

**DeFuniak Springs City Council
Regular Meeting Minutes
County Courthouse
November 9, 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); and Henry D. Ennis (Seat 4). 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. Councilmember Wayne Graham (Seat 5) was excused.

Mayor Campbell called the meeting to order at 4:00 p.m. followed by the invocation and Pledge of Allegiance led by Councilmember T. Bierbaum.

3. 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 R. McKnight, Aye; Councilmember T. Bierbaum, Aye; Councilmember K. Crystal, Aye; Councilmember H. Ennis, Aye. Ayes 4, Nays 0. All ayes. Motion carried.

Approval of the Consent Agenda

- A. **Clerk** - Minutes for approval: October 26, 2020 -Regular Minutes
- B. **Administration** – Reserved
- C. **Finance** –
 - 1. Finance Director Morgan Hulion - October Bill Ratification
 - 2. Finance Director Morgan Hulion – Request to approve the Special Event Permit from Christmas Reflections to include November 27th – December 31st from 5 – 9 p.m. with street closure on East Live Oak to Circle Drive Monday – Thursday and one lane entry at US Hwy 331 South to East Live Oak Avenue and South 11th Street to Circle Drive, as detailed in the application
- D. **Planning** – Planning Director K. Schultz - Request from Angela Slay for the Krewe de Yak Mardi Gras Parade and Festival on Saturday, January 23, 2021 from 8 a.m. – 4 p.m. with street closures on East Main Street and Circle Drive

4. 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 announced there were no changes.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the Regular Agenda.

Vote: Mayor Pro-Tem R. McKnight, Aye; Councilmember T. Bierbaum, Aye; Councilmember K. Crystal, Aye; Councilmember H. Ennis, Aye. Ayes 4, Nays 0. All ayes. Motion carried.

5. ADMINISTRATION –

- A. Deputy City Manager C. LeJeune – Motion to approve a Resolution Stating the Intent of the City Council to enter into an Agreement with Walton County for CARES Act Reimbursement Funding to Mitigate and Respond to the current Coronavirus (COVID-19) Pandemic in Walton County and the City of DeFuniak Springs; providing for Severability; and Providing for an Effective Date and approve Walton County CARES Act Grant Reimbursement Agreement, as attached

Deputy City Manager C. LeJeune explained the amount of the agreement is \$140,561.65 and has been approved by the County. She explained the software will update our hardware and critical administrative and services tasks. Staff found it necessary to update our website, as during COVID, we were forced to do our work digitally. During that process, we found areas that needed improvement.

Motion by Councilmember R. McKnight and seconded by Councilmember H. Ennis to approve a Resolution Stating the Intent of the City Council to enter into an Agreement with Walton County for CARES Act Reimbursement Funding to Mitigate and Respond to the current Coronavirus (COVID-19) Pandemic in Walton County and the City of DeFuniak Springs; providing for Severability; and Providing for an Effective Date.

Councilmember R. McKnight asked if there will be additional money from the CARES Act to the city. City Manager M. Smigielski replied the reimbursement goes to the end of the year, so we will not have time to request any more money.

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

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the Walton County CARES Act Grant Reimbursement Agreement.

City Clerk M. Schrader announced for reference Resolution 2020-27 for the record.

- B. Deputy City Manager C. LeJeune – Motion to approve a **Resolution** Stating the Intent of the City Council to enter into an agreement with CivicPlus for the Purchase of CivicOptimize Services providing for Severability; and Providing for an Effective Date, as well as the CivicOptimize Master Service Agreement

Deputy City Manager C. LeJeune mentioned part of the proposal is a module that will allow the city to improve deliver of government services remotely. The software will mitigate the

challenge we have faced with a pandemic. The module will allow citizens to submit on-line forms that will automatically route to the respective department to expedite responses. It will also allow for payments in the future, but we have to get Tyler fully operational along with Civic Plus before that is enabled.

