

**DeFuniak Springs City Council  
Special Meeting Minutes  
Council Chambers  
November 16, 2020**

The following Council members were present: Mayor Bob Campbell, Mayor Pro-Tem Robert McKnight (Seat 2); Councilmember Todd Bierbaum (Seat 1); Councilmember Kevin Crystal (Seat 3) at 4:03 p.m.; Councilmember Henry D. Ennis (Seat 4), and Councilmember Wayne Graham (Seat 5). Also, present: Mell Smigielski, City Manager; Carisse LeJeune, Deputy City Manager; City Attorney Clay Adkinson; Finance Director Debra Gibson.

Mayor Bob Campbell called the meeting to order at 4:00 p.m.

**Item 3. RV Ordinance**

Mayor Campbell stated a draft Ordinance was sent out and asked the Council for comment.

City Manager M. Smigielski introduced the draft ordinance, and Councilmember H. Ennis stated we should be careful not to make the ordinance too restrictive for present and future residents.

Councilmember T. Bierbaum would like setback language eliminated.

Councilmember R. McKnight distributed his suggestions stating the enclosure requirement is too restrictive, as the goal was to loosen but not eliminate the restrictions. He mentioned there is no homogenous group to the size and style of the RV's or setbacks. The blight issue was a consideration in introducing the amendment to the ordinance. He added we need something that protects the aesthetics of our neighborhoods.

Councilmember W. Graham suggested building an RV park to allow citizens to park to take care of many of the issues.

Councilmember K. Crystal asked about enforcement. The problem is specific to certain people, but it seems like we are trying to create a citywide HOA.

City Manager M. Smigielski replied that our Code Enforcement Officer would handle the compliance.

Discussion ensued on regulation.

City Attorney Clay Adkinson mentioned the code applied an old version regarding the enclosure requirement. He asked Council to think about whether they want more regulations. The Council could amend Section 18-53 to only applying to mobile homes. The enforcement could be addressed with the blight ordinance and derelict vehicles statute.

Discussion ensued on the ordinance amendment on modular homes, enclosure, parking the RV in the front yard and private rights.

Council agreed that the blight ordinance could be used to handle any issues with RV's.

City Attorney Clay Adkinson mentioned repealing subsection (a) in its entirety.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to repeal Section 18-53 subsection (a) in its entirety.

**Vote:** Mayor Pro-Tem Robert McKnight, aye; Councilmember Todd Bierbaum, aye; Councilmember Kevin Crystal, aye; Councilmember Henry D. Ennis, aye; and Councilmember Wayne Graham, aye.

#### Item 4. Public Comments

Alex Alexander distributed a handout stating that she moved to the city in 2002. She explained she owns a small RV and belongs to the Tin Can Tourists and has hosted many vintage RV rallies. She added she has helped with the Chautauqua Exhibit over the years. She lives on a side street and parks the RV in her driveway. She thinks everyone's situation is different. Her carport was built around 1939, so she could not comply with the proposed ordinance.

Dr. Melinda Henderson came forward stating she also owns an RV. She agreed that if there are other ordinances on blight and setbacks, those ordinances should regulate the RV's. She added boats and trailers are not addressed. Another item is living in an RV, and the Code Enforcement Officer would address that situation. She added there is no sunset provision on variations for emergency situations, adding when the emergency is over, the variance should not remain.

Councilmember R. McKnight said in the current ordinance, one can live in an RV, if it is incidental to construction. He would like that part to remain.

City Attorney Clay Adkinson said if Council deletes all of a, all regulations are deleted, so eliminating (a), removes all restrictions for living in a travel trailer temporary or otherwise.

Councilmember R. McKnight disagreed with eliminating (a), if zoning is affected.

Discussion ensued on keeping the temporary living for construction purposes.

Harley Henderson distributed a handout to Council regarding his proposed amendment to the ordinance. He said we have small lots, so people cannot place the RV on their lots. He said the setbacks are not needed because of the small lots.

Discussion ensued on whether to limit visitors in an RV to a certain number of days. Council concluded they do not want permanent residency but wanted an emergency provision in case of a hurricane.

Several options were to amend the current Section 18-53 (a) – a travel trailer cannot be used as a residential dwelling, deleting #2, under #3, no one can occupy except in an approved RV park, delete b) on the guest issue with the caveat that no travel trailer can be considered a permanent dwelling unit, eliminate the entire section for living purposes (as it will become a zoning issue), removing #3, moving #4 up to replace #3 to keep living is permitted for construction purposes.

Dr. Henderson mentioned we are looking at several documents, so we do not have clear direction.

City Attorney Clay Adkinson said the language could be a guest will be permitted but with limitations on how long the guest can stay and add emergency provisions.

**Motion** by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to rescind the first motion and direct legal to bring back an ordinance for 1<sup>st</sup> reading.

City Attorney Clay Adkinson clarified that the draft ordinance attached to the agenda is not going forward.


City Marshal James Hurley came forward said if the jack stands are down, it is considered a dwelling. City Attorney Clay Adkinson clarified it cannot be permitted as such, but that issue goes to protections for search warrants.

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


Citizen Reggie White said he is not in favor of people living in the RV's or blight issues.

Mayor Campbell adjourned the meeting at 4:56 p.m.

Approved:

  
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Mayor Robert "Bob" Campbell

Attest:

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

