

**DeFuniak Springs City Council**  
**Regular Meeting – Communications Media Technology**  
**May 11, 2020**

Mayor Campbell called the meeting to order remotely at 4:02 p.m. as the Zoom session host Mayor Campbell asked Councilmember W. Graham to deliver 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) joined at 4:18, and Councilmember Wayne Graham (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.

Also, in attendance remotely, Deputy City Manager Carisse LeJeune and City Attorney Clay Adkinson.

**3. CONSENT AGENDA**

**Additions/Deletions to the Consent Agenda**

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

Councilmember R. McKnight request that Item C2 and Item CF be moved to the regular agenda. City Attorney Clay Adkinson advised that a motion was not needed to move an item from the Consent to Regular agenda.

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

**ROLL CALL Vote:** Councilmember T. Bierbaum: Aye; Councilmember K. Crystal: Aye, Councilmember R. McKnight: Aye, Councilmember W. Graham: Aye. Ayes 4, Nays 0. All ayes. Motion carried.

**Approval of the Consent Agenda**

**A. Clerk**

1. Minutes for approval: April 27, 2020 -Regular Council CMT Minutes
2. Minutes for approval: May 5, 2020 – Council Special CMT Minutes

**B. Administration - Reserved**

**C. Finance –**

1. Morgan Hulion, April Bill Ratification

**D. Planning – Reserved**

E. **Airport** – Matthew Overton – Request a motion to approve the Resolution amending the FDOT Grant Name approved on Resolution 2020-13 to “Design and Construct Airport Pavement Markings and Obstruction Removal”

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

#### 5. **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 W. Graham and seconded by Councilmember T. Bierbaum to approve the Regular Agenda, as amended.

Mayor Campbell said Item C2 will become Item 6C and Item 3F will become Item 10B.

**Vote:** Councilmember T. Bierbaum: Aye; Councilmember K. Crystal: Aye, Councilmember R. McKnight: Aye, Councilmember W. Graham: Aye.  
Ayes 4, Nays 0. All ayes. Motion carried.

#### 6. **ADMINISTRATION**

A. Deputy City Manager Carisse LeJeune – Requests a motion to approve Addendum “A” to the Purchasing Policy and Procedure Manual, Section 3.17, Grants Policy and Procedure

Deputy City Manager Carisse LeJeune explained presently there is a paragraph which refers to the importance of grants to the city and how we will follow procurement processes. Currently, we have two positions, a grant manager and grant administrator, but no clear definition of how we will go through the process. She explained she took best practices from the State and added this section to the manual.

In response to Councilmember K. Crystal, Deputy City Manager Carisse LeJeune she explained it is an addendum, but we want it to be part of the purchasing and procedure manual. Councilmember K. Crystal asked that a box be added on one of the forms for private or foundation donations.

In response to Councilmember K. Crystal, City Attorney C. Adkinson said these documents often become a “living” document to comply with FEMA projects and grants. This is a good start, and revisions may be coming in the year, as we identify areas that we need to move forward on. The lack of the document in pursuing grants precipitated the need.

Finance Director D. Gibson agreed with Counsel and said these documents will assist with audit trails.

**Motion** by Councilmember R. McKnight and seconded by Councilmember K. Crystal to approve Addendum “A” to the Purchasing Policy and Procedure Manual, Section 3.17, Grants Policy and Procedure.

Councilmember R. McKnight commented that it is an excellent start in filling a gap in terms of policies and will require monitoring.

**ROLL CALL:** 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 M. Smigielski – Discussion on Timeline for Reopening the City

City Manager M. Smigielski detailed what has been done and the dates in response to the COVID-19 virus. He asked Council for comments on returning Public Works to work.

Councilmember R. McKnight asked that necessary sanitation be utilized. Council approved the decision to return Public Works to work as soon as possible.

Councilmember T. Bierbaum opened discussion regarding outdoor events, rental facilities, and volunteer committees.

Councilmember R. McKnight stated he was uncomfortable with additional city action during a precarious period with everything just being opened. Indoor rentals and meetings would keep people in confined places and may not be able to maintain proper distances.

Councilmember H. Ennis stated it is time to reopen.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to allow for outdoor permits, facilities rentals, outdoor events and city volunteer boards and committees.

City Attorney Clay Adkinson said our committees can meet now using electronic technology, so Council should clarify that the committees may meet by choosing to use electronic or in person.

Councilmember R. McKnight said that would be moving too fast with unknown effects. He is concerned with the liability of the city, if we allow a large outdoor event with social distancing and inside facilities with close contact. He said he prefers the motto “Do no Harm”. We need additional information before we open the doors. He does not want the city to be the police for social distancing.

Councilmember H. Ennis said we should move forward, however, Councilmember W. Graham agreed with Councilmember R. McKnight. He added we are not there yet, so we need more time.

**ROLL CALL:** Councilmember T. Bierbaum: Aye; Councilmember K. Crystal: Nay, Councilmember R. McKnight: Nay, Councilmember H. Ennis: Nay; Councilmember W. Graham: Nay. Ayes 1, Nays, 4. Motion Failed.

