

**DeFuniak Springs City Council**  
**Regular Meeting Minutes**  
**July 13, 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; Deputy City Manager Carisse LeJeune; 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.

**3. INTRODUCTION – Main Street Director Chelsea Blaich**

Mr. Mac Work, DeFuniak Main Street, introduced the new Main Street director stating Ms. Chelsea Blaich will report to the Council on a monthly basis. Ms. Blaich said her background is in marketing and events and intends to plan fundraising opportunities.

**4. PRESENTATION – Stewart Duncan – Disc Golf**

Stewart Duncan, representing DeFunk Disco, requested the Council approve placing a permanent disc golf course in the Lake yard. He explained Disc Golf is an inexpensive family sport and hopes it will promote the downtown area. The cost of an 18-hole course is \$18,549 and asked the city to assist laying out the pads. He is requesting sponsorship at \$600 per hole to offset the cost. Jacobs plans to sponsor one of the holes. He expects revenue at \$23,000 annually coming to the area for the tournaments.

Concern was discussed about the hours the course will be open to the public, the noise, and cost to the city. Councilmember R. McKnight voiced concern about the event not being compatible with an historic site.

In response to the question from Councilmember R. McKnight and regarding the deed restrictions, he mentioned there was a situation five years ago where an organization wanted to construct a labyrinth, but it was found to be not permissible. City Attorney Clay Adkinson replied the deed restrictions that prevented the building of permanent structure or monument is a separate type of designation than one that is temporary or for playground type equipment.

Councilmember T. Bierbaum stated the recreation was compatible with the Chautauqua Hall of Brotherhood educational aspect.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to add \$18,000 in the budget for the support of Disc Golf and allow the installation of 18 holes.

Dr. Melinda Henderson clarified that she presented the labyrinth proposal about ten years ago and an endangered tree prevented the approval, as the tree was not able to be moved. She is in the process of presenting a Veterans Memorial in the lake yard, however.

Councilmember H. Ennis agreed with Councilmember W. Graham stating he was concerned about putting too much into the park. The citizens want to be able to walk and keep the park free.

In response to Councilmember R. McKnight on how the lake yard is zoned, City Attorney Clay Adkinson said the lake yard has a future land use of R-1 Residential with a zoning map of recreational.

Discussion ensued on the need to hear from the residents and how it affects property values and the general use of the area.

In response to Councilmember K. Crystal, Stewart Duncan replied that he asked for \$18,000 to be placed in next year's budget for construction and baskets. He plans to pay the city back with sponsorship funds at roughly \$7,500 annually. He added the cost to the city is maintenance for weeding and mowing. The baskets cost about \$400, but he is hoping sponsors will help with replacement costs.

S. Duncan added that they would like a permanent location because it is a nice area near downtown restaurants. We Care Park, that they currently use, does not have nearby restaurants or a nice lake yard.

Mayor Campbell added that he has attended the Special events and they are quiet. He added he has seen the baskets and does not believe they are intrusive.

Councilmember T. Bierbaum rebutted statements and stated Christmas Reflections is not historic but is held at the Lake Yard. He added the baskets can be removed at certain times of the year. He added, in the past, we have budgeted for tennis courts and docks at the Lake Yard.

S. Duncan pointed out the park closes at sundown, and the police will ensure the park is cleared out. For the two tournaments that were held, he had no problems.

Mayor Campbell asked for public comments.

R. Sangl said he attends St. Agatha's Church on Circle Drive and owns business property. He stated he opposes the Disc Golf proposal.

Glen Gay said he lives close to the lake yard and supports Disc Golf.

Dr. Melinda Henderson lives at the lake yard. She said the activities in the lake yard are limited, so she would like to do some research before a decision is made.

Mr. Long visiting from Live Oak, Florida said they have Disc Golf around their lake, and they do not have any issues.

Rene Youell has a business on the circle. She loves the idea and supports it for something children and teenagers can do.

Regina Devlin said we do not have festivals, skating rinks, or anything for the children to do in the area. This gives families something to do together.

Jerilane Langley mentioned asking the community what they want to have.

City Marshal J. Hurley said police have had no issues at We Care Golf.

In response to Councilmember W. Graham, S. Duncan replied that one person can play, or fifteen or more for tournament play. He said there are hard rules. The players yield to walkers. It is a family-friendly, safe game.

