

**DeFuniak Springs City Council**  
**Regular Meeting**  
**November 12, 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 6:07 p.m. followed by the invocation and Pledge of Allegiance.

**Consent Agenda** - Mayor Campbell asked if there were any additions or deletions to the Consent Agenda, as presented.

**Motion** by Councilmember R. McKnight and seconded by Councilmember H. Ennis to approve 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.

**Regular Agenda** Mayor Campbell asked if there were any additions/deletions to the Regular Agenda.

Mell Smigielski, City Manager mentioned that Item 7, the Main Street presentation has been removed. He mentioned an addition, which will give the means by which to pay to Mr. Hinson of Hilltop Productions Christmas light contract. Mayor Campbell said it will be listed as Item 7B.

**Motion** by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to approve the Regular Agenda, as amended.

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

### **3. Consent Agenda – As Approved**

#### **A. Clerk**

1. Minutes for approval: October 28, 2019-Regular Minutes
2. Minutes for approval: October 28, 2019-Workshop Minutes
3. Minutes for approval: November 1, 2019-Special Minutes

#### **B. Administration** - None brought forward.

#### **C. Finance** - None brought forward.

1. Debra Gibson, Finance Director, requests approval for a motion to award USBancorp the financing contract for the budgeted police department vehicles in the amount of \$90,252
2. Morgan Hulion, Finance Supervisor, requests a motion to approve the Bill Ratification for October 2019

#### **D. Planning** - None brought forward.

#### **E. Airport** - None brought forward.

#### **F. Public Works** - None brought forward.

### **4. Regular Agenda, As Amended**

#### **5. Administration**

Item 5A. Mell Smigielski, City Manager, requested a motion to approve the Assistant City Manager Job Description with an approval to advertise. The title and wording were discussed at length during the workshop. The final job title was determined to be Deputy City Manager. M. Smigielski stated the city attorney advised that the budget amendment should be presented the same time as the job description. He will submit a budget amendment along with the revised job

description and approval for advertisement. He added it will be held until the next meeting on November 25<sup>th</sup> for approval. City Attorney, Clay Adkinson, suggested a motion to table it under the circumstances for tracking. In response to Councilmember W. Graham, the city manager will also submit justification for the position.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to table Item 5A, the Deputy City Manager Job Description, for approval at the November 25<sup>th</sup> 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.

Item 5B. Mell Smigielski, City Manager, requested a motion to approve the proposed Resolution to convert to 8 ½" x 11" paper as the standard size paper for legal documentation and a blue color ink stamp as the official City Seal, in addition to the embosser seal for legal documentation.

Mell Smigielski, City Manager went over the reasoning behind the change in lieu of the electronic record keeping of today and the need for the blue color ink stamp for scanning ease. City Attorney Clay Adkinson added the motion was to approve and adopt the Resolution.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the proposed Resolution to convert to 8 ½" x 11" paper as the standard size paper for legal documentation and a blue color ink stamp as the official City Seal, in addition to the embosser seal for legal documentation.

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

In reply to City Attorney, Clay Adkinson, City Clerk M. Schrader responded it will be Resolution 2019-22 for the record.

Item 5C. Mell Smigielski, City Manager, requested a motion for approval of the updated Priority List.

Mell Smigielski, City Manager said the priority list has been updated with the missing numbers. The data was retooled on number 1 for the Coy Burgess Loop changing it to a 16" from a 14" at \$30,000. He mentioned the Gene Hurley Park on number 2 was not changed, we are requesting forgiveness. Number 3 for the water sewer along US Hwy 90 West, was unchanged. Number 4 was taken from position Number 16, regarding the connector for the Veterans Lodge at \$790,000 under Appropriations. He said the runway extension and airport terminal has been moved to position Number 5 from Number 9. Airport Director Matthew Overton responded to Councilmember K. Crystal's question on whether we received a million dollars for the terminal, and he said we have a grant on the books for G055 to renovate the terminal. He added \$534,000 has come in already 1.2 million should come in this year and next year over \$723,000 will come in for a total of 3.2 million. He said none of the funds can come in until certain work is accomplished, so he is working with John Collins to move forward. He said he has met with FDOT, but he does not have a timeline for receipt of funds. He added the G055 grant was locked into the scope and vision on the terminal, ramp and hangar expansion. Councilmember K. Crystal asked if we need to change it for the item be the runway, as we have the 3.2 million for the terminal. M. Overton suggested leaving it in to be more flexible.

