

**DeFuniak Springs City Council  
Regular Meeting Minutes  
Walton County Courthouse  
August 24, 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 by Councilmember K. Crystal.

3. **PRESENTATION** – Jeff Goldberg, Walton County Emergency Management Director, Walton County Local Mitigation Strategy and requesting a motion to adopt a **Resolution** Adopting the 2020 Walton County Mitigation Strategy Plan; Providing for Severability; and Providing for an Effective Date

Jeff Goldberg updated the City Council on the County stating the enhanced mitigation strategy encompasses natural, technological and human-caused hazards. The last time a study was done was in 2015. He added that municipalities are ineligible for FEMA or mitigation grants, if they do not adopt a plan.

In response to Councilmember K. Crystal and his request for a copy, J. Goldberg said he will send a copy of the plan to the city when it is adopted by all municipalities.

**Motion** by Councilmember W. Graham and seconded by Councilmember H. Ennis to adopt a Resolution adopting the 2020 Walton County Mitigation Strategy Plan; Providing for Severability; and Providing for an Effective Date.

**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. **PROCLAMATION**

- A. Mayor Campbell – Proclamation for “International Overdose Awareness Day”

Mayor Campbell read the proclamation declaring August 31, 2020 as International Overdose Awareness Day in the City of DeFuniak Springs and wear purple in honor of those who lost their loved ones. Laura Sparks, mother of Jason Sparks, accepted the proclamation in memory of her son.

B. Mayor Campbell – Proclamation for “Constitution Week”

Mayor Campbell read the proclamation declaring the week of September 17 – September 23, 2020 as Constitution Week.

Connie Lee and Christine Keating announced the Daughters of the American Revolution gifted 1,240 small Constitution booklets to the local school systems.

Councilmember R. McKnight said it was timely to have the proclamation the same day we have 1<sup>st</sup> Reading for the proposed Charter for the City.

**5. 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 said he had questions regarding Item C, so it was moved to the regular agenda. City Manager M. Smigielski stated it would be moved to Item 7B.

**Motion** by Councilmember K. Crystal and seconded by Councilmember R. McKnight to approve the Consent 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.

**Approval of the Consent Agenda**

**A. Clerk**

1. Minutes for approval: July 27, 2020 -Regular Minutes
2. Minutes for approval: July 28, 2020 Budget Workshop Minutes
3. Minutes for approval: August 4, 2020 Budget Workshop Minutes

**B. Administration** – City Manager M. Smigielski – Request approval to renew the 2020-2021 Interlocal Agreement with Walton County and Tri-County Community Council, Inc. relating to the operation of the Senior Center

**C.** (Moved to Item 7B)

**D. Finance** – Reserved

**E. Planning** – Reserved

**F. Airport** – Reserved

**G. Public Works** – Craig Drake, renewal of Contract #W1183 between the City of DeFuniak Springs and the Florida Department of Corrections, to renew the existing contract from December 24, 2020 through December 23, 2023 with no increase in cost

**H. Fire** – Reserved

6. **Regular Agenda** Mayor Campbell asked if there were any additions/deletions to the Regular Agenda other than what has been noted.

City Manager M. Smigielski said Mayor Campbell has requested an add on to the regular agenda to consider the Main Street request of a buyout option on the contract with Hilltop Production Events for the 2020 Holiday Light Installation.

Councilmember R. McKnight called for a Point of Order about an add-on to the agenda.

City Attorney Clay Adkinson said the agenda has to be approved by the vote of the Council for additions and deletions. He said, in the discussion, items may be added or removed from the regular agenda.

City Manager M. Smigielski said the add-on would be Item 7C.

Mayor Campbell said there is no action required on the item at this time.

**Motion** by Councilmember R. McKnight and seconded by Councilmember K. Crystal to approve the Regular Agenda, as amended with the addition of Item B, the HR EAP Service and Item C, the add-on requiring no action.

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

7. **ADMINISTRATION –**

- A. City Manager M. Smigielski requests approval to advertise for Building Permit and Inspection Services

City Manager M. Smigielski said this item is to improve customer service and processing. We are one of the fourth fastest growing counties in the nation. The consultant will handle the processing and bill us.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to direct staff to issue a Request for Qualifications for Building Permit and Inspection Services.

