

**DeFuniak Springs City Council**  
**Regular Meeting**  
**January 27, 2020**

The following members were present: Mayor Bob Campbell; Mayor Pro-Tem Robert McKnight (Seat 2); Councilmember Todd Bierbaum (Seat 1); Councilmember Kevin Crystal (Seat 3); 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 6:02 p.m. followed by the invocation and Pledge of Allegiance.

**3. Consent Agenda** - Mayor Campbell asked if there were any additions or deletions to the Consent Agenda, as presented. City Manager M. Smigielski announced that D1 will be added under 8B.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the Consent Agenda, as amended.

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

**CONSENT AGENDA**

**Additions/Deletions** to the Consent Agenda

**Approval** of the Consent Agenda

**A. Clerk**

1. Minutes for approval: January 13, 2020 -Regular Minutes
2. Minutes for approval: January 13, 2020-Workshop Minutes
3. Minutes for approval: January 7, 2020 - Special Meeting Minutes

**B. Administration** - Mell Smigielski, City Manager

1. Requests a motion to approve the Cemetery Coordinator job description and permission to advertise
2. Requests a motion to authorize travel for Mayor Campbell to attend the Opportunity Zone Spring Conference April 22 – April 24, 2020 with an estimated expense of \$2,600
3. Requests a motion to authorize travel for Mayor Campbell to attend the Florida League of Cities Legislative Day and Florida League of Mayors Board Meeting on February 11 – 12, 2020 with an estimated expense of \$300

**C. Finance** – Reserved

**D. Planning** – Item moved to 8B

**E. Airport** – Reserved

**F. Public Works** – Reserved

**G. Fire** – Reserved

#### **4. REGULAR AGENDA**

##### **Additions/Deletions to the Regular Agenda Approval of the Regular Agenda**

**Regular Agenda** Mayor Campbell asked if there were any additions/deletions to the Regular Agenda. He announced that Item 11A is placed on hold by request of the petitioner.

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

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

#### **5. ADMINISTRATION**

1. City Manager Mell Smigielski
  - A. Request a motion to approve funding in the amount of \$12,500 to fund the Complete Street Study

City Manager Mell Smigielski stated that in 2019, Resolution 2019-24 was approved supporting the Complete Street Initiative. He added that FDOT determined the study will be \$100,000, which they will fund \$75,000, with Walton County splitting the remaining cost, therefore the city will need to fund the remaining half of \$12,500. He added the line item for consultants will be used for payment.

**Motion** by Councilmember W. Graham and seconded by Councilmember T. Bierbaum to approve the funding in the amount of \$12,500 to fund the complete Street Study.

Councilmember R. McKnight added this will create a corridor on US 90 that emphasizes the historic Old Spanish Trail name.

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

#### **6. CITIZEN COMMENTS - General Comments from the audience**

- a. Dan Cosson asked about the travel trailer ordinance and Mayor Campbell suggested he come up during the discussion later in the agenda.

#### **7. REQUEST TO BE ON THE AGENDA**

- A. Marie Hinson, Walton County Heritage Association, 2019 Annual Report

Marie Hinson thanked the Council for letting the Walton County Heritage Association use the museum. They are on a mission to preserve the local history. They continue to work with Main

Street. The WCHA will continue the tradition of holding the History Fair last October in which the hall was full of exhibits. They also have opened the museum for private and group tours and extended the caboose hours for special events. Walton County Heritage Association has a webpage, Facebook and Instagram. Ms. Hinson noted that 1,885 people follow their webpage. They sponsored a Performance Tea at Florida Chautauqua last year and have participated in parades, Trick or Treat around the Circle, and coordinated with other organizations. They are strictly volunteer with 1,387 currently. The WCHA recorded 3,322 visitors at the museum.

## **8. EXECUTIVE REQUESTS**

### **A. Councilmember R. McKnight – Update from Charter Review meeting**

Councilmember R. McKnight updated the Council on the draft Charter. He said the committee is comprised of Councilmember T. Bierbaum, himself and Reverend Doyle Redwine. Councilmember R. McKnight said the committee met last week and will meet again this Wednesday in the Chambers. Our city attorney refreshed the committee on the history of the process from the beginning to where we are now. Councilmember R. McKnight said he was selected as the chair of the committee. Councilmember R. McKnight said the committee hopes to deliver an understandable, brief, succinct, current, amendable Charter that contains clear language and is legal. The committee hopes to deliver a Charter that is in the best interest of the city. He added the committee is tasked with reviewing other Charters and looking at potential revisions. Councilmember R. McKnight said he was amazed that no one knows where the original Charter is located, as City Attorney Clay Adkinson informed the committee that there are over 110 pages with strikeouts. Councilmember R. McKnight concluded that the committee wants to make the Charter relevant to the 21<sup>st</sup> Century.