**Vote:** Councilmember T. Bierbaum: Aye; Councilmember K. Crystal: Nay; Councilmember R. McKnight: Nay; Councilmember H. Ennis: Nay; Councilmember W. Graham: Aye. Ayes 2, Nays 3. Motion failed.

## **5. 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 T. Bierbaum and seconded by Councilmember R. McKnight to approve the Consent Agenda.

**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: June 22, 2020 -Regular Minutes

#### **B. Administration - Reserved**

#### **C. Finance –**

1. Finance Supervisor Morgan Hulion – June 2020 Bill Ratification
2. Finance Director Debra Gibson, - Property Appraisers Certification DR-420 Submittal

#### **D. Planning – Reserved**

- E. Airport –** Airport Director Matt Overton – Motion to authorize the Mayor to execute Resolution to sign the amendment to revise the project scope to design and construct pavement markings, obstruction removal, and underground utility conversion, as detailed in Attachment 1 with the Department’s revised total cost of the project to \$500,000 per Aviation Grant Program

6. **Regular Agenda** Mayor Campbell asked if there were any additions/deletions to the Regular Agenda.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember W. Graham to approve the Regular Agenda.

**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 approval to sign the Memorandum of Understanding between the City and the Chautauqua Hall of Brotherhood, Inc. to enter into a partnership to apply for the St. Joe Community Foundation Grant for the purpose of purchasing an audio/visual system and installation

Deputy City Manager C. LeJeune came forward informing the Council that there is a grant opportunity for the Chautauqua Hall of Brotherhood Foundation to fund the A/V equipment through the St. Joe Community Foundation Grant Program. She explained a municipality is eligible to partner with a non-profit organization and they will partner with us based on their mission. The Memorandum of Understanding outlines the responsibilities for both parties. She added the application is due on July 24<sup>th</sup>. C. LeJeune added she wanted to correct the cover sheet, as she met with the president and treasurer of St. Joe Community Foundation.

Deputy City Manager C. LeJeune thanked Dr. Henderson for bringing the grant to our attention and said the foundation will apply with our help. St. Joe Community Foundation, through the Chautauqua Hall of Brotherhood Foundation, will donate the funds to the city, if the grant is approved. She added we already have a quote for the equipment and will be installed when the first floor is finished, which we believe will be completed in September.

**Motion** by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to approve the Mayor to sign the Memorandum of Understanding between the City and the Chautauqua Hall of Brotherhood Foundation, Inc. to enter into a partnership to apply for the St. Joe Community Foundation Grant for the purpose of purchasing an audio/visual system and installation.

In reply to Councilmember W. Graham, C. LeJeune responded there is no requirement for matching funds.

**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. Deputy City Manager Carisse LeJeune - Requests approval to issue a Request for Proposals for a Professional Planning Consultant and/or Consulting Firm and post the Public Notices and Advertise

Deputy City Manager Carisse LeJeune explained our recent Planning Department hire was no longer able to work for the city for personal reasons. She said we need to post the position again, but in the interim, we have a development coming as well as completing day-to-day permitting items, as well as a comprehensive plan revision that is due to the State. The consultant, Stantec did a revised plan, and we need to get it brought forward. There is a lot of work, so we need a professional planning service to help us get past these circumstances.

**Motion** by Councilmember K. Crystal and seconded by Councilmember H. Ennis to approve staff to proceed with the draft for a Professional Planning Consultant and/or Consulting Firm.

Discussion ensued on the scope of services, the time needed for a consultant, the difficulties in filling a planner position County wide, and the need to catch up, as we look for a permanent solution.

Deputy City Manager C. LeJeune asked Council if staff may move forward if Counsel supports the completed document.

**Motion** by Councilmember K. Crystal and seconded by Councilmember H. Ennis to amend the motion for staff to proceed with the draft, issue a Request for Proposals and post the Public Notices and Advertise after legal review.

**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. Motion carried.

- C. City Manager Mell Smigielski – Requests approval on direction on proposed Ordinance language for an Impact Fee credit (Impact Fee Credit Request from Grace Church toward installation of a fire hydrant in the Public Right-of-Way)

City Manager Mell Smigielski stated Grace Church was directed to install a fire hydrant on city property and requests reimbursement. Grace Church has paid \$14,997.24 and requests the reimbursement of the \$4,000 tap fee and \$3,500 for cost of hydrant and installation for a total of \$7,500. He added that Council has to make the decision with our current process. He also asked direction on the impact fee language to add to our Code.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember W. Graham to approve the reimbursement credit for \$7,500 and give staff direction to research language to update the Code.