Councilmember R. McKnight asked for clarification on business travel regarding “absolutely necessary” on travel, and City Manager M. Smigielski responded it relates to whether the mayor and he deems it necessary. City Attorney Clay Adkinson added the approval is the city manager’s authority to approve or disapprove.

#### Item 6C. Morgan Hulion, Project Share Funds Termination

Councilmember R. McKnight explained the Project Share program started in 2009 and the water bill contains a check box for donations. He explained that Tri-County has not received payment since 2015 and it was for \$4500. He added he does not have an accounting of whether DeFuniak Springs citizens have received monies or how the funds are used. For example, does the money go to people who use our city utilities.

City Manager M. Smigielski said we are prepared to give them the funds of \$4500 and then suspend the program. He explained we cannot ask Tri-County for an accounting because it is not in the agreement.

Discussion ensued on when the money is due and the need for an accounting of the disbursement of funds to DeFuniak Springs citizens. City Attorney Clay Adkinson advised Council that there was no requirement for accounting in the initial agreement, so there is no legal ground to withhold the check.

City Manager M. Smigielski said we could review whether to continue with the program next year, but we need to pay them now.

M. Hulion said the customers know that when they sign up, the money is for the whole of Walton County.

Mayor Campbell added they have made tremendous improvements to the Tri-County building.

Councilmember H. Ennis explained this was discussed before, and Tri-County has made it into a nice building. He thought the money was supposed to be paid at a certain time. He added it we should pay it now.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to accept staff recommendation and the collection of funds for Project Share be terminated until we have a chance to revise the agreement.

**Motion** amended by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to accept staff recommendation that the collection of funds for Project Share be terminated until the program can be revised, advertised and re-enrolled by the City, as well as pay any outstanding Project Share funds due them.

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

**7. CITIZEN COMMENTS** – Mayor Campbell asked the public if they had any general comments. No comments were noted.

**8. REQUEST TO BE ON THE AGENDA** – Nothing brought forward.

**9. EXECUTIVE REQUESTS** –

A. Councilmember R. McKnight - update on the April 30<sup>th</sup> and May 6<sup>th</sup> Charter Review Committee meeting

Councilmember R. McKnight provided an update on the April 30<sup>th</sup> and May 6<sup>th</sup> Charter Review Committee meeting. He said they met by Communications Media Technology, using Zoom. The next meeting is Thursday, May 14<sup>th</sup> from 10 to noon using CMT. The committee has discussed powers of the City Council, elected officials' compensation, organizational structure, meetings, quorums, supermajority, and language related to issues on resolutions. He stated at the Thursday meeting, the committee plans to discuss the duties and powers of the Mayor and City Marshal. He thanked the former committee, as the current committee is building on the foundation that they started.

**10. PUBLIC WORKS** – Elissa Pettis, Dewberry, requests a Motion authorizing the Loan Application for State Revolving Fund Wastewater Improvements Phase II, which consists of a force main and lift station, **Resolution** relating to the State Revolving Fund Program; Making Findings; Authorizing the Loan Application; Authorizing the Loan Agreement; Establishing Pledged Revenues; Designating Authorized Representatives; Proceeding Assurances; Providing for Conflicts; Severability; and effective date. The resolution authorizes the city to sign the application.

Elissa Pettis said the City has submitted their application and has received funding. She added the loan grant match is 80% loan and 20% grant, in response to legal.

City Attorney Clay Adkinson explained if we default on the loan portion, we are obligated to the entire amount. However, he has spoken to finance and is comfortable with the pledge.

**Motion** by Councilmember W. Graham and seconded by Councilmember K. Crystal to approve the Resolution relating to the State Revolving Fund Program; Making Findings; Authorizing the Loan Application; Authorizing the Loan Agreement; Establishing Pledged Revenues; Designating Authorized Representatives; Proceeding Assurances; Providing for Conflicts; Severability; and effective date.

City Manager M. Smigielski announced the Resolution number as 2020-09.

**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.

- F. **Public Works** – Craig Drake – Request a motion to approve the agreement for Firm Natural Gas Transportation Service with C.W. Roberts Contracting

In response to Councilmember R. McKnight, City Manager M. Smigielski responded that he had incorrectly placed .5 in the memo to Council instead of .05. The new rate is .11.

**Motion** by Councilmember R. McKnight and seconded by Councilmember H. Ennis to approve the agreement for Firm Natural Gas Transportation Service with C.W. Roberts Contracting, Inc.

**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.

## 11. PLANNING –

- A. Planning Director K. Schultz requests a motion to schedule public hearings on June 22, 2020 and authorize advertisement for the variances requested by Joe Johnson on behalf of Walton County Farm Bureau:
1. Variance from LDC, Section 18-84, to allow the removal of protected trees without requiring replacement.
  2. Variance from LDC, Section 18-85, to exempt the project from the parking lot landscaping requirement.
  3. Variance from LDC, Section 18-73(d)(3), To allow the surface of an overflow parking lot to have a grass surface

Planning Director K. Schultz said it for property off Highway 83, and the information will be presented at the Public hearing.