In response to Councilmember R. McKnight regarding what the County currently receives for fees for permit and inspection services. City Manager M. Smigielski said the estimate is about \$50,000. Regarding whether a consultant or building inspector would be better, City Manager M. Smigielski said the consultant could train a staff member, but it is difficult to locate an inspector. City Manager M. Smigielski said the State licenses the inspectors on their own. City Manager M. Smigielski said it is no cost to the city, as the firm gives us a percentage of their revenue. He added many municipalities have gone to this scenario.

Councilmember H. Ennis agreed that the County is over extended.

City Attorney Clay Adkinson said the number of building permits may not garner the revenue to fully staff an individual. The transition phase is to see what revenue would be garnered and allow for the training of staff.

Mayor Campbell added the County is maxed out on providing the inspections, and added the indicators show an increase in housing. Councilmember H. Ennis agreed.

Councilmember K. Crystal said we are not seeing a replacement in this type of skilled positions in the real estate industry.

**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 7B** – Human Resources Director Lacey Woodham came forward and requested approval to formalize the existing procedure with the provider, Pattison Professional Counseling and Mediation Center for the Employee Assistance Program.

Councilmember R. McKnight said it is a very valuable service but asked Lacey why the terms of the contract was sixteen months, and why it is a contract when it is more of a mutual agreement.

Human Resources Director L. Woodham replied it will be an annual renewal going forward, but the initial contract is pro-rated and starts in September. Regarding the question from Councilmember R. McKnight, L. Woodham replied currently clients will travel to Crestview or Ft. Walton Beach, however Pattison also provides virtual counseling. This process is just to get in writing what we are currently providing. She added we can look into expanding providers.

In response to the question posed by Councilmember R. McKnight regarding reporting issues and liability for the city, City Attorney Clay Adkinson replied HR would not be the reporting issues, nor can we track employees' use of the program. He added Pattison is the only provider we have. City Attorney Clay Adkinson added this is a Memorandum of Understanding and in terms of a contract, however, we do need something in writing. Pattison is who we have now, but we need their services memorialized now.

Councilmember K. Crystal asked about eligibility regarding a family member's use of the program without the employee's consent. L. Woodham explained if a Law Enforcement family member needs it, we can send them, and the city will pay for up to three visits.

Councilmember R. McKnight voiced concern about the regarding confidentiality and the need to report if there is suspicion of abuse. He added the city should have a policy in place.

City Attorney Clay Adkinson said mandatory reporting falls under the Florida law, Chapter 39 on who reports and how it is to be reported. However, the city does not have a written policy in place. Currently, a supervisor would contact HR who would consult legal to decide whether we have to mandatorily report. He added the mere act of having an EAP distances the city from liability.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to approve the formal agreement with Pattison Professional Counseling.

City Marshal J. Hurley came forward stating his department requires this service, and he supports his department being able to go outside of City limits because of the sensitivity of the subject.

**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 7C** – Mayor Campbell explained the city created Main Street, and the program has had several hits. Main Street does not have money to pay the vendor bill and are looking for other remedies. The vendor had a 3-year contract at \$25,000 a year. They have fulfilled the first year, so the vendor has asked to go one more year and take \$15,000 and be released from the third year. He added that he heard from staff that the former director has been released from any wrongdoing based on a letter from the State Attorney’s office. City Attorney Clay Adkinson explained no letter exists from the State Attorney’s office.

Mayor Campbell said someone has been affected and has lost income, so he asked Council to consider at a later meeting to discuss a remedy. He asked that the Council review the items that were sent out on Friday and consider a resolution to the issue.

Councilmember T. Bierbaum said we could debate for several hours on the contract; however, he does not see it as a contract. He mentioned that Main Street submitted a letter to the vendor and the 501C, so the vendor should not be coming to Council and does not think it should be considered.

Councilmember R. McKnight agreed with Councilmember T. Bierbaum. He does not believe it is in the City’s best interest to get involved in a dispute between a 501C organization and a vendor. Main Street is its own 501C, and the city is no longer connected. He does not support bringing the item back.