City Manager Mell Smigielski said the tap fee is not normally reimbursed.

Councilmember K. Crystal asked what direction staff wanted regarding the reimbursement of the hydrant tap fee. City Manager Mell Smigielski stated staff proposed not reimbursing the tap fee but providing the reimbursement of the \$4,000 hydrant fee.

Jim Harmon, member of Grace Church, stated initially the church requested to waive the impact fee but was instructed to include the bid for the exact price of the hydrant. He added the fee is \$4,000 to tap into a 6" line. He agreed tap fees are part of development.

Discussion ensued about the absence of a city policy, setting precedent, the cost of the hydrant, and the installation fee.

City Attorney Clay Adkinson said the precedent to credit someone for the cost of hydrant would be reasonable. He added that staff will bring back a policy to review.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember W. Graham to approve a hydrant fee credit for Grace Church to reduce the total to \$3,480, 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.

D. Grants Manager Chris Mitchell – Requests approval to execute the amended agreement with the Division of Historical Resources for the amended budget and scope of work

Grants Manager Chris Mitchell came forward to state this agreement is to complete the Hall of Brotherhood first floor. The State has agreed to concentrate on the first floor in order for us to get it rented. The bottom line is the grant of \$498,500 with a \$124,625 match does not change. He explained only the line item budgets are being shifted to accommodate completing the first floor. He added when the first floor opens, the completed renovation only covers from the elevator door to the door at the staircase inward, as anything beyond those doors are not part of the completion.

**Motion** by Councilmember R. McKnight and seconded by Councilmember K. Crystal to approve the Mayor to execute the amended agreement with the Division of Historical Resources for the amended budget and scope of work.

**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. No one came forward.

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

## 10. EXECUTIVE REQUESTS –

### 1. Councilmember R. McKnight – Charter Review Committee Update

Councilmember R. McKnight stated the committee met on July 6<sup>th</sup> and will meet again on July 24<sup>th</sup> at 9:30 through noon, which is open to the public. He plans to have the draft Charter printed in landscape and add an area for notations and has asked legal to review. The plan is to present the draft at the Monday, August 10<sup>th</sup> meeting. The members of the committee will present a report to the Council.

Councilmember R. McKnight stated the word count is 5,766 words on fourteen pages and is clear as a constitutional document. He plans to add a transmittal letter, organizational chart, and annotations. He added he plans to share it with Mr. Jack Owen this week.

Councilmember T. Bierbaum said it was an honor to work on a cornerstone document. The document is much easier to read and clearly and thoughtfully lays out our government.

### 2. Councilmember R. McKnight – Apology to Council

Councilmember R. McKnight stated on March 16<sup>th</sup>, the last meeting before COVID where we declared an emergency, he used inappropriate language. He apologized to Mr. Crystal for uttering course language about his opinion of Mr. Crystal's behavior and will continue to work carefully on controlling his tongue. Mr. Crystal accepted his apology and added an apology was not necessary, however, he appreciates Mr. McKnight's passion and what he brings to Council.

### 3. Councilmember R. McKnight - Observations on Ride Around with Code Enforcement

Councilmember R. McKnight said he recently rode along with C. Strawn, Code Enforcement Officer. He was impressed by the enthusiasm C. Strawn has for this job. However, he does not think Council allows him to do his job, as we do not allow primary enforcement of code violations in the current code enforcement ordinance.

Councilmember K. Crystal said he rode with C. Strawn, as well, and added for what he does, he is underpaid.

Discussion ensued on the need for staff to bring back recommendations to the policies and to the Code, including an anonymous complaint area under the Special Magistrate ordinance.

Councilmember R. McKnight distributed his two suggestions that he stated should be placed in the ordinance to assist with blight elimination. One regarding educating the public on adhering code requirements, receipt of complaints from the public, and the other was to determine a method for the Code Enforcement Officer to accept anonymous complaints.

City Attorney Clay Adkinson stated he has reviewed the suggestions. However, he explained that changing the ordinance at 2<sup>nd</sup> reading after we have advertised would cause us to start the process anew. He cited F.S. 166.041, if there is an amendment.

Discussion ensued on the challenges of amending the ordinance at this point and moving forward with the Special Magistrate section tonight.