**Motion** by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to authorize scheduling the public hearings on June 22, 2020 and authorize advertisement for the three variances requested by Joe Johnson on behalf of Walton County Farm Bureau.

**ROLL CALL:** 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. Planning Director K. Schultz requests a motion to schedule a public hearing on June 22, 2020 and authorize advertisement for the request for a variance from Wendy Permenter on #2020-VAR-03 on property at the intersection of Michigan Street and Woodward Avenue

Planning Director K. Schultz said the request is to place a mobile home on the property and provide for advertising to give the applicant a Public Hearing.

**Motion** by Councilmember K. Crystal to schedule a public hearing on June 22, 2020 and authorize advertisement for the request for a variance from Wendy Permenter on #2020-VAR-03 on property at the intersection of Michigan Street and Woodward Avenue.

Mayor Campbell announced that the motion failed for a lack of a second.

City Attorney Clay Adkinson explained the code requires a Public Hearing since the Planning Board forwarded it to the Council. However, Council could return it to the Planning Board for additional consideration.

Councilmember R. McKnight said he has an issue with a mobile home that is built to HUD standards within the city limits. He preferred the Planning Board to readdress the issue.

**Motion** by Councilmember H. Ennis to return the variance request to the Planning Board.

Councilmember K. Crystal said this is a procedural request to give the public an opportunity to weigh in on the subject.

**Motion** by Councilmember R. McKnight and seconded by Councilmember H. Ennis to return the issue to the Planning Board for additional review and further consideration.

Planning Director K. Schultz explained the applicant informed the Planning Board that a modular home is more expensive than a mobile home. In response to Councilmember T. Bierbaum, she added that when the property was platted, the lots are two platted lots and her parents own the other two lots on the map she displayed. However, she pointed out the lines are skewed. There is an accessory building on lot 2, but her parents plan to move it to their property.

**ROLL CALL:** 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. POLICE** – Nothing brought forward.

**13. CITY ATTORNEY** –

- a. City Attorney Clay Adkinson – Recommendation to forward the Small-Scale Amendment, #2019-SSA-05, from John Henderson for property located on Sheldon Avenue from Recreation to Medium Density Residential back to the Planning Board for further review along with the opinion letter from Dewberry

City Attorney Clay Adkinson said the small-scale amendment has been to the Planning Board and on the Council agenda several times. A letter from Dewberry that references incompatibility with our existing comp plan was received, but the Planning Board did not have it for review as it was not part of our quasi-judicial Planning Board hearing. He recommended that the amendment be returned to the Planning Board for their review, so the hearing will not be heard in May. It will allow the applicant to be present at the next Planning Board meeting.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to forward the Small-Scale Amendment, #2019-SSA-05, from John Henderson for property located on Sheldon Avenue from Recreation to Medium Density Residential back to the Planning Board for further review along with the opinion letter from Dewberry.

**ROLL CALL:** 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.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to direct staff not to hold or send to the Planning Board requests until all technical reviews have been made. Clarified after City Attorney direction: As well as the Planning Board can open the Public Hearing and then continue the Public Hearing until all reviews have been received.

City Attorney Clay Adkinson explained the motion is general direction to city staff. He said you cannot block it from going to Planning Board per our Code. We could open the Public Hearing and then continue it until all reviews have been received. He added often applicants ask for an extension if they have not received the reviews.

**ROLL CALL:** 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. COUNCIL COMMENTS** – Councilmember K. Crystal said he recently did a ride along and encouraged Council to do a ride along with the police department in order to get a better idea of what they do and to check in with other departments. He added he had toured the Chautauqua Hall of Brotherhood and the renovation is going well.

Councilmember T. Bierbaum commented on the reopening process, as we are continuing to tread through this unprecedented situation. He mentioned we are not a police state and do not police social distancing. It is the free right of the citizen to stay home or go out. He suggested we make decisions based on what we say or hear from the citizenry.


Councilmember R. McKnight appreciated the work of the Finance department for providing a written narrative with the financial report called the “City at a Glance”. He added he has received three complaints on the format and appearance of the new city utility bill. The new bill still has small prints and the payment coupon does not state the bill amount. City Manager M. Smigielski has already made notes and will attempt to change it for next billing.

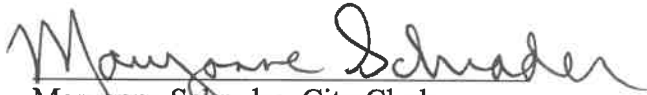
**15. MAYOR COMMENTS** – Mayor Campbell said the Lakeyard is busy with people enjoying the area and have recognized the jewel we have.



**16. ADJOURNMENT**

Mayor Campbell adjourned the meeting at 5:32 p.m.

  
Robert "Bob" Campbell, Mayor

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