Mayor Campbell asked Mr. Overton about the grant for the Gene Hurley Park. M. Overton said we are going to clear, paint and do limited improvement adding the next groundbreaking will be the terminal. They are also finishing up the Industrial Park. He said they are working on the expansion grant. He added Gene Hurley Park reverts to us in 2024. There is a hump in the runway that needs to be removed. Mayor asked if we should let the grant sunset. M. Overton agreed it would be the best use of funds. Mayor said the County has expressed their desire for the equipment for their use.

Mell Smigielski, City Manager said the reason why we must get this item approved again is the Appropriations that our consultants have written must match the figures in the document in the event the representative asks if the Council has approved that figure.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the updated Priority List.

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

**6A. Citizen Comments** - Mayor Campbell asked if anyone had comments. No one came forward.

Item 7A. Residents that requested to be on the agenda was removed.

Item 7B. City Manager M. Smigielski explained Main Street had entered into an agreement with Hilltop Productions for downtown lighting on Baldwin Avenue in the amount of \$60,000. He added Christmas Reflections has given Main Street \$20,000. He said Mr. Hinson needs money for labor and equipment rental, which needs to be ordered by November 18th. He added some of the funds for Main Street has been frozen by the County and Tourist Development Committee (TDC). The recommendation is for the city attorney to craft a document as a short-term loan from the city which will be paid directly to Hilltop Productions and the city will be reimbursed by Main Street.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the payment directly to Hilltop Productions with the City directly reimbursed by Main Street.

Councilmember R. McKnight voiced his concern that Main Street had not paid Mr. Hinson in the manner specified in the contract of June 6<sup>th</sup>. He also was concerned about getting tangled in a non-profit's contract and its vendor. City Manager M. Smigielski responded that once the funds that were frozen come in, Main Street will be able to make the payments. In the meantime, there is a short-term crunch. In response to the question from Councilmember W. Graham, Mayor Campbell said the work entailed is massive. City Attorney Clay Adkinson read, that some of the items consisted of one 20 ft LED paneled tree, 200 boxes of 100 count LED string lights, a 50 ft x 12 foot balsam garland, 50 oversized red ribbons, 9 street lights, 15 oversized wooden gift boxes, 15 LED white 7 ft. coned trees, 13 4-ft. pre-lit LED wreaths, 50 snow fall lights, various electrical cords, splitters and boxes for a total of \$34,872 of the contract price. Councilmember K. Crystal added a key point is they are taking it back down and placing it in storage.

City Attorney, Clay Adkinson, said the agreement will be between the city, Hilltop productions, and Main Street whereby the city will agree to pay directly to Hilltop Productions on behalf of Main Street the outstanding amount due and Main Street will pay directly to the city. He asked for an amendment with a clause that the repayment will be within 60 days from Main Street and provide terms of the contract take assignment of any funds of Main Street being due to them to recompensate the money within that 60 days.

**Motion** was amended by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the amount and add the repayment terms.

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

**8. Executive Requests** – None brought forward.

## **9.FINANCE**

Item 9A. Debra Gibson, Finance Director, requested a motion to approve and authorize signatures for the FDOT promissory note for a new total of \$412,427.31.

Finance Director D. Gibson said the note combines the note issued in 2015 to the balance for the 331-utility relocation project.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve and authorize signatures for the FDOT promissory note for a new total of \$412,427.31.

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

**13. City Attorney** – City Attorney Clay Adkinson said the 2<sup>nd</sup> reading ordinances are on the agenda as a placeholder:

- A. **(Public Hearing and Adoption set for 11/25/19)** 2<sup>nd</sup> Reading Ordinance – City Attorney Clayton Adkinson requested a motion to adopt an Ordinance Amending the Director of Finance Ordinance relating to the ability of the City Manager to discipline, terminate and suspend
- B. **(Public Hearing and Adoption set for 11/25/19)** 2<sup>nd</sup> Reading Ordinance - City Attorney Clayton Adkinson requested a motion to adopt 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

City Attorney Clay Adkinson said the original announcement was the first meeting in November. However, the meeting was moved to Tuesday because of the holiday, so his office will re-advertise for November 25<sup>th</sup>. He added there will be no action needed tonight.