City Attorney Clay Adkinson said the city should not involve itself in a civil dispute. There is communication between the two entities and cautioned the city to not get involved in this dispute.

In reply to City Attorney Clay Adkinson, City Manager M. Smigielski said Main Street has paid all their outstanding debts to the city. City Attorney Clay Adkinson said we cannot weigh into a private dispute.

## **8. CITIZEN COMMENTS**

A. General Comments from the audience. No one came forward.

## **9. REQUEST TO BE ON THE AGENDA – Reserved**

**10. EXECUTIVE REQUESTS –**

- A. Councilmember T. Bierbaum – Motion to appoint Tony Brunson to the City Beautification and Tree Board

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember W. Graham to appoint Tony Brunson to the City Beautification and Tree Board.

Councilmember T. Bierbaum added Tony Brunson brings architectural landscaping design to the Board.

**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 –** Nothing brought forward.

**12. PUBLIC WORKS –** Nothing brought forward.

**13. PLANNING –**

- A. Planning Director Kelly Schultz – Requests approval of Planning Collaborative (TPC) as the most qualified applicant and direct Staff to bring back a contract for City Council Review and Approval

Planning Director K. Schultz came forward to go over the Request for Proposal process stating the company will be used for specific projects, as well as backing up City staff. The department is starting to see a tremendous increase in their workload with the increase of applications and permitting with the growth of the County. We received two respondents and the bids were opened July 10<sup>th</sup>. The RFP committee reviewed and tabulated the two applicants, and Planning Collaborative ranked higher in the ratings process.

**Motion** by Councilmember K. Crystal and seconded by Councilmember R. McKnight to approve Planning Collaborative (TPC) as the most qualified applicant and direct staff to bring back a contract for City Council review and approval.

Councilmember R. McKnight said the company has a staff member with a Master's in historical preservation with the thesis on cultural heritage values. He added that would relate to our preservation guidelines. Since time is of the essence, he supports hiring a consultant, but wanted to be sure they are not entangled in any legal mess with Lynn Haven.

City Attorney Clay Adkinson said we have to be cautious to go outside of the scope of what was included in the RFQ. From their submittal, it does not appear the company has any ties with Lynn Haven. It would be appropriate that the motion be amended to designate the most qualified applicant and direct staff to negotiate and bring back a contract and ask as part of that they are clear of any entanglements with any entity in the State of Florida that would inhibit them or any of their team members to perform any services.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to amend the motion, to include after the staff meets and designates the most qualified applicant to direct staff to negotiate and bring back a contract and ask as part of that, staff should ensure the company assures us they are clear of any entanglements with any entity in the State of Florida that would inhibit them or any of their team members to perform any services.

**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. Planning Director K. Schultz - Request from Jolinda Eddins to allow the Stanley House Assisted Living to hold a small firework display on September 7, 2020 from 7 p.m. – 9 p.m.

Planning Director K. Schultz introduced the special event stating the City Council must approve the Special Event, since the fireworks will be seen by more than three people. This requirement is in line with Florida Statute. Both staff and residents will be present to view the fireworks. On the same date, DBPR is conducting a fireworks display, so our staff will be involved with that event.

Councilmember T. Bierbaum pointed out that the Florida legislature amended the prohibition to allow private residents to hold their own fireworks display.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the request from Jolinda Eddins to allow the Stanley House Assisted Living to hold a small firework display on September 7, 2020 from 7 p.m. – 9 p.m. amended with a caveat that the fire department has someone present.

City Attorney Clay Adkinson said we are permitting them and taking reasonable assurances they have some level of fire protection involved. Jolinda Eddins, Executive Director, replied that she contacted Jonathan Day with the Argyle Volunteer Fire Department and is working with them. She added the Stanley House private insurance will cover the event.

