

**DeFuniak Springs City Council  
Regular Meeting Minutes  
County Courthouse  
October 12, 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 4:00 p.m. followed by the invocation and Pledge of Allegiance.

**3. PROCLAMATION** – Mayor Campbell read a Proclamation declaring the week of October 19 – 25, 2020 as Florida City Government Week.

**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 H. Ennis to approve the Consent Agenda.

Councilmember R. McKnight questioned the EDA asking if we receive the monthly reports. City Manager M. Smigielski replied that the Mayor receives the monthly reports. Mayor Campbell said he would make them available to the Council.

**Vote:** Mayor Pro-Tem R. McKnight, Aye; Councilmember T. Bierbaum, Aye; Councilmember K. Crystal, 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: September 28, 2020 -Regular Minutes

**B. Administration** – City Manager Mell Smigielski – Motion to approve the Annual Agreement with Walton County Economic Development Alliance, Inc.

**C. Finance** – Finance Supervisor Morgan Hulion, September 2020 Bill Ratification

**D. Planning** – Planning Director K. Schultz

1. Requests approval for the Special Event Permit application from Walton High School Homecoming Parade with street closures at Baldwin Avenue and Circle Drive on October 30<sup>th</sup> from 2 to 3:30 p.m.

2. Planning Director K. Schultz requests approval for the Special Event Permit application for the Smith Wedding scheduled for October 31<sup>st</sup> from 11:00 a.m. – 9:30 p.m.

3. Planning Director K. Schultz requests approval for the Special Event Permit application with street closures on Baldwin, 9<sup>th</sup>, 8<sup>th</sup>, 7<sup>th</sup>, and 6<sup>th</sup> for Halloween Happening's for October 31<sup>st</sup> from 4 – 8 p.m.
4. Planning Director K. Schultz requests approval for the Special Event Permit application for the Veterans Day ceremony scheduled on November 11, 2020 from 10 a.m. – 1 p.m. with street closures at Circle Drive and South 7<sup>th</sup> Street and Circle Drive at the entrance of the former Gulf Power building

- E. **Airport** – Reserved
- F. **Public Works** – Reserved
- G. **Fire** – Reserved

**5. REGULAR AGENDA**

- Additions/Deletions** to the Regular Agenda
- Approval** of the Regular Agenda

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

City Manager M. Smigielski said he will postpone discussion on Item 6E, regarding the Waste Management contract for two weeks in order to get the cost benefit analysis.

City Manager Mell Smigielski stated there were two additional Special Event requests from Main Street for Mistletoe Market and Small Business Saturday. The items will be 6G and 6H.

**Motion** by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to approve the Regular Agenda, as amended.

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

**6. ADMINISTRATION –**

- A. City Manager Mell Smigielski – Motion to approve on 1<sup>st</sup> Reading, An **Ordinance** Adopting a Capital Improvements Schedule pursuant to the Community Planning Act of 2011, 2011-139, Laws of Florida, F.S. 163.3177 3. (b), Providing for Repeal of Conflicting Provisions, providing for a Short Title, Providing for Findings, Providing for Severability, and Providing for an Effective Date

City Manager Mell Smigielski explained to Council that he made the adjustments they requested from two weeks ago.

Councilmember R. McKnight stated that he would like to list the paving of 20<sup>th</sup> Street between Live Oak and US 90. Also, at the last meeting, he mentioned the sidewalks regarding whether they are new or repaired, so it needs to be reevaluated. He added on Page 6 of the plan, we added the Old Spanish Trail 90 project, but it is listed as recreation instead of streets and sidewalks. He

added he would like to see bicycle lanes added. He suggested that we add a cover sheet showing it was adopted on November 9, 2020, it should state “proposed adoption date”. The word “draft” is also not part of the cover.

City Manager M. Smigielski replied that 20<sup>th</sup> street is part of the various streets on page 2, Spanish Trail is the recreational trail that was named that years ago He added the Tony Valle project is under Complete Streets.

Councilmember T. Bierbaum stated he supports budgeting for Complete Streets. City Manager M. Smigielski said on the sidewalks, the intent is when Public Works does the pavement rating, the sidewalks will be included.

In response to Councilmember W. Graham, City Manager M. Smigielski said Walton Road is a County Street. He added the Safe Route to School grant is being worked on.

Councilmember T. Bierbaum said we have spoken about several sidewalks over the year. He asked whether we are progressing on the pavement rating program. City Manager M. Smigielski said we are looking into the rating done by a professional. Councilmember T. Bierbaum said a drive by can be done, as well.

