

**DeFuniak Springs City Council
Regular Meeting
December 9, 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 Clayton Adkinson, City Attorney; Mell Smigielski, City Manager; Debra Gibson, Finance Director; and Maryanne Schrader, City Clerk.

Mayor Campbell called the meeting to order at 6:01 p.m. followed by the invocation and Pledge of Allegiance led by Councilmember K. Crystal.

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

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to approve the Consent Agenda, as presented.

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.

Regular Agenda Mayor Campbell announced several additions to the regular agenda: Item 5B regarding the Liberty Partners contract, Item 8A for the vetting of the City Hall purchase and Item 8B for the concert event in November. He asked if there were any other additions/deletions to the Regular Agenda.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the Regular Agenda, as amended.

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.

3. Consent Agenda – As Approved

A. Clerk

1. Minutes for approval: November 25, 2019-Regular Minutes
2. Minutes for approval: November 25, 2019-Workshop Minutes

B. Administration - Mell Smigielski, City Manager, requests a motion to appoint Charles Morse to the Main Street Board

C. Finance

1. Morgan Hulion, Utility Billing/Finance Supervisor, Bill Ratification November 2019
2. Morgan Hulion, Utility Billing/Finance Supervisor, requests motion to approve credit card total limits to \$100,000

D. Planning – Reserved

E. Airport - Reserved

F. Public Works - Reserved

4. Regular Agenda, As Amended

5. Administration

Item 5A. Mell Smigielski, City Manager, requested a motion to conduct a Public Hearing and upon approval, adopt the CRA Strategic Plan.

Mayor Campbell asked if there were any questions from the public. No one came forward.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the Public Hearing and adopt the CRA Strategic Plan.

Councilmember R. McKnight mentioned the plan will work on improving certain properties and contains the word blight throughout and is very supportive of the plan, as written. He thanked the Board for their diligence in the execution.

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.

Item 5B. City Manager Smigielski stated the current contract with Liberty Partners, Lobbyists, expires December 31st. They have been in the process of doing applications for the Florida Job Growth Grant Fund, potential Triumph Gulf Coast project and other projects. Liberty Partners is also working on our current list of priorities. The new contract is for \$30,000 for one calendar year.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to approve the renewal of the contract with Liberty Partners.

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.

Airport Director M. Overton said Liberty Partners has helped him with the grant process and other projects and thanked the Council for renewing the contract.

Mayor Campbell said they have been meeting frequently in Tallahassee. He said it is important to get our needs to them in October, as the Legislature listens to the information during committee time, but the key dates are in February. He is thankful for the lobbyists as partners.

6. Citizen Comments - Mayor Campbell asked if anyone had comments.

Dr. Melinda Henderson came forward to speak on the Christmas Tour of Homes sponsored by St. Agatha Episcopal Church and thanked the Council for allowing them to use the Visitors Center.

Scott Miller with South Palafox Group requested the Council support his multi-family homes workforce housing project with Florida Housing. He said he needs support before he submits the application to approve a short-term loan of \$5,000 on the 50-million-dollar project. He added the housing is critically low in this area.

City Manager M. Smigielski said he spoke with him last Friday after Mayor Campbell asked for clarification on his request. City Manager M. Smigielski said the agency that Mr. Miller is working with is requesting a commitment of a \$5,000 loan until they receive their water, sewer and tap fees. Councilmember K. Crystal asked where they are targeting for the AMI (Average Monthly Income). Mr. Miller replied they are targeting several, but 33% and 60% AMI is reserved. His development in Milton which is comparable to what they propose here has 60% AMI with a few at market rate. The Florida Housing department's position is the community works better blended. The development includes a literacy component where someone conducts literacy classes. Councilmember R. McKnight told him his request could not be acted on tonight, however, the Council is interested in housing issues. Mr. Miller said the deadline for this project is December 19th. City Attorney Clayton Adkinson said it is not on the agenda, so no action can be taken. Councilmember R. McKnight said he was hesitant to direct the city manager to approve a loan because the Council had not yet received anything in writing. Mr. Miller stated if the Council cannot do this one, he would like a buy-in for a future project.

Diane Goff Howell came forward and said the multi-colored zig zag lights are being installed, and she thanked the Council.

Jim Odell, a vendor for Mistletoe Market, said he supported the event and has been told that the visitors like the Farmers Market, as well. He voiced his concern about a local business owner moving cones that were put into place for the event and suggested the city manager or police officer should have moved the cones. City Manager M. Smigielski said he told the businessman

that when a delivery came the cones could be moved and then returned. Mr. Odell added the police did a good job in opening one lane of traffic.