In response to Councilmember R. McKnight, Deputy City Manager C. LeJeune replied utility bills are separate. When it is operational, the software will allow payments for the Planning Department services. Regarding whether a service charge will be applied to credit or debit cards, we will have to integrate with Tyler, so we do not know what the credit card usage is going to be like yet. Councilmember R. McKnight added he would like to see if there is a way to waive the convenience fees on the credit or debit cards.

Councilmember T. Bierbaum agreed but stated this is more of a module to submit forms on-line, so the billing is a separate function.

Councilmember K. Crystal added if the payment is ACH, there is no charge on the utility bill.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to approve a Resolution Stating the Intent of the City Council to enter into an agreement with CivicPlus for the Purchase of CivicOptimize Services providing for Severability; and Providing for an Effective Date, as well as the CivicOptimize Master Service Agreement.

Vote: Councilmember R. McKnight, Aye; Councilmember T. Bierbaum, Aye; Councilmember K. Crystal, Aye; Councilmember H. Ennis, Aye. Ayes 4, Nays 0. Motion carried.

6. CITIZEN COMMENTS

A. General Comments from the audience

Citizen Dan Cosson stepped forward and questioned the new positions including the assistant manager and the civil engineering position added this past year and concern for the need for the new City Hall. He added we have infrastructure problems and would like more fiscal responsibility.

7. REQUEST TO BE ON THE AGENDA – Nothing brought forward.

8. EXECUTIVE REQUESTS – Nothing brought forward.

9. FINANCE – Nothing brought forward.

10. PUBLIC WORKS – Nothing brought forward.

11. PLANNING – Planning Director K. Schultz stated Items 11A and 11B are related to the Comprehensive Plan Amendment and the Eagle's Crossing (Veterans Lodge) Large Land Scale Use Amendment map. She stated the city has received a report from the Florida State Department of Economic Opportunity (DEO) and based on the report, we asked our planning consultant to advise us on ways we can proceed. She added staff has met with representatives of the DEO, Eglin AFB, and the Eagle's Crossing Development team and based on the

comments, we decided the best actions are for Items 11A and B to be removed in order to work on the solutions.

- A. Planning Director Kelly Schultz - Update on the continuation from October 26, 2020 of 2nd Reading, An **Ordinance** Adopting the Amendment of Section 1, Future Land Use Element, of the DeFuniak Springs, Florida Comprehensive Plan, Providing for Adoption, Providing for Severability and Providing an Effective Date
- B. Planning Director Kelly Schultz – Continuation from October 26, 2020 of 2nd Reading for the approval of an **Ordinance** Adopting a Large Scale Land Use Map Amendment of the City of DeFuniak Springs Comprehensive Plan; Changing The Land Use Classifications; Repealing All Ordinances in Conflict Herewith; Providing for Severability and Conflicts Providing for Codification; and Providing for an Effective Date

Motion by Councilmember K. Crystal and seconded by Councilmember R. McKnight to approve the removal of Items 11A and B from the agenda.

Vote: Councilmember R. McKnight, Aye; Councilmember T. Bierbaum, Aye; Councilmember K. Crystal, Aye; Councilmember H. Ennis, Aye. Ayes 4, Nays 0. Motion carried.

- C. Planning Director Kelly Schultz – Request for the approval of the request from Kim Wennerberg for a variance from the Land Development Code for property at 23 South 7th Street to allow the addition of a two-story deck on the rear of an existing building

Planning Director K. Schultz mentioned the property is located in zone C1 and the Historic District. The area is small in the back of the facility and includes trees that are not permitted per our zoning. However, the ordinance states that a tree has to be replaced, if one is to be removed. The applicant, Kim Wennerberg, requests permission to remove the tree, place the a/c on the roof and construct a deck. The Planning Board reviewed the request and recommended approval. No comments have been received in opposition to the request. Ms. K. Schultz also asked for public comment.

In response to Councilmember H. Ennis, Planning Director K. Schultz responded if the request is not approved, Ms. Wennerberg will have to replace the catawba tree. She added the Tree City designation is not the concern. She explained our ordinance applies to private non-residential properties.

In response to Councilmember R. McKnight and his question on space, Planning Director K. Schultz responded the dimensions of the deck would take it to a zero-lot line. She added there is a place in the code to place a donation in the tree fund.