City Manager M. Smigielski said when we meet in March, we will discuss additions.

Discussion ensued on various street projects and the need for a professional evaluation of the streets or just obvious needs.

**Motion** by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to amend the CIP with added changes discussed, for 1<sup>st</sup> Reading, An Ordinance adopting a Capital Improvements schedule pursuant to the Community Planning Act of 2011, 2011-139, Laws of Florida, F.S. 163.3177 3. (b), providing for repeal of conflicting provisions, providing for a short title, providing for findings, providing for severability, and providing for an effective date.

Citizen, Dr. M. Henderson, came forward stating she wants to see items that relate to the quality of life. Chipley Park was not mentioned, as she would like to see underground power. The Master Plan of the Parks and Economic Development has not been considered and stressed that in order to get grants, a project needs to be in the CIP.

Councilmember R. McKnight said this is a plan. He asked what the process is on if a critical problem comes up regarding flexibility. City Manager M. Smigielski responded that we do not have a Master Plan, the Baldwin street is at a zero amount, as we do not have a design. He said he has not heard anything from the Council on this plan.

Councilmember W. Graham asked about the various streets of 748,000. City Manager M. Smigielski said it is part of the one-million-dollar bond. The remaining balance of the bond is part of the paving ranking.

Councilmember K. Crystal said we have more improvements than capital, so we have to prioritize. The city has not addressed these issues in years.

Both Mayor Campbell and Councilmember T. Bierbaum agreed with speeding these projects up. Mayor Campbell added we are depending on grant monies, so we just need to figure out ways of getting the job done.

Councilmember T. Bierbaum pointed that we have to spend the money before we get reimbursed. He congratulated Mr. Mell and Ms. Debra for their tight budgeting.

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

**B. City Manager Mell Smigielski – Motion to endorse the EDA application for the Triumph Grant for Woodlawn Industrial Park on US 331**

City Manager M. Smigielski asked Bill Imfeld to approach the bench. Mr. B. Imfeld, Executive Director of Walton County Economic Development Alliance (WCEDA) explained that the WCEDA Board of Directors will also need to adopt the plan. WCEDA requests the city to compensate WCEDA in the amount of \$16,170. He stated there is a Triumph grant being used to place water and sewer down off of Hwy 331. Since the water and sewer will be given to the city, we need the approval from the city to apply, and then get approval from the County. One thing the Triumph Board requires is to provide a report monthly. City Manager M. Smigielski replied to Councilmember R. McKnight that the Mayor receives the reports. Mayor Campbell said he will pass the report on to the Council.

Councilmember K. Crystal asked if he needed to recuse, and City Attorney Clay Adkinson replied it was not necessary, as he is not part of the transactions.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to endorse the EDA application for the Triumph Grant for Woodlawn Industrial Park on US 331.

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

**C. City Manager Mell Smigielski – Motion to deny the request from Susan Bakalo to purchase or rent city-owned property located off of Lakeview Drive, as it is used for city stormwater**

City Manager M. Smigielski stated that the denial was based on the 10-foot section that the city uses for stormwater. The potential owner does not have a way to get to the property. It is also zoned single family residential. A parking lot would not be appropriate either.

Michael Cole came forward stating he is the co-owner. He is trying to do environmental rehab. The access is being used by the owner next door, as well. He asked to use the property for access.

Councilmember K. Crystal said he has spoken to Ms. Bakalo and stated the other owner should not have access either. He added the only alternative is to move the stormwater drain.

City Attorney Clay Adkinson said that since it is part of our stormwater management, as alternations are frowned on at the State level. Selling the property also puts the city at risk. He agreed the other owner should not have access to the property, as it should not be selective.

**Motion** by Councilmember K. Crystal and seconded by Councilmember H. Ennis to deny the request from Susan Bakalo to purchase or rent city-owned property located off of Lakeview Drive, as it is used for city stormwater.

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

#### D. City Manager Mell Smigielski – Chelco Contract for Purchase

City Manager M. Smigielski said they have negotiated with Chelco, for two million dollar plus \$150,000 to lease the brick building on the south side of the post office for 1 year and 4 months. Chelco has stated they intend to vacate the property by December 2021.

City Attorney Clay Adkinson said we received two appraisals, one for 2,050,000 dollars and the other for 2,250,000 dollars. We said the \$150,000 will be part of the lease, for a \$2.15 million purchase price. Regarding the pre-closing occupancy agreement, the city will pay a \$75,000 earnest money deposit.

