

DeFuniak Springs City Council
Regular Meeting – Communications Media Technology
April 27, 2020

Mayor Campbell called the meeting to order remotely at 4:00 p.m. as the Zoom session host followed by the invocation and Pledge of Allegiance.

Mayor Bob Campbell asked City Manager M. Smigielski to conduct the Roll Call by stating their name as participants in the remote Zoom session: Mayor Pro-Tem Robert McKnight (Seat 2); Councilmember Todd Bierbaum (Seat 1); Councilmember Kevin Crystal (Seat 3); Councilmember Henry D. Ennis (Seat 4), and Councilmember Wayne Graham - joined at 4:20 p.m. (Seat 5). A quorum was declared present for the remote meeting utilizing Zoom as the meeting platform.

Staff present in the Chambers: Mayor Bob Campbell, Mell Smigielski, City Manager; Maryanne Schrader, City Clerk, M. Overton, Airport Director and Jesse Deckard, IT Administrator.

Mayor Campbell mentioned he would introduce the items on the agenda and asked everyone to speak clearly and mute their microphone when not speaking. He explained to the public procedures on how they could input comments which are limited to three minutes. He added all votes will be conducted by roll call and explained the opportunities to speak during the Public Hearings.

Mayor Campbell mentioned Clay Adkinson, City Attorney was also participating in the remote meeting.

3. Presentation by Liberty Partners – Legislative Update

Jennifer Green and Tim Parson represented Liberty Partners. J. Green mentioned the Legislature had an early session in January regarding budget issues. J. Green stated there were 1883 bills during the 2020 session and 210 of those passed. Currently the Governor prefers signing bills dealing with COVID-19. The Governor has not received the budget yet. The fiscal year starts July 1st, so she anticipates the bills will be signed by the end of June. She stated approved items key to our city were the municipal airport runway 9-27 widening and extension at \$650,000, and the water and sewer expansion at \$500,000.

Mayor Campbell asked Council, if they had questions. In reply to Councilmember R. McKnight, J. Green replied that the \$500,000 water and sewer expansion is in the budget, and she added the Governor has fifteen days to sign the budget after he receives it.

T. Parsons mentioned the Legislature will meet this Thursday to address the economic fallout from the health pandemic.

Councilmember K. Crystal asked about direction on the State's staying in place COVID -19 policy. J. Green replied that April 30th is the deadline set by the Governor for some restrictions to end. She mentioned citizens can go to Myflorida.com, click on the COVID 19 icon, and the

public can submit suggestions on how the State can open up to the public. J. Green stated the Governor is favorable to President Trump's phase openings.

Councilmember R. McKnight asked about the Triumph funding coordinator for the County. City Manager M. Smigielski said he believes it is still vacant and added the Walton County Triumph Committee has not met in a while.

4. CONSENT AGENDA

Additions/Deletions to the Consent Agenda

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

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

ROLL CALL 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

- 1. Minutes for approval: April 13, 2020 -Regular Council CMT Minutes

B. Administration -

- 1. City Manager Mell Smigielski – Requests a **motion** to approve the FDOT agreement to maintain Traffic Signals and Devices in an amount of \$42,482.00

C. Finance – Reserved

D. Planning – Reserved

E. Airport

- 1. Airport Director Matt Overton requests a **motion** authorizing the Mayor to execute a Resolution 2020-04 for the Department of Transportation Public Transportation Grant Agreement to construct the airport terminal and apron development in the amended amount of \$1,640,862 per request from FDOT

5. PUBLIC COMMENTS – Mayor Campbell called for any comments regarding Regular Agenda Items. Hearing none, he went on to the next item.

6. 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. No comments.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the Regular 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.

7. ADMINISTRATION

- A. Deputy City Manager Carisse LeJeune – Requests a **motion** to approve a Resolution 2020-05 Increasing the City Manager’s Authorization for Expenditures for Disaster Expenses or Purchases to \$200,000 for a Period of Ninety (90) days after a Declared Emergency and a **motion** to update the Purchasing Policy and Procedure Manual

Deputy City Manager C. LeJeune explained the manual has not been revised since 2010. She said the hurricane season begins June 1st, so the City Manager needs authority to increase emergency expenditures up to \$200,000. As we have water systems and wastewater treatment plants, they may need an emergency repair. She said Resolution 2019-06 was passed as a policy to create CBDG funding and should have been made a part of the purchasing policy. The language will need to be imbedded into the policy. She added this past resolution will cover any funding that the city may need.