Next, Mayor Campbell introduced item 8B.

8B. Requests a motion to approve the Special Event Permit request from the DeFuniak Business & Professional Assn. to hold the annual Independence Day celebration at Chipley Park (includes parade, music and fireworks)

Councilmember T. Bierbaum brought up his concerns with the Special Event Permit from the DeFuniak Business & Professional Association. He addressed the absence of a trash clean-up plan, as the trash cans were completely overflowing after the Halloween event.

Sara Comander stepped forward and explained they usually have many trash cans, and the city takes care of the clean-up during the Halloween event. Sara Comander added the city cleans, mows, hang up flags, and cleans the pavilion for them. She added that she will ask the police and Public Works department for help, as they have helped in the past. In response to Councilmember R. McKnight, Public Works Director Craig Drake said he could allocate overtime to pick up the trash timely. S. Comander announced the parade starts at 4 p.m., and the entertainment starts at 6 p.m. After discussion about the clean-up and the consensus that the Council wants it to be held in the Lakeyard, they came to an amicable understanding that the Public Works department will clear the trash. Mayor Campbell asked about waiving the clean-up fee in the amphitheater, and City Manager M. Smigielski said the fee can be waived. S. Comander added the event is a celebration of our freedom and heritage.

Councilmember T. Bierbaum stated he wants the event to occur but wanted the trash pick up to be coordinated properly.

**Motion** by Councilmember R. McKnight and seconded by W. Graham to approve the Special Event Permit request from the DeFuniak Business & Professional Assn. to hold the annual Independence Day celebration at Chipley Park.

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

#### 10. FINANCE- Reserved

#### 11. PUBLIC WORKS –

- A. Craig Drake, Public Works Director, requests a motion to approve the Grounds Technician job description and permission to advertise

**Motion** by Councilmember W. Graham and seconded by Councilmember T. Bierbaum to approve the Grounds Technician job description and permission to advertise.

In response to Councilmember R. McKnight, Public Works Director C. Drake said the job is in for two positions and will cover DOT easements, maintenance such as the grass, irrigation, and fertilizing but not tree trimming. City Manager M. Smigielski said the report should state it reports to Public Works, not the cemetery.

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

#### B. WCO Inmate Contract - Placeholder

**12. PLANNING –** Mayor Campbell stated the 2<sup>nd</sup> reading is on hold at the request of the petitioner.

- A. **(HOLD) 2<sup>nd</sup> 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”.
  
- B. **1<sup>st</sup> Reading Ordinance**, Motion to conduct 1<sup>st</sup> Reading, conduct a Public Hearing, and authorize advertisement for an Ordinance entitled “Ord. Amending Chapter 18, Article VII, Section 18-53, “Travel Trailers, mobile homes, and manufactured homes” (b) clarifying that modular dwellings are not subject to the regulations therein.

Planning Director K. Schultz said this ordinance defines that the ordinance does not cover modular dwellings. It covers only those that are built to HUD standards.

**Motion** by Councilmember W. Graham and seconded by Councilmember T. Bierbaum to approve on 1<sup>st</sup> Reading, to conduct a Public Hearing, and authorize advertisement for an Ordinance entitled “Ord. Amending Chapter 18, Article VII, Section 18-53, “Travel Trailers, mobile homes, and manufactured homes” (b) clarifying that modular dwellings are not subject to the regulations therein.

Councilmember R. McKnight explained that the Council is several months behind because we are not in sync with Florida law on the modular home issue. He suggested that we set an RV workshop and have a discussion on the moratorium, as the current ordinance is too restrictive on recreational vehicles.

Harley Henderson, resident, came forward and said DeFuniak Springs is a resort area and believes residents take care of their travel trailers. He added that the residents should not have to build an enclosure, as it is too expensive. He asked that Council clarify that travel trailers are not subject to the regulations in this Ordinance.

Mayor Campbell added there are some RV’s that are in disrepair.

Dan Cosson came forward and said the Council spoke of campers, boats, etc. a few months ago, and the conclusion was the Council was to conduct a workshop to get citizen input. He said he received a notice of violation on his trailer. Mayor Campbell suggested the Council hold on the notice until we have a chance to discuss the issue in a workshop. City Attorney Clay Adkinson he has no problem proposing a blanket moratorium with staff until the Workshop receives public comment, as the Ordinance may change. He added the current draft Ordinance is solely to clean up the modular home issue.

Dr. Melinda Henderson, asked about the subject title of the travel trailer Ordinance, and City Attorney Clay Adkinson replied that it is the title of the referenced Code, but the amended part is the section of the code for the clarification on modular homes that is not subject to the regulations. She asked why it did not reference other small crafts such as jet-skis, trailers, fishing or small boats, and the response is it will be addressed at the Workshop.