**Motion** by Councilmember R. McKnight and seconded by Councilmember K. Crystal to approve the contract with Chelco for the purchase of the real property currently owned by Chelco, depicted in Exhibit A and B.

Councilmember R. McKnight asked if Council was going to be able to tour the facility.

City Attorney Clay Adkinson said on page 3 of the contract, in paragraph 5C, the city has the right to enter and inspect. He added we could ask for a 6-month feasibility study, to see the inside of the building and determine the suitability.

City Manager M. Smigielski said we are doing a bond and will pay it off when the City Hall is sold.

City Attorney Clay Adkinson said it is being treated as a cash closing deal. Councilmember K. Crystal said he was concerned, so he asked for a financing contingency.

City Attorney Clay Adkinson recommended a financing contingency or securing funds and a 6-month feasibility study.

Councilmember H. Ennis voiced concern of too many unknowns.

**Motion** by Councilmember R. McKnight and seconded by Councilmember K. Crystal to withdraw the original motion.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to accept and go forward with the contract with addition of financing contingency and the six-month feasibility study.

City Attorney Clay Adkinson suggested adding that the terms that Chelco would have to accept would be the six months feasibility study, so the Council can inspect the building and include a finance contingency.

Citizen Dr. M. Henderson asked the Council to vote no, as the building has a built-in obsolescence. She wants a new City Hall based on a Master Plan.

Councilmember K. Crystal said we are growing fast and Chelco is moving because they are placing their operations on 331 North. The cost of building and repair is similar. We have placed \$450,000 in repairs in the budget. If we try to build the complex it will be 5 or 6 million dollars.

Councilmember H. Ennis agreed with Dr. Henderson and would like to build new.

Councilmember K. Crystal asked where we are putting the people we have now? We have to make the basic decision based on what we need now.

Councilmember R. McKnight said the approval of the motion does not place the city at risk, as we have the ability to back out after the Council tours the facility. He added the site contains additional storage buildings and land.

Councilmember K. Crystal asked if we have the ability to ask Chelco for repairs. City Attorney Clay Adkinson said the contract is "as is". However, the feasibility study will give us the ability to negotiate.

City Manager M. Smigielski said the appraiser is at one half of its useful life. The long-term solution is the property it sits on. He added the current City Hall will go on the market. Then the new fire and police hall needs to be addressed, and in twenty years a new City Hall can be built.

Mayor Campbell mentioned staff from our annex could be moved to the renovated building.

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

City Attorney Clay Adkinson added the aggregate total does not exceed the appraisals. He will present the changes to the Chelco Board.

F. Deputy City Manager C. LeJeune – Broadband Collocations on City Property located at 110 South 11<sup>th</sup> Street (Wells #1 and #3), 142 Peck Cawthon Road (Well #10), and 451 Sunrise Road

Deputy City Manager C. LeJeune stated this item was given to us by Jacobs regarding a contract with SOM1101 who would like to collocate on three city properties. There will be no interference with how we use the property. She mentioned that Jed Sconiers and Jason Cook are present to speak on the matter.

J. Sconiers, Walton County IT Director, and Jason Cook, Walton County IT Support, for the County came forward. J. Sconiers stated the County put out a bid to design, build, and install an Internet Services Provider for residential services. The County worked out an agreement to work with the city in the area to use their infrastructure. We need approval for all three locations, but definitely the one on 110 South 11<sup>th</sup> Street.

Councilmember T. Bierbaum said SOM 1101, is a revenue generating utility. He added that after two years, he would like to negotiate for lease rentals for this tower space.

J. J. Sconiers said after they generate revenue, they may be willing to negotiate. Councilmember T. Bierbaum added the city could lease the space to other entities.

Councilmember R. McKnight asked they may not need to place the equipment on all towers, and J. J. Sconiers said the grounding has been done on 11<sup>th</sup>, and it will cost \$60,000 in grounding for the other towers. J. J. Sconiers added they are not exclusive to water tanks, as planning and Eglin does not want the towers.

In response to Councilmember R. McKnight, J. Sconiers replied the County is going through the permitting process, and they will need to go through Eglin.

City Attorney Clay Adkinson advised to amend paragraph 25 and 26, stating in paragraph 25, to allow for mutual termination with 30 days advance notice, and in paragraph 26, add a \$1 per month in advance for two or three years, subject to renegotiation on the terms of the contract.