Motion by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to approve a Resolution Increasing the City Manager’s Authorization for Expenditures for Disaster Expenses or Purchases to \$200,000 for a Period of Ninety (90) days after a Declared Emergency.

In response to Councilmember K. Crystal, Deputy Manager C. LeJeune said any expenditure would be done during a disaster within 90 days, and the City Manager would have to bring it to Council for ratification.

City Attorney Clay Adkinson said it was consistent with other polices, and the ratification will take care of it. He added this would enable flexibility for Administration to carry out their duties.

Councilmember H. Ennis amended his motion to add the purchasing manual and Councilmember T. Bierbaum seconded the amendment. Clarification of amendment: Motion by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to approve a Resolution Increasing the City Manager’s Authorization for Expenditures for Disaster Expenses or Purchases to \$200,000 for a Period of Ninety (90) days after a Declared Emergency and to update the Purchasing Policy and Procedure Manual.

Councilmember R. McKnight clarified that in the resolution the key word is the “declared emergency”, which prompts the spending level, not a disaster declaration.

Mayor asked for public comment and no one spoke.

In response to Councilmember K. Crystal, City Attorney Clay Adkinson the Council could extend the action beyond the 90-day window. In this situation abuse could be curtailed with

ratification at the next Council meeting, so the City Manager must bring actions back in a timely matter for ratification. He added the resolution will provide expediency and transparency.

ROLL CALL Vote on amended motion: 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. City Manager Mell Smigielski – Requests a **motion** to approve the Special Magistrate method for disposing of Code Enforcement cases and proceed with amending Ordinances allowing for a Special Magistrate and distributing of Request for Qualifications

City Manager M. Smigielski explained we have a process to follow for code enforcement items and that will not change. With this part, instead of the City Council sending the items to the County for adjudication, we are considering the special magistrate process, as it is more expedient. If Council prefers this method, we would create the ordinance and draft a Request for Qualifications.

Motion by Councilmember H. Ennis and seconded by Councilmember K. Crystal to approve the Special Magistrate method for disposing of Code Enforcement cases and proceed with amending Ordinances allowing for a Special Magistrate and distributing the Request for Qualifications.

After discussion, Council preferred the Special Magistrate method and agreed it would work effectively. Discussion ensued on the need for an additional Code Enforcement Officer in the future.

City Attorney Clay Adkinson mentioned the frequency of meetings will depend on the volume of cases. In addition, the Special Magistrate is an effective way to handle the current blight issues.

ROLL CALL 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.

- C. City Manager Mell Smigielski – Requests direction on or a **motion** to approve a Resolution 2020-07 Establishing a Policy for Request for Small-scale Funding from Community Charitable Organizations

City Manager Mell Smigielski mentioned Councilmember R. McKnight revised the previous policy that was brought before Council.

Councilmember R. McKnight said he condensed the policy and whittled it down to five evaluation criteria which he hoped will be less burdensome. He stated the City may want to give preference to those who have been operating their services to the residents within the city. He would like to see a track record for meeting the needs of citizens.

City Attorney Clay Adkinson clarified the applicants shall demonstrate that they have provided their services to the residents to the citizens. This would allow programs outside the city to apply for our services. The Council approved the suggestion.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve a Resolution Establishing a Policy for Request for Small-scale Funding from Community Charitable Organizations.

Mayor Campbell asked if anyone from the public had a question with no response.

Discussion ensued on placing a ceiling on the amount each organization could request. Mayor Campbell added that is done during the budget process.

Councilmember R. McKnight pointed out that the small-scale application discussed tonight differentiates from the larger contract-approved contributions to Main Street or the Senior Center. He suggested a range or cap of funding is reasonable and added going over \$10,000 per organization is risky.

Councilmember K. Crystal preferred a range, so we know in advance how many people we could assist.

Councilmember H. Ennis called for the question.

City Manager M. Smigielski said absent the recommendation of the Council, the area “not to exceed” would be blank tonight. He suggested approving the resolution tonight and coming back with a number at the next meeting for the Council to decide.