Planning Director K. Schultz asked for clarification on the moratorium on code enforcements on travel trailer enclosures and people living in travel trailers and campers. She has complaints on people living in them now with active code violations. City Attorney Clay Adkinson said it would be under 18-53, Sub. 3, that no person can occupy a trailer for living purposes. In response to Planning Director K. Schultz, staff is being instructed to hold a code moratorium – it is a blanket of all 18-53, until the Council can address the issue, so there is no enforcement of anything until the Council provides further instruction. Planning Director K. Schultz asked if a person applies for a HUD mobile home what should be her response, and City Attorney Clay Adkinson replied that it is not a code enforcement complaint, so that would have nothing to do with Land Use category. He added the moratorium is only for code enforcement until the moratorium is lifted. In response to Planning Director K. Schultz, City Attorney Clay Adkinson said the Council is expressing a desire not to pursue, so the way to address it is for a blanket moratorium on code enforcement issues.

In response to the recommendation of City Attorney Clay Adkinson, Council made the following motion.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember W. Graham to approve the Council to instruct staff to impose a moratorium on all notices as it relates to code enforcement action on RVs, travel trailers, mobile homes and manufactured homes.

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

In response to Councilmember K. Crystal, City Manager M. Smigielski said the recreational discussion will be addressed in depth during the staff report area.

Planning Director K. Schultz read the Ordinance in its entirety for 1<sup>st</sup> reading.

- C. Kelly Schultz, Planning Director, requests a motion to approve the Temporary Use Permit for New Wave Auto with the condition that Council waves the 30-day submission requirement, applicant submits portable toilet agreement, submit fee, and vehicles on display do not protrude into the right-of-way for area on site plan

Planning Director K. Schultz explained the applicant, Dealer One Stop requested to start their event on February 20<sup>th</sup> – March 1<sup>st</sup>, for a total of eleven days. Their payment and agreement have been submitted, although their initial request was not complete, and they turned in a revised request two days past the deadline.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to deny the request, as they did not make the 30-day submission deadline.

In response to Councilmember K. Crystal, Finance Director Debra Gibson replied that the projective revenue for temporary use permits was included in the budget. In response to Councilmember W. Graham, Planning Director K. Schultz replied that everything is now in order, but the corrected request did not make the 30-day submission date. In response to Councilmember K. Crystal, Planning Director K. Schultz replied their money is returned, if the request is denied. She added they could re-apply but their money is refundable. Councilmember R. McKnight clarified that the Council was informed that based on the information provided, the event was not in the best interests of the city. He was alarmed on how the company operates, as various complaints have been received. Councilmember K. Crystal pointed out that on page 4 of the application, the agreement was notarized on January 13<sup>th</sup>, which gave them the opportunity to get the application in timely.

**Vote on denial:** Councilmember T. Bierbaum: Aye; Councilmember K. Crystal: Aye, Councilmember R. McKnight: Aye, Councilmember H. Ennis: Aye: Councilmember W. Graham: Nay. Ayes 4, Nays 1. Motion for the denial carried.

Dan Cosson asked the Council about his citation and Mayor Campbell replied that no action will be taken. City Attorney Clay Adkinson added he does not have to do anything with his notice yet. D. Cosson expressed concerns with the Planning Department, and Councilmember K. Crystal suggested that he meet with the City Manager and Planning Director.

**13. POLICE** – Noise Ordinance update.

**14. CITY ATTORNEY** – City Attorney, Clay Adkinson had no further comment.

**15. STAFF REPORTS** – City Manager M. Smigielski mentioned the Live Oak reconstruction bid opening is scheduled for Wednesday, January 29, 2020 at 2 p.m.

City Manager M. Smigielski announced the Strategic Planning session will be held at the Community Center on February 25<sup>th</sup> from 9:00 a.m. – noon noting the department heads will attend, as well.

City Manager M. Smigielski stated the Workshop to discuss the recreational vehicles will be held Tuesday, February 11th at 6 p.m. at City Hall.

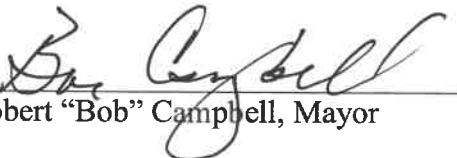
Point of order called by Councilmember K. Crystal to follow the agenda. Mayor Campbell asked the City Attorney if he had any comments.

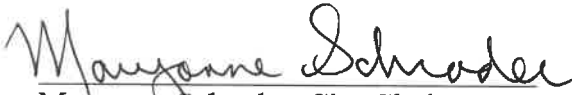
**16. COUNCIL COMMENTS** – None brought forth.

**17. MAYOR COMMENTS** – None brought forth.

**18. ADJOURNMENT**

Mayor Campbell adjourned the meeting at 7:08 p.m.

  
Robert "Bob" Campbell, Mayor

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

