater to the city manager, in consultation with the mayor. The determination and findings of facts shall be placed in writing and signed by both the city manager and the mayor. He said this does not affect the existing waiver authority by the city manager for the council. He noted that not-for-profits, civic organizations, and other governmental entities can currently receive a waiver from the city manager. This ordinance addresses anyone else who comes before the board seeking a waiver. Attorney Adkinson said the waiver could be in whole or in part. He said records would be kept determining why the fees were waived.

Motion by Councilman Ennis, second by Councilman Graham, to approve to hold the first reading Ordinance 903 and advertise the Public Hearing for adoption.

Ms. Cindy Permenter, Deputy Clerk, questioned if waiver requests for fundraisers would still come before the council. Attorney Adkinson said it would not.

Councilman McKnight asked if there would be an appeal process for waiver rejections. Attorney Adkinson said there is not an appeal process for the granting or denial of a waiver. Ultimately the council would have final authority.

Mayor Campbell asked for clarification on scheduling emergency meetings. Attorney Adkinson said the mayor, three councilmen, and the city manager have the authority to call a special or emergency meeting. He recommended a 72-hour notification for special meetings and six hours for emergency meetings. Mayor Campbell asked what determined an emergency meeting. Attorney Adkinson said whatever the council determines as an emergency.

Councilman Bierbaum encouraged the city manager to not consider waiving all fees, but rather reduce them. He noted that the city spends a lot of money to provide the buildings. He discussed a study which was done that found a large amount of money is given away in fee waivers.

Councilman Crystal asked if a minimum amount would need to be put in the ordinance or if that could be determined by the mayor or the city manager. Attorney Adkinson said the fees are set. Councilman Crystal said that the employee cost to open and close the buildings should be considered.

Councilman McKnight recommended a tiered approach be considered in fee reductions: governmental entities-no fee, non-profits 50 percent reduction, and private individuals/companies-full price. Discussion ensued on the effective date, consideration of current bookings, and adoption date.

Ayes 5, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Aye.

Attorney Adkinson read Ordinance 903 into the record.

Attorney Adkinson requested to adopt **Resolution (2019-15)** approving to allow the city manager, in consultation with the mayor, to grant waivers, reductions, abatements, and other customer related matters regarding water and wastewater.

Motion by Councilman Ennis, second by Councilman Bierbaum, to adopt Resolution 2019-15 approving to allow the city manager to grant waivers, reductions, abatements, and other customer related matters regarding water and wastewater.

Councilman Bierbaum stated there is currently a policy that would allow for a one-time credit for large water bills and asked if this would grant a second potential credit. Attorney Adkinson said

the resolution would supersede what is currently in place and would be the sole method to obtain a bill waiver or reduction. He said the burden of proof would be the responsibility of the citizen/business. Councilman Ennis noted this would provide faster relief for the citizen than coming before the council.

Councilman McKnight asked if this was in the best interest of the city. Mr. Smigielski said that it would be and that he would work with the Finance Department to make the determinations.

Mayor Campbell discussed the relief this resolution would have on finance and billing staff. He discussed the benefits of wireless meter readings.

Ayes 5, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Aye.

Staff Report

Mr. Smigielski read a letter from the Sheriff's office commending Lt. Garrett Miller; Jamie Stolz, Fire Fighter; and Austin Ard, Fire Fighter; City of DeFuniak Springs fire fighters for their quick response in saving the life of a six year-old boy.

Motion by Councilman Bierbaum, second by Councilman Crystal, to recognize the lifesaving achievements of Lt. Garrett Miller; Jamie Stolz, Fire Fighter; and Austin Ard, Fire Fighter. Ayes 5, Nays 0. Councilman Bierbaum Aye, Councilman McKnight Aye, Councilman Crystal Aye, Councilman Ennis Aye, Councilman Graham Aye.

Mr. Smigielski presented a special event request to use the gazebo behind the Chautauqua building for a wedding in November. Ms. Permenter said that the gazebo is rented as a part of the Chautauqua building and that the building is currently not being rented due to construction. The person requesting the use was told by a former employee that the gazebo would be available. Ms. Permenter voiced concern regarding the safety issues surrounding the current construction. Mr. Smigielski said there will also be a parade, consisting of 20-30 vehicles, from the Hotel DeFuniak to the gazebo for the wedding. He questioned if the council wished to rent the gazebo out for a wedding. Mayor Campbell asked if a permit would be needed for the parade. Mr. Smigielski said it would because street closures would be required. Attorney Adkinson recommended that the special event permit be placed on the agenda for council action and include the use of the gazebo as a facility rental as a part of the special event permit. Mayor Campbell stated it would be placed on the next agenda.

Mr. Smigielski gave a brief update on public works projects. He reported that the installation of the traffic signal at 20th Street and U.S. Highway 90 would begin the second week in September.

Council Comments

Councilman Graham thanked the fire fighters for their act of service.

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

Councilman McKnight noted that it was good to see the new logo being used.

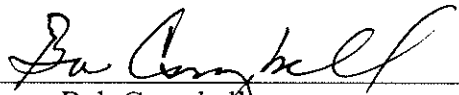
Mayor Comments

Mayor Campbell discussed the upcoming census and the precautions which need to be made when approaching homes.

Mayor Campbell announced the passing of Mr. Ryan Adams' father. Ryan is the city's former airport director.

Mayor Campbell discussed the realignment of U.S. Highway 331 and said that FDOT does not see this a viable project at this time.

There being no further items to present, the meeting was adjourned at 7:39 p.m.



Mayor Bob Campbell



Cindy Permenter, Deputy Clerk