City Attorney Clay Adkinson suggested stating an average budget given by the city to the non-profits, as we do not know what our budget is going to look like. If we place a maximum number, everyone may ask for the maximum amount.

City Manager M. Smigielski asked that the motion to be restated.

Motion by Councilmember H. Ennis and seconded by Councilmember K. Crystal to a Resolution Establishing a Policy for Request for Small-scale Funding from Community Charitable Organizations, and if adjustments are made, the information will be presented at a future meeting.

Amended motion ROLL CALL 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.

D. City Manager Mell Smigielski – Requests direction on extension of May 1st Committee and Board meeting suspension

City Manager M. Smigielski said we do not have a definitive action of what the governor is going to do yet. City Attorney Clay Adkinson said this should be a broad discussion. He advised the Council not to take action tonight on whether we choose to extend or not.

Councilmember R. McKnight agreed there are a lot of changes for gradual re-openings. He recommends that we wait until May 11th meeting, as we will have more data. He suggested reminding the Committees and Boards they are welcome to meet by Communications Media Technology.

In response to Mayor Campbell regarding extending the restrictions for thirty days, City Attorney Clay Adkinson said the order can be extended until otherwise ordered by the Council.

City Manager M. Smigielski said there was no sunset date except for the committees. City Attorney Clay Adkinson agreed that the prohibitions on the meetings is they are to be held by Communications Media Technology and other prior actions. He added they are in effect until Council removes them. The sunset provision could be removed for the committees and everything else will remain in effect.

Motion by Councilmember T. Bierbaum to open all city parks. Motion failed for lack of a second.

Councilmember R. McKnight said he changed his mind and is hesitant to open things up at this time. We need to seek guidance in terms of incremental openings.

Motion by Councilmember Wayne Graham and seconded by Councilmember T. Bierbaum to approve removing the sunset of May 1 for the committee meetings.

Mayor Campbell restated the motion, as requested by Councilmember K. Crystal, stated we originally stated we would extend the date of committee meetings from May 1st, but this motion is for taking off the sunset date of May 1 for the meetings.

ROLL CALL 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.

8. CITIZEN COMMENTS – Mayor Campbell asked the public if they had any general comments. Dr. Melinda Henderson said she spoke to Patricia Henry of the National Park Service and asked about our National Historic Site status. Ms. Henry could not give a definite yes, except that the criteria are being revised. Dr. M. Henderson believes the city will get an invitation to file an application again possibly in June.

9. REQUEST TO BE ON THE AGENDA –

- A. Request from Dr. Melinda Henderson for a letter of support from the Mayor and a **motion** for a Resolution of Support from the Council regarding the St. Agatha's

Episcopal Church grant to preserve and restore the Charles E. Murry House at 168 Circle Drive

Dr. Melinda Henderson said they were not successful the last time she sent in the grant application but asked for another letter and resolution of support.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis approving a letter of support from the Mayor and a motion for a Resolution of Support from the Council regarding the St. Agatha's Episcopal Church grant to preserve and restore the Charles E. Murry House at 168 Circle Drive

Councilmember R. McKnight stated it is good to support the historic landmarks and show how the city values its historic heritage.

In response to Mayor Campbell, Councilmember R. McKnight replied we should be able to request DOT to consider adding a brown historic sign on I-10 such as the one in Marianna. He added it will take two years to get the designation of a National Historic Landmark. Dr. M. Henderson said Forward DeFuniak could do the groundwork.

ROLL CALL 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.

City Manager M. Smigielski read the title for Resolution 2020-06, Resolution of Support from the Council regarding the St. Agatha's Episcopal Church grant to preserve and restore the Charles E. Murry House at 168 Circle Drive.

10. EXECUTIVE REQUESTS –

A. Councilmember R. McKnight - update on the April 22nd Charter Review Committee meeting

Councilmember R. McKnight provided an update on the April 22nd Charter Review Committee meeting. He said they met by Communications Media Technology, and it went exceptionally well. The committee worked on Article 5 on Ethics and decided to change the title to Standards Governing City Officials. It will address behavior and will expand it for improper behavior, censure and violations. The committee agreed on the powers of the City Council, City Manager and City Clerk and added additional wording. The committee discussed benefits and compensation to make it clear that the salary for the Mayor and City Marshal will not get lowered during their term. For structure, the committee discussed the process of activating and deactivating certain departments. He informed everyone that the next meeting is Thursday, April 30th from 10 until 12 with discussion on Article 3. He mentioned the committee has learned many things from the previous Charter committee and appreciates their work. The committee will incorporate many of their decisions. He added it will be a document that a lay person will be able to understand.