Councilmember R. McKnight asked for clarification on the city's involvement. City Manager M. Smigielski said Main Street received permission to block off streets during the Mistletoe Market. He said 8th street was completely blocked, but the train needed a certain amount of radius, so we compromised by allowing one lane for traffic. Also, the businessman had parked his truck the wrong way diagonally with a sign on the door stating if you want to park here, call us. We asked him to move it. He added there was no altercation and no physical assault.

Jim Odell added a businessman threw the cones, and the event organizer tried to stop him to no avail. The police were called and handled the situation.

Councilmember T. Bierbaum said Mistletoe Market resulted in much success to the business owners who participated.

Councilmember R. McKnight voiced his concern about whether the business license owner was in violation by blocking the parking lot areas, as we do not want events viewed as being disruptive. Mayor Campbell asked if we had a warning mechanism in place to suspend their license if they are in violation. City Attorney Clayton Adkinson said he will meet with the city manager to research the situation.

In reply to whether the Mistletoe Market will go on as scheduled, City Manager M. Smigielski replied that the event will go on. Mr. Odell voiced his concern that Main Street had to cancel the last scheduled event, which caused some of the vendors a problem. In reply to Councilmember T. Bierbaum, City Manager M. Smigielski said he is not sure why Main Street chose to cancel the event.

Chief Hurley added he spoke to the businessowner and told him he could not block traffic in the alley and informed him of the city ordinance. He added his department will be fair and consistent. City Manager M. Smigielski replied to Councilmember T. Bierbaum's question that the he spoke to the event organizer secretary and requested compromising by opening one lane for traffic.

Next, J.B. Hillard came forward to speak on the communication with seniors' issue and suggested the Council visit the Senior Center and speak to the director. He added he will meet with the city manager.

Glen Harrison, kettle corn vendor, came forward regarding the Mistletoe Market and said he heard many compliments on the event. He said the local businesses had much success. He understands the parking situation and stated one business should not be able to shut down fifty vendors. He added many vendors lost money in the decision to shut down the market.

7. REQUEST TO BE ON THE AGENDA - Reserved

8. EXECUTIVE REQUESTS –

Item 8A – Sale of City Hall

Mayor Campbell said we are putting together qualifications before we receive any proposals or bids on the sale of the City Hall property. City Attorney Clayton Adkinson suggested the Council approve giving the city manager and mayor the authority to discuss with any realtors interested in the city hall property, the qualifications of buyers and to accept proposals, as well as developing rules on whether the bidder has the funds to purchase the property.

In reply to Councilmember K. Crystal, City Attorney Clayton Adkinson said it is up to the Council on how to handle the advertising of the property. In reply to Councilmember R. McKnight, City Attorney Clayton Adkinson said an appraisal update is not necessary.

Mayor Campbell said five years ago City Hall was appraised at 1.1 million dollars. We received offers of 2.4, 2.50 and 3 million dollars. However, the three-million-dollar offer fell through because of the elevation behind the building. The engineer will give us elevation drawings that

could remove some of it, as the retailer needed 250 feet of depth and we only had 170. The engineer will also look at a retention wall.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to direct the City Manager along with legal Counsel to develop requirements and advertise the acceptance of offers.

Councilmember W. Graham asked if the plan is to build another city hall. Mayor Campbell replied that we have had complaints on the steepness of the hill, and we would have to come up with 100% of the money to build at the current site. If we sell the property, the money we would receive could go toward new property. He added the three offers we had received allowed us to stay for a year or up to 18 months while the new one is built. He said the bottom line is there is potentially 2.6 million dollars to work with.

Councilmember R. McKnight reiterated we are not committing to selling or setting a price on City Hall. If we do get interested offers, we will have time to contemplate it. There are options at the current site for expansion or to pick another site. If someone gives us an offer, it provides options on remodeling or relocating. City Attorney Clayton Adkinson added it will also ensure we have the money to commit to the purchase of the property.

In response to Councilmember K. Crystal, City Planner Kelly Schultz replied the current zoning is institutional, and it would need a small-scale amendment to change.

Mayor Campbell explained some realtors advised that after the first quarter of an election year, people stop spending, and we are running out of downtown options.

Councilmember W. Graham inquired about the fire and police station, and Mayor Campbell replied the lobbyist is looking into it, and funding may be available. He said Chief Hurley is getting the square footage requirements, and the fire department is putting together their numbers.

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.

Item 8B – Concert event

Mayor Campbell said he has spoken to the organizer for a concert to benefit wounded veterans. We have looked at the airport and Veterans Lodge. However, he was told Veterans Lodge is not ready for a November 2020 event. We are going to speak to the Airport Advisory and Special Events committees. We hope to give the organizer an answer in January.

Councilmember T. Bierbaum suggested the organizer contact the police, fire and other departments prior to coming before the Council. Mayor Campbell said he has spoken to organizers. City Manager M. Smigielski will coordinate with the Special Events and Airport Advisory committees.

