

DeFuniak Springs City Council
Regular Meeting
February 10, 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 6:00 p.m. followed by the invocation and Pledge of Allegiance led by Councilmember W. Graham.

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

Motion by Councilmember K. Crystal and seconded by Councilmember W. Graham to approve the Consent Agenda, as presented.

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.

Approval of the Consent Agenda

a. Clerk

- i. Minutes for approval: January 27, 2020 -Regular Minutes
- ii. Minutes for approval: January 27, 2020-Workshop Minutes

b. Administration -

- i. City Manager Mell Smigielski requests a motion to approve the City Manager to execute the renewal and 2020 loan agreement with the National Museum of the United States Air Force for the T-33 Static Display

c. Finance –

- i. Finance Supervisor Morgan Hulion requests a motion to approve the Bill Ratification for January 2020

d. Planning –

- i. Planning Director Kelly Shultz requests a motion to approve the Special Event Permit request from Café' Nola/Hotel DeFuniak Springs 2nd Annual Mardi Gras Craw-Fest 2020 for Saturday, February 22nd from 10:30 a.m. – 4:00 p.m. at 400 East Nelson (includes street closure on a portion of South 8th Street)

e. Airport – Reserved

f. Public Works –

- i. Craig Drake, PW Director, Motion to approve the interagency agreement between the Florida Department of Corrections and Public Works for inmate work squad labor

g. Fire – Reserved

4. REGULAR AGENDA

Regular Agenda Mayor Campbell asked if there were any additions/deletions to the Regular Agenda. City Manager Mell Smigielski stated under 5B we have a request from Main Street requesting the City Attorney write a letter on their letterhead on their behalf to the former Executive Director and under 8B the request from Councilmember McKnight to add comments on an Amtrak update.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal 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. City Manager Mell Smigielski asked for approval to forgive the balance that DeFuniak Springs Main Street owes in the amount of \$15,248 and in exchange accept ownership of the downtown Christmas decorations

City Manager Mell Smigielski explained we had an agreement in January to extend the time of repayment to sixty days on the \$30,248 loan. He added the TDC has paid \$15,000, with a balance of \$15,248. The Main Street Board has requested forgiveness on the balance.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to table the issue until the 60-day period has expired.

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 Mayor Campbell, City Manager Mell Smigielski said a few days before the payment is due, we have a meeting on March 9th and another one on March 23rd, which is four days before the repayment goes in arrears.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to table and extend a decision to the Monday, March 23rd meeting.

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.

Item 5B. City Manager Mell Smigielski stated the Main Street Board has asked our City Attorney to write a letter to request the outstanding items from the former director, Mr. Evans. City Attorney Clay Adkinson said he will send Mr. Evans the letter gratis to request that he

return banking materials and password information, as Mr. Evans has not responded to their previous request. This would be done in a fiduciary capacity for Main Street, so they will not charge either the city or Main Street.

Motion by Councilmember K. Crystal and seconded by Councilmember R. McKnight authorizing the City Attorney to send a letter to the former Executive Director on behalf of Main Street to secure passwords and other documentation that belongs to Main Street.

In response to Councilmember R. McKnight, City Attorney Clay Adkinson responded that Main Street sent their first letter requesting the information on January 31st.

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.

Reverend D. Thompson requested that the Council take up the issue of blight, as it detracts from property values and tourism.

Geneva Lee came forward to request streetlights be placed near the school off Walton Road to 83. She added safety is important. Mayor Campbell said he will reach out to the County and ask for assistance in placing lights, as it is their road and right of way. He added he would like to see sidewalks, as well. Councilmember R. McKnight said the same situation exists on Bruce Avenue. He added there are no sidewalks near the middle school. Councilmember R. McKnight stated grants are available called "Safe Routes to Schools". Mayor Campbell requested Chief J. Hurley make the proposal, and Chief Hurley said he will lead the charge, as it is a dark stretch of road. Councilmember H. Ennis added 2nd Street is in the same condition.