City Attorney Clay Adkinson said it would be proper for Council to make a motion to bring back staff revisions to the code and for Council to bring any suggestions to staff, so it can be placed on the next agenda.

**Motion** by Councilmember R. McKnight and seconded by Councilmember W. Graham to allow the city manager to instruct staff to bring back an Ordinance addressing proactive Code Enforcement to Council after reviewing items on copies he distributed related to the role of Code Enforcement including primary identification of the Code Enforcement Officer and the ability to accept anonymous complaints.

**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. FINANCE -

- a. Finance Director Debra Gibson - Requests a **Motion** to approve the opening of two new bank accounts (Accounts Payable and Payroll) and close one current bank account (After checks have cleared) due to the configuration of the new financial software, Tyler Technologies

Finance Director Debra Gibson came forward to explain that currently we have one clearing account to clear checks, so she requested approval for one strictly for payroll and one to ease in the reconciliation, as well as closing the old account.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the opening of two new bank accounts (Accounts Payable and Payroll) and close one current bank account (After checks have cleared) due to the configuration of the new financial software, Tyler Technologies.

**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. Finance Director Debra Gibson - Requests a **Motion** to approve the use of \$62,549.65 in unanticipated revenue (Suggested use: Demolition of old Health Department building and remaining use of funds for maintenance of buildings)

Finance Director Debra Gibson said per Resolution 2018-14, she must report any unanticipated revenue. The city has received two insurance checks for 2018 hurricane Michael damage from the Florida League of Cities. In consultation with the city manager, it was determined to use the money toward the demolition of the old health department which Chief Hurley estimated would cost approximately \$30,000 and allocate the remaining portion for maintenance. She added it would be placed in the 2021 budget.



Discussion ensued on holding the funds in case the money is needed or using it for the design of a consolidated fire and police building.

Chief Hurley came forward and asked permission that the city manager and he go before the County to request assistance in the demolition. He added the building smells of dead rats, and the problem has been discussed for over a decade.

**Motion** by Councilmember K. Crystal and seconded by Councilmember H. Ennis to direct the staff to use the funds of \$62,549.65 for the demolition and whatever monies is left over to go toward a design for the police and fire department.

**Motion** by Councilmember K. Crystal and seconded by Councilmember H. Ennis to amend the motion to add that the City Manager and City Marshal be directed to go before the Walton County Board of Commissioners to request assistance with the demolition.

Discussion ensued on the unexpected receipt of Hurricane Michael money, the chance the County will assist in the demolition, and whether we had a plan.

City Marshal J. Hurley stated we need to put a plan together on a new structure and start budgeting, as well as moving forward with obtaining a grant. He added going with a Public Safety building would benefit the EOC, as there is no room at the current center. He added a consolidation will give them a place to meet.

**Amended motion** by Councilmember K. Crystal and seconded by Councilmember H. Ennis to direct the staff to use the funds of \$62,549.65 for the demolition and whatever monies is left over to go toward a design for the police and fire department and that the City Manager and City Marshal be directed to go before the Walton County Board of Commissioners to request assistance with the demolition.

**Vote on amendment:** 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** – Nothing brought forward.

**13. PLANNING** – Nothing brought forward.

**14. POLICE** – Nothing brought forward.

**15. CITY ATTORNEY** –

Mayor Campbell opened the Public Hearing and turned it over to City Attorney Clay Adkinson.

City Attorney Clay Adkinson introduced the 2<sup>nd</sup> reading for text amendment stating it will establish the Special Magistrate, remove Code Enforcement out of the Land Development Code, and bring the process into conformity with state law.

City Attorney Clay Adkinson asked if anyone had comments during the Public Hearing. No one came forward. Public Hearing closed.

**Motion** by Councilmember W. Graham and seconded by Councilmember K. Crystal to adopt the text amendment on 2<sup>nd</sup> reading.

Reverend Deborah Kempson-Thompson came forward to support the Ordinance to eradicate blight.

Reverend Deborah Kempson-Thompson asked regarding Section 11-5(a), on citation notification, if someone does not pick up a certified receipt, would a legal notice be posted in the paper? City Attorney Clay Adkinson said staff will attempt to hand deliver, mail the certified receipt, or the Code Enforcement Officer could proceed and go before the Special Magistrate.