Kim Wennerberg came forward and stated the survey was roughly a 10' x 16' structure with the upper floor at 8 ½ to 9 feet. She added in order to create green space, she will add a hedge row.

Motion by Councilmember R. McKnight to go forward with the Public Hearing on the variance.

Councilmember T. Bierbaum asked for point of order about whether we needed approval for the variance or whether we needed to hear public comment first.

City Attorney Clay Adkinson explained the public hearing was held at the Planning Board stage, but we would hear any public comment today and make a recommendation on the variance.

Motion by Councilmember R. McKnight and seconded by T. Bierbaum approve the variance for property at 23 South 7th Street to allow the addition of a two-story deck on the rear of an existing building.

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

Councilmember R. McKnight mentioned the C1 restricted district should be reviewed for appropriateness, as some of the business restrictions prohibited are neither noisy nor obnoxious.

12. POLICE – Nothing brought forward.

13. CITY ATTORNEY – Nothing brought forward.

14. STAFF REPORTS –

- A. City Manager Mell Smigielski request to approve EPCI as the qualified respondent and proceed with contract negotiations

City Manager Mell Smigielski announced the RFQ's for building permitting and inspection services came in, and EPCI was the only one received. He asked Council for permission to start contract negotiations and send him any concerns for inclusion in the contract they may have.

Motion by Councilmember R. McKnight and seconded by Councilmember H. Ennis to approve EPCI and move forward with negotiations.

Mayor Campbell mentioned his reservations with hiring an inspection company that could affect our relationship with the County.

Discussion ensued on the history of the city providing the services, as well as the county receiving payment of fees.

City Manager Mell Smigielski explained the county receives the fee for doing the permit and the city does not receive any payment.

Councilmember H. Ennis gave a history explaining the city did not have anyone with a license to do the job, so the county took over.

Bo Creel of EPCI came forward and explained his company will provide a clerk on site. His business takes the permit fees and reimburses the city for the services of the clerk. He added he

has a large staff of inspectors. He mentioned an 800 number is provided to the customer that will handle the calls. He explained it is a fully automated process, so the applicant never has to come to the office.

Mr. Creel responded to Councilmember K. Crystal and his request for demolition fees, stating he did not have the exact information with him; however, it runs from one to two hundred dollars including the cleanup of utilities.

Planning Director K. Schultz came forward to explain how the County, under the direction of Mr. Bearden, advised their fees are set to be 100% self-sustaining. She added her internal policy is that we do a work order and staff verifies to see if the utility has been capped. When Public Works gives us written approval, the permit is approved, and the city does not charge for the service. After approval, the customer is sent to Walton County to apply for the demolition permit.

Councilmember K. Crystal voiced concern that the resident would incur an increase, so he cannot support the service. He added he does not think the County is doing a bad job. He was unsure why we went out for an RFP.

Councilmember R. McKnight suggested that staff could negotiate to include a pool of money to assist those who are needy.

Mayor Campbell suggested the service is premature.

Vote: Councilmember R. McKnight, Aye; Councilmember T. Bierbaum, Aye; Councilmember K. Crystal, Nay; Councilmember H. Ennis, Nay. Ayes 2, Nays 2. Mayor Campbell voted nay to break the tie. Motion failed.


15. COUNCIL COMMENTS – Councilmember T. Bierbaum applauded the Public Works and Finance departments, stating the citizens are excited about the work they have done with Christmas Reflections. He added the Special Event Committee has done an excellent job, as well. He added other organizations are also stepping up to provide activities in the area.

16. MAYOR COMMENTS – Mayor Campbell said the building on 7th and Baldwin is looking great with the new paint. He added on November 11th, we have the Veterans Day program.

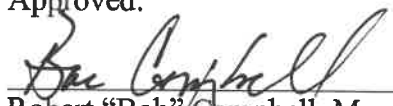
17. ADJOURNMENT

Mayor Campbell adjourned the meeting at 4:52 p.m.

ATTEST:


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

Approved:


Robert "Bob" Campbell, Mayor



November 9, 2020, Regular Meeting