#### **Item 14. Staff Report**

City Manager, M. Smigielski, announced Fire Chief Burney has submitted his retirement. He said December 6<sup>th</sup> is his last workday and December 31st is formal last day.

City Manager, M. Smigielski announced that Tesla has exercised their right to extend the agreement for their chargers for five years. They have a provision to add another five years.

He stated the 331 gas project going south will extend up to the Walton County Fire-Rescue Building. He said the last few hundred feet is in the Okaloosa County Gas District. We have been in negotiations for the best interest of both parties and the appropriations can take it all the way to the Walton County Fire-Rescue Building. Once the project is complete, we could sell it to Okaloosa Gas, or the line can sit there, and we could close it off at our boundary. We have a disagreement on the boundary line by .7 of a mile.

City Manager, M. Smigielski announced that we originally had talked about combining the manufacturing housing and RV parking ordinance together, but it may be prudent to split the items apart. The manufacturing ordinance will come forward for consideration.

He said we have talked about the new City Hall Request for Proposals for a preliminary look at locations and design. It was thought that a design build project may be a better use of our time.

Mayor Campbell commented about the pros and cons of design and build. The positive side is we would not have to do separate RFP's for engineering design and the contractor. The downside of doing it with construction management is he relieves himself after the project is signed off, and then we meet with the vendors for the punch list. In response to Councilmember T. Bierbaum, City Attorney Clay Adkinson replied that we would ask Dewberry to serve as the engineer of record.

City Manager M. Smigielski said Councilmember R. McKnight had an invitation to speak to the Southern Rail Commission in Mississippi. He said a member of the Commission has informed Councilmember R. McKnight of their need to postpone it, as Florida is not a member of the Southern Rail Commission, as the Legislature never approved the membership.

Councilmember R. McKnight added they are interested in Walton County opportunities. He said this is a clean slate of passenger rail stops. A Rail Commission member who spoke to him said there is a major issue with the lines in and out of Mobile and that will be up for discussion during the December meeting. Councilmember R. McKnight mentioned the State of Florida would need to pay \$75,000 a year to be a member. He added that we need to get the Legislature to see the importance of joining the Southern Rail Commission. There is over 200 miles of rail that would be included. He added the Southern Rail Commission gives out grant money for train stations, so we could convert our historic terminal to be ADA accessible.

**Item 15. Council Comments**

Councilmember K. Crystal asked if there is a succession plan in place for Chief Burney. M. Smigielski replied that Jerry Hall will be the Interim Chief, as he has acted in that capacity. We will consider internal, but we will look outside for candidates, as well.

Councilmember R. McKnight said he appreciated the Mayor and Mr. Ennis for attending the Veteran's Day event. He added the speaker was very interesting.

Councilmember R. McKnight state he has noticed the City Council audience has diminished, so he wanted us to keep track of attendance and possibly have more publicity.

Councilmember W. Graham asked if there was a shelter opened for the weather and Councilmember T. Bierbaum replied there is a cold weather shelter.

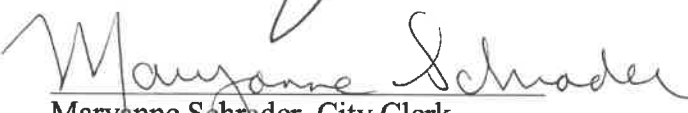
Mayor Campbell asked the city attorney to comment on the purchase done today. City Attorney Clay Adkinson said the County Commission approved the joint venture with the Economic Development Association in the amount of 2.3 million dollars to acquire the parcels on 331 which will become the new Industrial Park which will help facilitate the Triumph agreement moving forward. Mayor Campbell added we already received the approval from Triumph, so the 5-million-dollar infrastructure (on water and sewer) may be the next step.

**Item 16. MAYOR COMMENTS - No further comments.**

**Item 17. ADJOURNMENT**

Mayor Campbell adjourned the meeting at 6:53 p.m.

  
Robert "Bob" Campbell, Mayor

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