

**DeFuniak Springs City Council
Regular Meeting Minutes
Community Center
July 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; Deputy City Manager Carisse LeJeune; Debra Gibson, Finance Director; and Maryanne Schrader, City Clerk.

Mayor Campbell called the meeting to order at 9:00 a.m. followed by the invocation and Pledge of Allegiance led by Councilmember K. Crystal.

3. CONSENT AGENDA

Additions/Deletions to the Consent Agenda

Approval of the Consent Agenda

A. Clerk

1. Minutes for approval: July 13, 2020 - Regular Minutes

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

Motion by Councilmember W. Graham and seconded by Councilmember H. Ennis 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.

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

Motion by Councilmember W. Graham and seconded by Councilmember T. Bierbaum 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.

5. ADMINISTRATION –

- A. Deputy City Manager Carisse LeJeune – Requests direction on the draft Special Events Policy and Procedures

Deputy City Manager C. LeJeune said she brought forth a draft policy to the Council for direction. The revised application did not create a policy, so the document is a start. The idea is to bring everything together in one place. She pointed out the alcohol sale and consumption

portion. She mentioned staff is looking into adding a beer and wine option for the Chautauqua Hall of Brotherhood regarding wedding receptions.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to set a separate workshop to review the draft on Special Events Policy and Procedures.

Councilmember K. Crystal said a workshop is needed as many people have reached out with many concerns.

Councilmember R. McKnight asked that citizens present be permitted to voice their opinion. He asked that the motion be revised to accept discussion.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to revise the original motion to accept public comment.

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.

Mac Work, President of DeFuniak Springs Main Street, stepped forward to state the insurance liability at \$1,367 a year would be too high for a non-profit organization.

Matt Douglas, DeFuniak Springs Business Association, asked if there would be opportunity for public comment at the workshop and was told the purpose of the workshop is to hear public comment.

Dr. Melinda Henderson, Forward DeFuniak Springs, said this would impact their organization with their non-profit fundraising. She believes the policy is too broad. One of the biggest omissions is that it does not resolve the problem of approval of more than one function with dates and times overlapping.

Jon Kinsey, DeFuniak Springs Downtown Arts Night, commented that they have a zero budget, so voiced concern on the expense of insurance liability.

Councilmember R. McKnight voiced concern about the expense for liability insurance. He asked for a list of Special Events for the last three years, so he has a better understanding of the types of organizations that have applied. He voiced concern on the impact to the parades. Another issue is the "wet/dry" and ceremonial beverages at the Chautauqua Hall of Brotherhood that is within a residential neighborhood. He believes the document is overreaching.

In response to Councilmember K. Crystal's statement that the draft has everything placed in the document and was brought to the Council for direction, City Manager, M. Smigielski stated that much of the information came from Mexico Beach, so the information is not new.

Councilmember T. Bierbaum commented that when we changed our alcohol ordinance, we directed staff to come up with a policy.

- B. City Manager Mell Smigielski – Introduction for the presentation on the AFSCME Recognition-Acknowledgement Petition – Presented by Holly Dincman, Esquire, Labor Attorney

City Manager M. Smigielski introduced Holly Dincman, the Labor Attorney.

Holly Dincman, Esquire, stated that on July 9, AFSCME, sent a request for a supervisor union. She stated in the Public Relations Act, it states that supervisors can form a union with exceptions. She mentioned the Public Employees Relations Commission (PERC) will assist in organizing a union. There are only two unions in DeFuniak Springs. If Council does not authorize the Recognition-Acknowledgement petition, a Hearing will be scheduled. The PERC will determine whether the nine positions are in line with the history of collective bargaining, whether the employees want to join a union, among other areas. If Council prefers to deny the request, a Hearing will be set, and the Hearing will cover testimony from City officials. The PERC will also look at exclusions such as managerial employees which would cover policy, personnel discipline, budget formation, and whether the employee is privy to confidential information is another exclusion.

Holly Dincman went over the job titles of the supervisory positions and their job descriptions. She has also spoken to Ms. Woodham and Mr. Drake. The Finance office supervisor does not have a formal written job description. She advised that the positions fall under the managerial exemption, as they do employee evaluations and discipline, as well as a significant role in budget development. Her recommendation is to not agree to voluntary recognition and go to a Hearing.

In response to Councilmember R. McKnight on whether the Hearings will be conducted in DeFuniak Springs, Holly Dincman said the Hearing will be likely done by Zoom or within the city limits.

Mayor Campbell asked about the dividing line for authority. Holly Dincman responded the Hearing Board will go over policy, personnel and administration. The Hearing will determine substantial authority designation to define the lines.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to deny the request for voluntary recognition petition from AFSCME.

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

- A. General Comments from the audience and no one came forward.

7. REQUEST TO BE ON THE AGENDA – Reserved

8. EXECUTIVE REQUESTS –

A. Councilmember R. McKnight – Charter Review Committee Update

Councilmember R. McKnight stated the committee is meeting tomorrow at 1 p.m. at City Hall, and the draft of the Charter ordinance is on the website. The committee met on July 24th and developed a timeline. He distributed a draft of the timeline and stated the committee hopes to have the draft ready by August 8th to present to the Council on August 10th. He requested that public feedback be added to the agenda with 1st Reading on August 24th, as well as a public Council workshop for comment proposed for August 17th. The committee will make adjustments based on comments. He suggested that the City post a link for the Charter on the front page of the website for better visibility. He added that 2nd reading is scheduled for September 14th. If there is a vote to hold the referendum, he asked the committee to be dissolved after second reading. The citizens will decide in an up or down vote to approve with the election scheduled on either December 8th or 15th with the effective date of January 1.