Anthony Valle came forward and said the DOT reviews safety issues. Currently, they are reviewing a pedestrian and bike path plan. He asked that pedestrian and bikes be added to the priority list for safety concerns. Councilmember R. McKnight added he will discuss it at the upcoming Strategic Planning meeting.

City Planner K. Schultz came forward to explain she serves on the Community Traffic Safety team, and they are working on the pedestrian and bike path plan. The committee is also reviewing a multi-purpose traffic plan that the TPO is working on. She added they are working on a pedestrian study plan to be implemented near the middle school. The team got the traffic light on 20th Street and hope to get a comprehensive sidewalk plan on Walton Road and Bruce Avenue. Councilmember T. Bierbaum said he is on the TPO and they went through a process for ranking of schools. He will present these projects to the TPO, as well.

7. REQUEST TO BE ON THE AGENDA – Reserved.

8. EXECUTIVE REQUESTS

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

Councilmember R. McKnight updated the Council on the last subcommittee meeting on February 7th consisting of himself, Councilmember T. Bierbaum and Mr. Redwine. He displayed the approximate 119 pages printout of the original City Charter and stated most of the Ordinances have been abolished or stricken through. Councilmember R. McKnight stated the goal of the subcommittee is to reduce the City Charter to be clear, concise and relevant.

Councilmember R. McKnight discussed several key points. The personnel perspective of an elected City Marshal under an appointed City Manager, as it is rare and can be an area of conflict boundaries and disagreements. He displayed a simplified organizational chart to explain the Charter and the relationships of the Charter level positions and which positions are by Ordinance or policy. The Charter level positions will be the Mayor, City Council, City Marshal, City Manager and City Clerk. He announced the committee will review the North Port, Florida City Charter, which was the most understandable version at the next meeting which will be held February 19th at City Hall from 1:30 to 3:30 p.m. In response to Councilmember K. Crystal, Councilmember R. McKnight stated the committee does not have a deadline but will establish guidelines, such as characteristics of the Charter and what we want to see included.

Item 8B. Councilmember R. McKnight gave the Amtrak update. He mentioned the Southern Rail Commission had a meeting in Mississippi recently. Amtrak announced the City of Mobile voted last week to expand Amtrak into Mobile, which sets the stage for future Amtrak service in the panhandle. He spoke of passing a resolution to support Florida becoming a member of the Southern Rail Commission, which is about \$75,000 a year.

9. FINANCE- Reserved

10. PUBLIC WORKS –

- A. Craig Drake, Public Works Director, requests a motion to approve the low bidder, RBM Contracting, LLC for the Live Oak Wastewater Improvements project in the amount of \$690,937.52

Elissa Pettis, Dewberry, went over the lowest and responsible bidder information. Dewberry included an additive to the manholes, which added \$10,000 to the base bid with 5% mobilization for the full total. Dewberry also had additional paving included which was not included in the grant project. Craig Drake, Public Works Director, said the additional paving will be between the railroad tracks and Live Oak.

Motion by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to approve the low bidder, RBM Contracting, LLC for the Live Oak Wastewater Improvements project in the amount of \$690,937.52.

In response to Councilmember R. McKnight, E. Pettis replied they have \$709,000 in total grant funds, and DEO is the federally funded program. In response to Councilmember K. Crystal, E. Pettis replied she will send the contract to legal for review.

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.

11. PLANNING – Kelly Schultz, Planning Director, announced the 2nd Reading ordinances are on hold.

- A. **(HOLD for Advertisement Requirements and Plan Review Information) 2nd Reading Ordinance, Motion** to conduct a Public Hearing and approve and adopt an 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. **(HOLD for Advertisement Requirements) 2nd Reading Ordinance, Motion** to conduct a Public Hearing and approve and adopt 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

- C. Kelly Schultz, Planning Director, requests a **motion** to approve the revised Temporary Use Permit for New Wave Auto to hold their Tent Sale from February 20 – March 1, 2020 at 1045 US Hwy 331 South with the condition that Council waves the 30-day submission requirement as the applicant has addressed the concerns that the City Council had with the first submission

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to deny the revised Temporary Use Permit for New Wave Auto.