J. Sconiers added the end of 2022 would be a better anticipated completion date.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the broadband collocations with changes that legal spoke of to allow for mutual termination with 30 days advance notice, and add a \$1 per month in advance for three years, subject to renegotiation on the terms of the contract.

City Attorney Clay Adkinson will provide the language for the changes in the contract.

Councilmember T. Bierbaum said he would like the city to look at other fiber options. We need more than Century Link and Spectrum.

Stewart Duncan said the other towers have grounding; however, we do need to have surge protection at 142 Peck Cawthon Road. He would like to see the extra buildings at no cost of the city.

City Attorney Clay Adkinson said the terms of the buildings will fall to the County. All we are doing is providing space.

Stewart Duncan stated Jacobs does not want the inclusion inside the building. Discussion ensued on third party access to our building.

City Attorney Clay Adkinson suggested an amendment that they have to provide the building, as we will not provide the 9-square feet. He added we will provide the outdoor space, and we would have to approve it.

S. Duncan responded that they would have to tap into our power supply.

City Marshal Hurley said the police department has a box with a separate access to the water facility. If they put the generator in it, he will grant them access.

City Attorney Clay Adkinson suggested tabling the item to negotiate the implementation.

**Motion** by Councilmember R. McKnight and seconded by Councilmember H. Ennis to table the item to the next meeting.

In response to legal, **Motion** by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to substitute the original motion in order to table the issue until the next meeting.

S. Duncan asked if he could meet with the company and Council approved his request.

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

City Manager M. Smigielski added Item 6G is regarding the application from Main Street for the Mistletoe Market for November 28<sup>th</sup> from 12 – 7 p.m.

Chelsea Blaich said this is a replacement for Farmers Market, and the barricades will be in the same place at the intersection of Baldwin and 8<sup>th</sup> and Baldwin and 7<sup>th</sup> Street.

**Motion** by Councilmember W. Graham and seconded by Councilmember T. Bierbaum to approve the request. All ayes. Motion carried.

City Manager M. Smigielski asked Chelsea Blaich to speak on Item 6H.



Ms. C. Blaich stated the Small Business Saturday will have street closures on Baldwin between South 7<sup>th</sup> and South 8th for 12/5, 12/12, and 12/19 adding the event will have Santa and Mrs. Claus, carolers and train. The train will stop at 5 p.m., and the barricades will be shifted to the west to make way for Christmas Reflections.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the Special Event Permit for the event, as presented. All ayes. Motion carried.

Ms. C. Blaich announced Main Street has received almost \$10,000 for the event and St. Joe Foundation gave them \$5,000 toward it.

Planning Director K. Schultz said all issues have been worked out.

**7. CITIZEN COMMENTS**

**A. General Comments from the audience**

Stewart Duncan, Jacobs, announced he is providing low country boil on Thursday from 11 – 2 at the Community Center and invited the Council.

City Attorney Clay Adkinson replied that it is an open event in response to Councilmember R. McKnight.

Dan Cosson, Forward DeFuniak, mentioned the LakeFest. He suggested adding a sprint triathlon event which consists of a 5k run, half mile swim and bicycle race. He mentioned a photo contest and Peddler’s Alley would be part.

Mayor Campbell said the LakeFest Committee is under Special Events, and if there is anything out of the norm, they will bring it to the Council.

Dan Cosson said it could add 2-3,000 contestants, but they are capping it to 200 entries.

Council said they approve the concept.

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

**9. EXECUTIVE REQUESTS –**

**A. Mayor Campbell – Appointment to the Planning Board**

Mayor Campbell announced that Steve Youell resigned, as his wife is the new Special Magistrate.

**Motion** by Councilmember W. Graham and seconded by Councilmember H. Ennis to appoint Chris Burgess to the Planning Board.

Councilmember R. McKnight asked if he lived in the city limits and Mayor Campbell replied Mr. Burgess does reside in the city.

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

#### **10. FINANCE –**

A. Finance Director Debra Gibson – Requests a motion to approve a Resolution Adopting a Capitalization Threshold Policy for Financial Reporting; and Providing for an Effective Date

Finance Director Debra Gibson said the Government Finance Officers Association has increased the threshold from \$1,000 to \$5,000. She stated it follows the Generally Accepted Accounting Principles.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve a Resolution adopting a Capitalization Threshold Policy for Financial Reporting; and providing for an effective date.

Councilmember R. McKnight asked about the impact on our auditing. Finance Director D. Gibson said it will not impact us at all, as the items on the inventory will be kept and the property will be depreciated.