Reverend Deborah Kempson-Thompson also asked about Section 11-10, Contestation of Citation, would it go before the Special Magistrate? City Attorney Clay Adkinson replied if they appeal the decision of the Special Magistrate it could be litigated. He added if it goes to the County Court, it is typically heard at traffic court.

Geneva Lee came forward. She voiced concern about favoritism and asked about confidentiality. City Attorney Clay Adkinson said if there is a written complaint, it becomes a Public Request so, it would have to be released per Florida Statute. She endorsed the Code Enforcement Officer ability to act on situations and prioritize blight issues.

Todd Hollenbach stated he is thinking of leaving the area because of blight issues in his neighborhood. He said there are over 1100 homes on the blight list, so the list is overwhelming. He added, he is comfortable with an anonymous complaint.

**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 Attorney Clay Adkinson stated Ord. 909, an Ordinance Providing for the Amendment to the City's Code Of Ordinances by Repealing and Replacing Ordinance 881, In Part, to Delete Chapter 18 "Land Development Code", Article IV "Code Enforcement" and Amending Chapter 18 "Land Development Code", Article III, "Administration and Enforcement" to Replace Sections 18-18 Through 18-23 From Article IV of Chapter 18 to Article III, to Amend Chapter 18 "Land Development Code" Articles V through XVII to Conform Numbering to Articles IV through XVI, to Amend Chapter 11 "Reserved" to Create a New Chapter 11 Entitled "Code Enforcement" (Art. II, Section 11 – 25 - Special Magistrate) and Provisions Therein; Providing for Repeal of Conflicting Provisions, Motions, Resolutions, And Ordinances; Severability; and for an effective date.

City Attorney Clay Adkinson provided legal updates on any legislation. He noted the new Florida Affordable Housing law which will include accessory buildings and flexibility. He stated

we have been preempted on food trucks regulations. The unfunded mandates that were passed do not affect our city. He added there were no major changes aside from State law affecting impact fees. Dewberry is doing major revisions on our ordinance.

**16. STAFF REPORTS** – City Manager M. Smigielski said the Request for Qualifications for sanitation services was released. The bid opening is scheduled for August 3<sup>rd</sup> at 2 p.m. On August 5<sup>th</sup>, a local evaluation will rank them and bring a recommendation to Council on August 10<sup>th</sup>. Afterward, we will provide recommendations to the chosen firm.

City Manager M. Smigielski announced the budget schedule. He said we approved the first step for the Property Appraisers Certification tonight. He added we have a workshop on July 21st on the millage rate and preliminary expenditures, July 27th for setting the first Public Hearing, July 28<sup>th</sup> Workshop, August 4<sup>th</sup> for the nonprofits discussion, August 18<sup>th</sup> to finalize the budget, August 25<sup>th</sup>, if needed, September 8th for the first Public Hearing and September 18th for the final Public Hearing.

City Manager M. Smigielski announced a local city hall has been closed because of COVID cases, and mentioned we are doing what we can, but we are in uncharted territory.

In response to Councilmember R. McKnight, City Manager M. Smigielski replied the rating on non-profit applications is forthcoming.

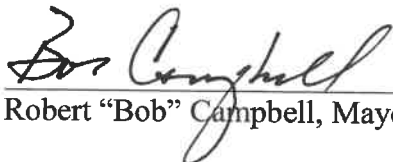
**17. COUNCIL COMMENTS** – **Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to direct staff to compose a letter of support to the police, sheriff and Florida Highway Patrol and thank them for their services regarding the three recent protests within our city.

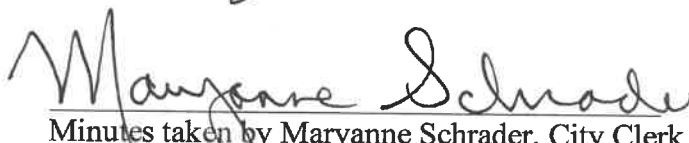
**Vote:** Councilmember T. Bierbaum: Aye; Councilmember K. Crystal: Aye; Councilmember R. McKnight: Aye; Councilmember H. Ennis: Aye; Councilmember W. Graham: Aye. Ayes 5, Nays 0. All ayes. Motion carried.

**18. MAYOR COMMENTS** – No other comments.

## **19. ADJOURNMENT**

Mayor Campbell adjourned the meeting at 8:27 p.m.

  
Robert "Bob" Campbell, Mayor

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