9. FINANCE- Reserved

10. PUBLIC WORKS – Reserved

11 – Planning - City Planner Kelly Schultz asked the Council to approve the ordinance on 1st reading. She mentioned the School Board closed on the property at 25th and Sheldon Ave recently. She said the developer has an option to purchase the property in question, but the property was zoned as recreational. She thought it may have been zoned in error, as it has been used as a Little League practice field historically. It is privately-owned, and the owners are requesting that it be zoned for a multi-family development. The Planning Board did not have the authority to make the recommendation with the current zoning, so the request is coming before the Council. She said it is a small-scale amendment and hopes it is approved by the City Council the second Monday in January. Afterward, there is a thirty-day waiting period.

- A. **1st Reading Ordinance**, entitled “Ordinance Adopting an Amendment to the City of DeFuniak Springs Future Land Use Map; Setting forth Authority for Adoption; Providing for Findings of Fact; Providing for Severability; and Providing for an Effective Date”. Motion to approve Public Comment, Schedule a Public Hearing for January 13, 2020 and authorize advertisement

Motion by Councilmember T. Bierbaum and seconded by Councilmember W. Graham to approve the Public Comment, Schedule a Public Hearing for January 13, 2020 and authorize advertisement to amend the Future Land Map.

Councilmember R. McKnight asked if the vote is to correct a clerical error. City Planner K. Schultz replied the zoning is her assumption, but it will place the property in line so the developer can develop for townhomes. If approved, he could increase the maximum density allowance, if it complies with other regulations.

Councilmember R. McKnight said this would be the first step in getting additional housing and have consistency.

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.

City Planner K. Schultz read the ordinance.

Item 11B. - Manufacturing Housing Ordinance – City Planner K. Schultz said she anticipates having the ordinance ready for the first meeting in January.

12. POLICE – Noise Ordinance - Placeholder

13. City Attorney – City Attorney Clayton Adkinson offered his parking lot for the Mistletoe Market events.

Item 14. Staff Report – Reserved.

Item 15. Council Comments

Councilmember R. McKnight announced he spent time with officials at the National Park Service in Washington DC on December 3rd in hopes to move the city forward as a National Historic Landmark designation on the Chautauqua campus. He was told the next step is to expect that we will receive a letter from the National Park Service to give us approval or not to turn in our National Historic Landmark application. He added the document must be written by a historian. The National Park Service was well-briefed on Florida Chautauqua. He mentioned he was not able to meet with the office of Representative Gaetz, as the staff was preparing for the impeachment hearings. Councilmember McKnight plans to work with the city manager regarding a resolution requesting the State of Florida join the Southern Railroad Commission.

Councilmember T. Bierbaum announced he will not be able to attend the January 13th Council meeting, as he has a standing meeting he must attend.

Councilmember T. Bierbaum stated that we authorized the payment of \$30,000 to Hilltop Productions but does not think the contractor is upholding the terms of the contract. He went over some areas such as lights not being placed because the contractor said there was no adequate power. He stated that all the trees ordered were not displayed, and the gift boxes that were placed do not meet our standards. He is concerned we are not getting what we paid for and asked what our options are to enforce it. He also asked that the city store the decorations, as well as the City should get reimbursed from the contract terms. City Attorney Clayton Adkinson stated the city has dual enforcement to enforce the terms of the contract, so we can address the issue. Councilmember T. Bierbaum added we will not have another meeting before they are taken down. Mayor Campbell said he has spoken to Mr. Hinson, and he told him he will address the issues upon his return and ensure it gets done. City Manager M. Smigielski said he will discuss the issues with him and coordinate getting it done according to the contract.

Councilmember T. Bierbaum asked about the storage of the decorations. Councilmember R. McKnight asked if there was an issue with the quality of the storage that the contractor is not able to meet. Councilmember T. Bierbaum said he would like to have everything the city paid for supervised by the City. City Manager M. Smigielski said he will discuss storage areas with Public Works. Councilmember T. Bierbaum added the storage is only addressed in the contract for one year.

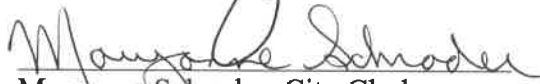
Councilmember K. Crystal said that WJHG newscast came out and aired that business is booming in DeFuniak Springs. He thanked the staff and Council and said this is the first regional acknowledgment of our businesses. He thanked the owners for opening in our city. The segment aired on Friday or Saturday.

Item 16. MAYOR COMMENTS – Mayor Campbell wished all a Merry Christmas.

Item 17. ADJOURNMENT

Mayor Campbell adjourned the meeting at 7:26 p.m.


Robert "Bob" Campbell, Mayor


Maryanne Schrader, City Clerk
Proper notice having been duly given