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

#### **11. PUBLIC WORKS –**

A. Elissa Pettis, Dewberry, Requests approval of a Resolution supporting the City applying for Florida Recreational Development Assistance Program (FRDAP) Funding to meet the Development Goals of Improving Florence Park

Rudy Mall of Dewberry, representing Elissa Pettis, asked for support of a Resolution to apply for the Florida Recreational Development Assistance Program (FRDAP) for Florence Park.

**Motion** by Councilmember K. Crystal and seconded by Councilmember H. Ennis to approve a Resolution supporting the City applying for Florida Recreational Development Assistance Program (FRDAP) Funding to meet the Development Goals of Improving Florence Park.

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

City Clerk M. Schrader stated the Resolution number is 2020-25.

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

12. **PLANNING –**

- A. Planning Director Kelly Schultz – Motion to approve on 1<sup>st</sup> Reading, An **Ordinance** Amending Ord. 909, providing for the amendment of the City’s Code of Ordinances by Amending Chapter 11, “Code Enforcement”, Article I “Enforcement”, Section 11-2 “Complaints” to replace that section in its entirety with a revised Section 11-2 “Complaints”; providing for repeal of conflicting provisions, motions, resolutions, and ordinances; severability; and for an Effective Date

Planning Director Kelly Schultz said the ordinance was designed for proactive code enforcement.

**Motion** by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve on 1<sup>st</sup> Reading, An **Ordinance** Amending Ord. 909, providing for the amendment of the City’s Code of Ordinances by Amending Chapter 11, “Code Enforcement”, Article I “Enforcement”, Section 11-2 “Complaints” to replace that section in its entirety with a revised Section 11-2 “Complaints”; providing for repeal of conflicting provisions, motions, resolutions, and ordinances; severability; and for an effective Date.

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

Planning Director Kelly Schultz read the Ordinance by title.

- B. Planning Director Kelly Schultz – Motion to approve on 1<sup>st</sup> Reading, An Ordinance Amending Ordinances 881 and 906, Providing for the Amendment of the City’s Code of Ordinances by Amending Chapter 18 “Land Development Code”, Article VII “Specific Uses”, Section 18-53 “Travel Trailers, Mobile Homes and Manufactured Homes” to Replace Subsection (A) Thereof in its Entirety with a Revised Subsection “A”; Providing for Repeal of Conflicting Provisions, Motions, Resolutions, and Ordinances; Severability; and for an Effective Date

Planning Director K. Schultz introduced the ordinance on recreational vehicles stating a workshop was held to listen to citizen input in June and a Planning Board workshop in July 2020, when the COVID restrictions were lifted. The Planning Board presented their recommendations and the ordinance.

Discussion ensued regarding setbacks from the easements and how the code enforcement officer could reliably determine whether the setback was within 10 feet of any structure.

**Motion** by Councilmember R. McKnight and seconded by Councilmember H. Ennis to disapprove as written, as it is arbitrary and punishes some citizens and that it be denied for 1<sup>st</sup> reading.

Councilmember K. Crystal asked if it is a voting conflict if a council member has a travel trailer, and City Attorney Clay Adkinson responded that it did not.

Discussion ensued on parking, enclosures, the need for the ordinance, and the length of time the issue has been discussed.

Councilmember K. Crystal said the staff has been confused on this issue, so a concrete decision needs to be made.

Discussion ensued on having a workshop, subcommittee or special meeting.

City Attorney Clay Adkinson said that Council had a workshop and the changes presented do not reflect the results of that meeting, the Planning Board was directed to hold a workshop, and the Planning Board has provided the Council with a list of recommendations, as requested. If denied, the Planning Board would have to hear it again for more consideration. He cautioned Council that we have abated actions under our Code to allow for changes, so we need to be careful about dereliction of our duty. In Ordinance 881 adjustments which included RV's which were originally considered house trailers. He suggested a special meeting and suggested the Council substitute the original motion.

**Motion** by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to substitute the original motion by disapproving the 1<sup>st</sup> reading, reject the Planning Board recommendations and have Council take it up in a Special meeting.

City Attorney Clay Adkinson said there would be a ruling on the language at that meeting to be later codified in an Ordinance.

Citizen D. Cosson came forward and asked Council to eliminate the setbacks, as RV is moved and added the items that is holding the up ordinance are minimal. He also commented on the elimination of the 24-hour period.