Councilmember K. Crystal said we should not overturn the previous decision with no new information, and Councilmember R. McKnight added the letter was insufficient to make him overturn the decision. Councilmember K. Crystal would like more teeth on the application to help deal with issues on the backend that are created.

Mayor Campbell clarified that a yes vote would deny the applicant’s request.

Vote: Councilmember T. Bierbaum: Aye; Councilmember K. Crystal: Aye, Councilmember R. McKnight: Aye, Councilmember H. Ennis: Aye: Councilmember W. Graham: nay. Ayes 4, Nays 1. Ayes: 4; Nays 1. Motion carried.

12. POLICE – Reserved.

13. CITY ATTORNEY – City Attorney, Clay Adkinson provided the Noise Ordinance update. He said at the first meeting in March, the cost incurred with the ordinance will be discussed. The draft will detail that the City Marshal will have to acquire new equipment and create training processes. He added that it is based on sound decibels, to include construction sites and animal noise. The City Marshal will update the Council on manpower costs and

calibration issues. City Attorney Clay Adkinson will also update the Council on the Short-term rental regulation.

14. STAFF REPORTS – City Manager M. Smigielski informed the Council that on March 9th, the Council will need to meet at an alternate location, as the Courthouse is not available due to early voting the next day. He recommended City Hall, and the Council agreed.

Next, City Manager M. Smigielski said Victor Bowman was unable to attend to give his report. However, Mr. Bowman said they are making progress on the audio visual, sound system, and Robert Nelson is drawing up a proposal on the Internet connections. He added 24 columns for the dome are in fabrication. Councilmember K. Crystal said he has gone through the building, and they have made a lot of progress.

City Manager M. Smigielski said tomorrow the Council will have an Executive session prior to the RV workshop. He added the annual Ethics training has two offerings, one on April 10th in Ft. Walton Beach, and the other in Marianna on June 5th. He announced on February 25th, the Strategic Planning session will be held from 9 – noon at the Community Center.

Next, City Manager M. Smigielski spoke about the budget, and said the intent was to look at the current budget to see how the money is spent so far, so staff is working up details. Some goals requested by Council are paving sidewalks and planning education on the Code. He added funds were reallocated from the airport sign to the purchase of a fuel truck. He announced the IT candidate has accepted the position and is going through a background check.

City Manager M. Smigielski stated he will be bringing the policy on nonprofits forward, and how they are reporting quarterly reports. Previously, the non-profit policy was defeated, so the policy needs to be adjusted. In response to Councilmember R. McKnight, City Manager M. Smigielski replied that the non-profits have not signed an agreement to provide a report. Councilmember R. McKnight added that the non-profits have received \$90,000 of tax money, so they should provide us with a report of what they did with the money, as there needs to be a level of accountability.

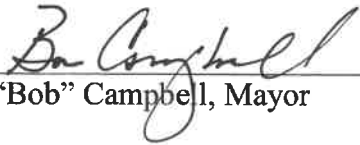
15. COUNCIL COMMENTS – Councilmember R. McKnight announced the workshop on recreational vehicles is scheduled for tomorrow at 6 p.m. He also offered three suggestions to consider: Plan a ribbon cutting ceremony inside the Circle for the new sidewalks, erect a sign for the “Best Small Town of Florida”, and a sign advertising the Opportunity Zone. He also suggested a “Do’s and Don’ts area on the website to highlight our regulatory ordinances.


Councilmember T. Bierbaum announced he will not be able to attend the Strategic Planning meeting because of a conflict.

16. MAYOR COMMENTS – No other comment brought forth.

17. ADJOURNMENT

Mayor Campbell adjourned the meeting at 7:10 p.m.


Robert "Bob" Campbell, Mayor


Maryanne Schrader, City Clerk
Proper notice having been duly given