Motion by Councilmember R. McKnight and seconded by Councilmember H. Ennis to set a Council workshop on August 17th at 5:30 p.m. to discuss the draft of the Charter and receive comment.

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.

Councilmember R. McKnight stated the goal is to get it done based on the Grand Jury recommendation.

Mayor Campbell opened the floor up for questions and asked about the timeline.

City Manager M. Smigielski said the timeline looks clean and City Attorney Clay Adkinson concurred the dates will give us ample time for public comment.

B. Councilmember R. McKnight – Procedural Question

Councilmember R. McKnight said in the past discussion has been brought forth without a motion on the table. Also, the initial motions begin with approve or disapprove motions. He questioned whether we could just open a topic up for discussion.

City Attorney Clay Adkinson said it is not appropriate to open discussion, as a motion must be on the floor. He explained that in Robert's Rules, it is inappropriate to debate a topic without a motion on the floor. As we are a small deliberative Board, there is a more relaxed setting. He added, it is appropriate to have a discussion based on information from a presenter, in order to be able to form a motion, however. He mentioned the topic will be addressed with the Policy and Procedures for the Council and the public participation. His preference is to take public comment after presentation prior to the motion. In summary, discussion is different from debate. In Robert's Rules of Order, no member speaks twice on the same issue on the same day, the idea is

every member gets one shot and one follow up. Our Board has been informal, so he will bring forth a policy at a workshop after the budget proceedings.

C. Councilmember R. McKnight - Concerns on recent COVID Surge and Uncertainty and request for a public statement from Council

Councilmember R. McKnight mentioned steps to encourage residents to keep safe by following CDC guidelines on wearing masks, testing, and social distancing and stated whether the Council should be vocal more vocal or remain silent on the issue.

Motion by Councilmember R. McKnight to encourage its citizens to practice social distancing, wear face coverings and be tested for the COVID virus. Failed for a lack of a second.

Councilmember H. Ennis said it should be up to the citizen. Councilmember R. McKnight added it is just an encouragement to follow COVID guidelines.

9. FINANCE –

A. Finance Director Debra Gibson – Request to set the 1st Public Hearing for Tuesday, September 8, 2020 at 5:30 p.m. and approve the tentative millage rate

Finance Director Debra Gibson came forward to discuss the DR 420 and asked for approve the 5% millage rate. After you set the tentative millage rate, you can reduce but you could not raise the rate as well as holding the 1st Hearing date. She has looked at the County and school Board.

Motion by Councilmember T. Bierbaum and Councilmember W. Graham to set the tentative millage rate.

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.

Motion by Councilmember T. Bierbaum and seconded by Councilmember W. Graham to approve setting the 1st Public Hearing for Tuesday, September 8, 2020 at 5:30 p.m.

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. PUBLIC WORKS –

A. Stewart Duncan/Scott Jernigan – Request to approve the design proposal agreement amendment with Jacobs be approved for the second blower at the WWTP

Scott Jernigan, Jacobs Engineering, came forward regarding the “Out of Scope Services” for Blower Replacement, Phase 2. He referenced that Council has a contract for the blowers, and the blowers were already ordered. He asked for approval for Jacobs to proceed with the installation.

Councilmember W. Graham asked for update. Scott Jernigan said the project was to replace the blowers with two larger machines. Both units are scheduled for late October with the next phase to cover the electrical upgrades.

Motion by Councilmember R. McKnight and seconded by Councilmember H. Ennis to approve the design proposal agreement amendment with Jacobs for the second blower at the WWTP which was presented by Jacobs.

In response to Councilmember K. Crystal, Scott Jernigan replied the initial contract was \$400,000 and the second phase is about the same amount. He said the life expectancy is 20 years.

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 clarified that part of the request in the “Out of Scope Services” on page 3 of the scope blower replacement was for the amount not to exceed \$59,260.

Motion by Councilmember R. McKnight and seconded by Councilmember H. Ennis that on page 3 of the scope blower replacement to not exceed \$59,260.

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 – Nothing brought forward.

12. POLICE – Nothing brought forward.

13. CITY ATTORNEY – Nothing brought forward.

14. STAFF REPORTS – City Manager M. Smigielski reminded the Board the budget meeting is tomorrow at 4:00 p.m., and the department heads will submit their budget goals. He added that every three years we go out for bids for Health Insurance and the bids have been sent out.

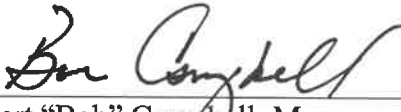
15. COUNCIL COMMENTS – Councilmember R. McKnight said there was a glaring omission in the Parade of Homes advertised in the Northwest Florida Daily News. DeFuniak Springs was not mentioned, and this is the third year he has noticed the omission. The city needs to encourage developers to build housing in the city.

Councilmember K. Crystal followed up on the comments by Councilmember McKnight stating the issue is more of economics. He believes we are headed in the right direction.

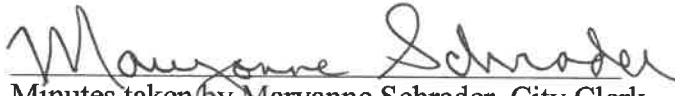
16. MAYOR COMMENTS – No other comments.

17. ADJOURNMENT

Mayor Campbell adjourned the meeting at 10:27 a.m.



Robert "Bob" Campbell, Mayor



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