City Attorney Clay Adkinson said there are no temporary restrictions, but they cannot use it as a rental.

City Attorney Clay Adkinson stated the motion being taking up is to hold a Special Council meeting.

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

**13. POLICE** – City Marshal James Hurley, Jr. – Motion to approve the Mayor or designee to sign the FDLE Grant for the Florida Incident Base Reporting System (FIBRS) in the amount of \$41,262.37 for the grant award for FY July 1, 2020 – June 30, 2021

**Motion** by Councilmember W. Graham and seconded by Councilmember R. McKnight to approve the Mayor or designee to sign the FDLE Grant for the Florida Incident Base Reporting System (FIBRS) in the amount of \$41,262.37 for the grant award for FY July 1, 2020 – June 30, 2021.

City Marshal Hurley said he has received an additional \$22,200 in funds including \$15,000 for a traffic grant.

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

**14. CITY ATTORNEY** – No other comment.

**15. STAFF REPORTS –**

- A. City Manager Mell Smigielski requests direction on policy change for small-scale funding

City Manager M. Smigielski suggested moving the discussion to the next meeting in interest of time.

- B. City Manager Mell Smigielski request direction on how to proceed with rental rate adjustments

City Manager M. Smigielski said the current rates he presented are for the Hall of Brotherhood and Civic Center. He suggested considering that non-profits should pay for the use and waive the fees for other governmental entities. Council agreed.

City Manager M. Smigielski asked about a damage deposit fee and Council agreed it was needed, as it is based on cleanliness, and the fee should be reasonable.

Discussion ensued on liability insurance, the rental rates needed to be higher for the Chautauqua Hall of Brotherhood because of the renovations, and whether to consider permitting alcohol.

City Manager M. Smigielski replied to Councilmember T. Bierbaum, the comparisons of Crestview and Niceville were the base point of the figures.

Citizen, Dr. M. Henderson, came forward stating the city does not have a history to develop a cost-benefit analysis. She said in the past, we did not have anything in place to keep the upkeep current. She requested that the Council place a disclaimer that fees could be adjusted.

Councilmember R. McKnight recommended that the first floor for the CHOB should be \$375 with an additional \$90 per hour with a damage deposit set at \$500. He stated the rates should be kept at a premium because it is a historic landmark with a lake and on the historic register. He suggested the second floor be broken out by room and square feet. The discussion of alcohol would have to be approached cautiously and should be discussed at another time.

Mayor Campbell said it is a good idea to allow alcohol. He said most of the conventions and seminars have a two-drink limit. He agreed the first floor should be \$100 higher. He agreed with the community center fees, as presented.

Councilmember H. Ennis stated the fees are fair, as presented.

Councilmember T. Bierbaum mentioned keeping it simple and renting the full second floor.

Councilmember K. Crystal said non-profits should not have the fees waived, as we have to break even. He also mentioned double-dipping when they receive money from the city during the budget process. We have to be able to cover the costs for cleanup.

Deputy City Manager C. LeJeune said it would be cost recovery.

City Attorney Clay Adkinson mentioned Tenant Use Liability Insurance Program (TULIP) and allowing insurance and possibly a rider option that makes insurance more viable.

Councilmember R. McKnight said simultaneous meetings could be held on the second floor, as it does feel the rooms could be split. He thinks the board room could be used at the same time as another room.

Councilmember R. McKnight asked staff to come back with numbers, as well as a damage deposit.

Councilmember H. Ennis asked for the plan for the opening and closing. City Manager M. Smigielski stated Public Works handles it now. However, they will take pictures of the building prior to locking the doors.

Councilmember T. Bierbaum suggested asking City Manager M. Smigielski to bring back fees for alcohol inclusion.

City Manager M. Smigielski announced the Special Magistrate will be held on October 29<sup>th</sup> to give people plenty of notice.

City Manager M. Smigielski stated two bids were received for the fire and police impact fee study, so he will come back with the numbers.

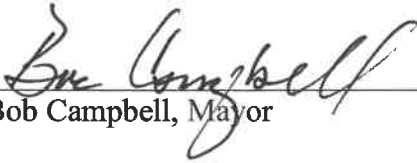
City Manager M. Smigielski also announced the surplus bid opening is tomorrow, and the Building Services are now out for bid.


**15. COUNCIL COMMENTS** – No other comments.

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

**17. ADJOURNMENT**

Mayor Campbell adjourned the meeting at 7:02 p.m.

  
Bob Campbell, Mayor

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