**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. POLICE** – Nothing brought forward.

**13. CITY ATTORNEY –**

- A. Requests a motion to read by title on 1<sup>st</sup> Reading, An Ordinance of the City of DeFuniak Springs, Florida, Calling for a Special Election with a Referendum Question to be Placed before the Qualified Electors of the City of DeFuniak Springs, Florida On January 26, 2021; Providing a Charter Referendum Question Determining Whether to Adopt the Proposed 2020 City Charter Which Would Replace the Current City Charter; Providing for the Full Text of the Proposed 2020 Charter; Providing Findings; Providing for an Effective Date if the Proposed

2020 Charter is Approved; Providing for the Filing of the Ordinance With the Walton County Supervisor of Elections; Providing for Publication of the Text of the Proposed 2020 Charter; Providing for Filing with the Florida Department of State if the Proposed 2020 Charter is Approved; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

City Attorney Clay Adkinson said the Ordinance is to call for a Special Election Referendum for a complete Charter replacement and setting the date for January 26, 2021. The committee has addressed the questions from private citizens. He mentioned three minor edits. One is in the first Whereas second sentence, stating it should read 2019, not 2020. In Section four, the date on the form of ballot should read January 26, 2021, and the date at the bottom for the Referendum should also read January 26, 2021. The third item is a hanging period before Referendum in Section 7.02. The items will be cleaned up before 2<sup>nd</sup> Reading.

**Motion** by Councilmember T. Bierbaum and Councilmember R. McKnight to read the Ordinance by title with the changes noted and advertise for a Public Hearing for 2nd reading and adoption.

Councilmember R. McKnight shared an email from a citizen that could not be present. He read questions regarding the Mayor's powers to vote and limitations at the Executive level and asked if Mayor Campbell was comfortable with the changes to the mayoral duties. Mayor Campbell replied that he was very comfortable. Councilmember R. McKnight read further regarding a question on some aspects of private one-on-one communication and whether he thought it would be restricted by the Sunshine Law. Mayor Campbell did not think so. Also, he asked whether any councilmembers were uncomfortable with the changes in the Mayor's duties, but some Councilmembers preferred not to reply. Councilmember R. McKnight also directed the question to the Council on if they acknowledge whether the Charter is passed, did the Council think some of the private one-on-one communications with the Mayor would be restricted by the Sunshine Law.

However, City Attorney Clay Adkinson said he does not think the changes fall under the Sunshine Law. The mayor does not have the right to vote, so his interaction is unlikely to invoke the Sunshine Law. He stated he prefers the Council not place an additional element on the record of binding themselves to provisions of the Sunshine Law. The Attorney General opined the Sunshine Law applies to the Council when the Mayor has both veto power and the ability to cast tie votes. At this point in time, to say the conversations would or would not be subject to the Sunshine Law is an open question, as it is possible, they would never have the opportunity to vote on singular issues.

Councilmember R. McKnight withdrew the question.

**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. Motion carried.



City Attorney Clay Adkinson read the title of the Ordinance in full and stated we will advertise for 2<sup>nd</sup> reading and make the changes, as discussed.

**14. STAFF REPORTS** – City Manager M. Smigielski said we have dodged the bullet with the storms. The staff had a meeting on Friday to make sure we were in preparation and a conference call yesterday. A local emergency is the responsibility of our city, and we fall under the County, but we are in the process with re-tooling processes and will return with our own emergency plan.

**15. COUNCIL COMMENTS –**

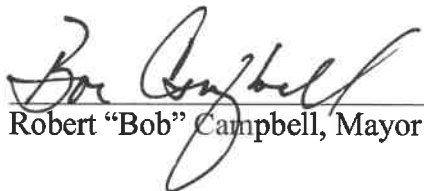
Councilmember K. Crystal asked, on the building plan, who is supervising the plan - the contractor or will it go through planning. City Manager M. Smigielski replied that it will go through Planning. Councilmember K. Crystal also asked where the fees will go, and Finance Director D. Gibson replied that funds will go to the general fund, or the fees could be designated to a specific use.


Councilmember T. Bierbaum mentioned Item 13A, stating the only time he can discuss topics with other Councilmembers is in the general meeting. He suggested that we are taking care of some processes, however, we may need to make some changes.

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

**17. ADJOURNMENT**

Mayor Campbell adjourned the meeting at 10:17 a.m.

  
Robert "Bob" Campbell, Mayor

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

