

**DeFuniak Springs City Council
Special Meeting Minutes
Walton County Courthouse
February 11, 2021**

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); Councilmember Henry D. Ennis (Seat 4), and Councilmember Wayne Graham (Seat 5). Also, present: Mell Smigielski, City Manager; City Clerk Maryanne Schrader and City Attorney Clay Adkinson; and Finance Director Debra Gibson.

Mayor Bob Campbell called the meeting to order at 5:30 p.m.

Mayor Bob Campbell explained the meeting was called because a couple of Councilmembers requested a special meeting to go over the City Manager's job performance and the other was for immediate termination.

Mayor Bob Campbell read a letter from City Manager M. Smigielski stating he submitted his resignation effective April 2, 2021.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to accept the resignation effective immediately.

Councilmember Robert McKnight said each councilmember was sent the verbatim comments from the City Manager performance report of Fall 2020. There were a number of deficiencies, so he did not think we should allow the situation to be prolonged for six weeks. He added that the information given to him by the Human Resources Director was substantial. He mentioned there was no written course of action for improvement supplied by the City Manager of any of his six evaluations.

Vote: Councilmember Robert McKnight, aye; Councilmember Todd Bierbaum, aye; Councilmember Kevin Crystal, aye; Councilmember Henry D. Ennis, aye; and Councilmember Wayne Graham, aye. Mayor Campbell announced the vote as five Ayes for immediate removal. Motion passes.

Both Councilmember H. Ennis and Councilmember W. Graham expressed that there was no need to go through a long meeting. Mayor Campbell agreed we do not think the meeting should be prolonged if Council chooses to accept the resignation immediately.

However, Councilmember R. McKnight asked for discussion on whether to keep a Deputy City Manager position.

Motion by Councilmember R. McKnight and seconded by Councilmember K. Crystal to eliminate the position of Deputy City Manager effective immediately.

Vote: Councilmember Robert McKnight, aye; Councilmember Todd Bierbaum, aye; Councilmember Kevin Crystal, aye; Councilmember Henry D. Ennis, aye; and Councilmember Wayne Graham, aye. Ayes - 5. Motion passes.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to direct staff to prepare a city manager job description and return it by the next meeting.

Councilmember R. McKnight suggested the job description should show a level of performance with expectations.

Vote: Councilmember Robert McKnight, aye; Councilmember Todd Bierbaum, aye; Councilmember Kevin Crystal, aye; Councilmember Henry D. Ennis, aye; and Councilmember Wayne Graham, aye. Ayes - 5. Motion passes.

Councilmember T. Bierbaum asked for suggestions on the function of the city in the interim mentioning the mayor could assume some roles on a daily basis.

City Attorney Clay Adkinson explained the Charter requires discussion on a replacement no later than the next meeting. He added if Council wishes to appoint an Interim City Manager, it shall be by four affirmative votes. The interim appointee shall not remain in said position greater than nine months, with an extension, for an additional three months provided that the hiring process for the position of City Manager is ongoing. If the Council wants the Mayor to perform oversight so he can talk to each member individually, that is within their purview. To the extent he needs additional support, the mayor can bring back recommendations on what he needs.

Mayor Campbell said he would like to put the decision off until the next meeting and just have temporary oversight with a decision in two weeks. However, Councilmember R. McKnight said the decision must be done before two weeks, as we need someone responsible to take benevolent oversight and choose staff that he would like to work with. He emphasized we cannot lose continuity and communication.

Mayor Campbell replied he will handle the duties, responsibility, and oversight.

Motion by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to have the mayor act on daily activities with the vacuum that is created in the absence of the City Manager.

City Attorney Clay Adkinson said he agreed with the mayor since there is a vacancy in the city manager position. However, the mayor is not vested with the authority to fill the position. He recommended that it is prudent for the mayor to discuss what staff members will do and what the mayor duties will be in case we need a budget amendment. He encouraged the mayor to keep track of what he can be compensated for. He added the mayor is elected, so we cannot force him to take over the duties.

City Attorney Clay Adkinson suggested he could fulfil the duty and decide a course of action and oversight role and come back at the next meeting to work in coordination with the staff.

Citizen Rudy Sangl came forward stating the mayor should be compensated with the assumption of these new duties.

Vote: Councilmember Robert McKnight, aye; Councilmember Todd Bierbaum, aye; Councilmember Kevin Crystal, aye; Councilmember Henry D. Ennis, aye; and Councilmember Wayne Graham, aye. Ayes - 5. Motion passes.

Citizen Dan Cosson said while the city is working on hiring a Public Works Director, Council should consider that Mr. Drake was never given the function of his duties. He would like the Public Works Director hire to be frozen.

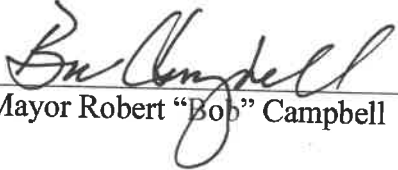
In response from Councilmember R. McKnight to the question on whether the position has been advertised, HR Director, Lacey Woodham, replied that the job notice has been out for two weeks and is open until filled. However, there are four submitted applications. Mayor Campbell said we will follow up at the next Council meeting.

Item 4. Public Comments –


Diane Pickett commented on qualifications of a new city manager. She mentioned that DeFuniak Springs is on the cusp of explosion, so we need a City Manager with extensive qualifications. She mentioned the city needs to consider compensation at the going rate. She added the staff should research the qualifications and monetary needs.

Mayor Campbell adjourned the meeting at 5:58 p.m.

Approved:


Mayor Robert "Bob" Campbell

Attest:


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