In reply to Mayor Campbell, City Attorney Clay Adkinson advised the Charter should be on a City specific election instead of a Special Election.

10. AIRPORT - Airport Director Matt Overton requests a **motion** approving the application submittal under the Federal Assistance CARES FAA grant for personnel (Airport payroll) and to help fund an administration position in the amount of \$30,000.

City Manager M. Smigielski explained we have an opportunity to receive additional funding. There are no strings attached to the application at this point.

Motion by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to approve the application submittal under the Federal Assistance CARES FAA grant for personnel (Airport payroll) and to help fund an administration position in the amount of \$30,000.

ROLL CALL 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.

12. PUBLIC WORKS –

- A. Elissa Pettis, Dewberry, requests a **motion** authorizing the Mayor to execute a construction contract agreement for the CDBG Live Oak Wastewater Improvements

Elissa Pettis could not connect, so City Manager M. Smigielski explained the agreement needs to be approved. City Attorney Clay Adkinson stated it was approved as to form.

Motion by Councilmember R. McKnight and seconded by Councilmember H. Ennis authorizing the Mayor to approve the award of the contract related to for the CDBG Live Oak Wastewater Improvements.

ROLL CALL 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.

14. POLICE – City Marshal James Hurley requests a motion to authorize the emergency purchase under COVID -19 for a 2020 Chevrolet Impala from Triangle Chevrolet in the amount of \$25,377.89

City Marshal James Hurley said he originally requested three Dodge Chargers, but the manufacturer discontinued production because of COVID-19 and does not know when their plant will reopen again.

City Attorney Clay Adkinson said the request is legally appropriate as a form of emergency action and believes there is sufficient documentation to move forward.

City Marshal J. Hurley said this vehicle is replacing an administration vehicle that has high mileage, in response to the question posed by Councilmember R. McKnight.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight authorizing the emergency purchase under COVID -19 for a 2020 Chevrolet Impala from Triangle Chevrolet in the amount of \$25,377.89.

ROLL CALL 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.

14. CITY ATTORNEY – Nothing brought forward.

15. STAFF REPORTS – City Manager M. Smigielski updated Council that he has received one of the two appraisals for the Chelco purchase with the other proposal due in by the end of the week. He added the Phase II Environmental Study proposals came in at \$8,426 and \$13,800. He is choosing the higher proposal as the scope is much broader. It will be done within thirty days. City Attorney Clay Adkinson explained the engineer recommended the higher proposal based on their recommendation.

For the 2020 census, City Manager M. Smigielski update Council that the self-response rate for DeFuniak Springs is 38% compared to the nationwide response of 55%. He compared area response rates and said DeFuniak Springs needs to do better. In response to a suggestion from Mayor Campbell, our Planning Department will start calling households by the end of the week. Mayor Campbell said we will receive about \$1600 for every person with combined funding for every new person we add to the census count.

16. COUNCIL COMMENTS – Councilmember R. McKnight commented on the wonderful news of the likelihood we can submit our application to upgrade portions of the Lakeyard to a National Historic Landmark or National Historic Site, as it is a good economic source for tourism. Dr. M. Henderson added the city and DeFuniak Forward is in this together.

Councilmember H. Ennis said the Zoom meetings are working well and thanked all that make it work.

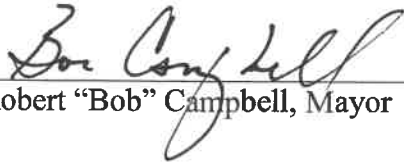
17. MAYOR COMMENTS – Mayor Campbell asked Chief Hurley to update on the tornado and Chief Hurley said he is proud of his team for their response.


Mayor welcomed Chief Sheffield to the fire department and said he is looking forward to working with him.

Mayor Campbell asked Deputy City Manager C. Lejeune if she had received any phone comments and she had not.

18. ADJOURNMENT

Mayor Campbell adjourned the meeting at 6:06 p.m.


Robert "Bob" Campbell, Mayor


Maryanne Schrader, City Clerk
Proper notice having been duly given

