

**DeFuniak Springs City Council
Regular Meeting Minutes
Council Chambers
June 14, 2021**

Mayor Campbell called the meeting to order at 5:21 p.m. followed by the invocation and Pledge of Allegiance.

Mayor Campbell called the roll. The following members were present: Mayor Bob Campbell; Mayor Pro-Tempore Todd Bierbaum (Seat 1); Councilmember Kevin Crystal (Seat 3); Councilmember Henry D. Ennis (Seat 4); and Councilmember Anthony Vallée (Seat 5). Also, present were City Manager Robert Thompson, City Attorney Clay Adkinson, Finance Director Debra Gibson, and City Clerk Maryanne Schrader. Councilmember R. McKnight was excused.

ITEM 2 - CONSENT AGENDA

**Additions/Deletions to the Consent Agenda
Approval of the Consent Agenda**

Mayor Campbell asked if there were any additions or deletions.

Motion by Councilmember T. Bierbaum and seconded by Councilmember A. Vallée to approve the Consent Agenda, as presented.

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

A. Clerk

1. Minutes for approval: May 24, 2021 – Regular Minutes
2. Minutes for approval: May 17, 2021 – Special Meeting Minutes

B. Administration – Ratify Resolution 2021-09 Authorizing the Application of a Special Category Grant from the State of Florida, Division of Historical Resources

C. Police – Request to ratify the Florida E911 Board Grant through Walton County Board of Commissioners

ITEM 3 - 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 Robert Thompson asked to move Item 10C - Liberty Partners before the Proclamation and add the WWTP spill afterward. He stated both Jacobs and Public Works are available for comment.

Motion by Councilmember T. Bierbaum and seconded by Councilmember A. Vallée to approve the Regular Agenda, as amended.

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

ITEM 4 - PROCLAMATION – Mayor Campbell presented a Proclamation declaring June 19, 2021, commemorating the celebration of Juneteenth Independence Day in the City of DeFuniak Springs, Florida to Pastor Tyrone Broadus.

Item 10C 1. Liberty Partners 2021 Legislative Session and Funding Update

City Manager Robert Thompson asked representatives of Liberty Partners, Jennifer Green, Tim Parson, and Katie Taff to come forward and go over any updates. J. Green highlighted HB1633, the Okaloosa Gas District Bill, mentioning the amendments were successful. She added the \$650,000 grant was approved for the airport. They are working on the Job Growth Grant Fund application which is also most complete. They are working with the Dewberry engineers, John Collins with AVCON and Kara to gather ideas for grant opportunities. Tim Parson said there is a focus of sewer and wastewater program funding becoming available with the Northwest Florida Water Management District for wastewater treatment needs, as Federal funds may be forthcoming. Katie Taff, Grants Administrator, came forward and went over funding from the American Rescue Plan Act which allows aid to local governments, particularly with just under three million dollars being allocated to DeFuniak Springs. She mentioned the city is classified as a non-entitlement unit of local government and have a checklist to go through to get the funding quickly. The funding will arrive in two payments and is estimated to arrive in the next sixty days. She went over the timeframe for costs occurring from March 3, 2021, through December 31, 2024, and an extension to 2026 to complete projects. The Period of Performance consists of five buckets of funding eligibility and gave details, stating managing of programs with overlapping timelines will need to be leveraged to ensure eligibility, duplication of benefits, financial and compliance and timely reporting. The categories include support public health expenditures, address negative economic impacts, economic harm to eligible workers by providing premium pay to eligible workers and infrastructure investments, such as broadband, drinking water, supporting wastewater, and stormwater infrastructure. She went over restrictions of use and suggested holding a workshop for citizens. She added comments on guidance should be submitted by July 16, 2021.

2. Liberty Partners – Professional Services Contract (10 C.2)

Councilmember K. Crystal said Liberty Partners has done a great job in mitigating for the Okaloosa Gas project and assisted in getting the \$650,000 grant for the airport. Liberty Partners has connections in the legislature which is helpful. The whole contract is \$72,000 for sixteen months of work mentioning the comparison in what they have saved the city and coordinating with our grants for additional opportunities.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to authorize and approve the execution of the Professional Services Contract.

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

City Manager R. Thompson announced that we had an incident at the wastewater treatment plant on Sunday morning stating the spill was treated water. He has met with Jacobs and stated the incident was due in part to the plumbing, vintage 1987, which gave no warning indicators, it simply burst. The new pump will come in Thursday and DEP has been notified. He expressed the fact that he physically saw the pipe, he called the Mayor and Council, and asked Mr. Drake and Mr. Duncan forward in case anyone had questions.

Councilmember K. Crystal asked for clarification, and City Manager R. Thompson replied that the section of piping that broke did not show indication that it was faulty. Regarding the question from Councilmember K. Crystal on how far the water went into the wetlands, Stewart Duncan sampled the area that went into the wetlands and added he also has sent the reports to the DEP. Public Works Director Craig Drake said the majority of the treated water stayed on the premises. City Attorney Clay Adkinson will determine what follow up action would be needed.

Councilmember T. Bierbaum said he understood it was in the section of pipe that was not being worked on. He voiced concern on the number of issues, as well as the letter that was sent from DEP on the operational perspective under Jacobs' watch. He voiced concern on the scrutiny from DEP on the half million-gallon spill.

Councilmember K. Crystal requested an update for the next meeting.

ITEM 5 - PUBLIC HEARING/ORDINANCES

2nd Reading

- A. Planning Director Chris Wallace – Request motion to conduct a Public Hearing and approve on 2nd Reading, An Ordinance adopting a Small-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 (Property located at 1667 Highway 83N)

Mayor Campbell opened the Public Hearing at 5:58 p.m.

City Attorney Clay Adkinson called for anyone wishing to speak on items A – D to come forward and be sworn in and present testimony.

Planning Director Chris Wallace came forward to speak on the property located at 1667 Highway 83N owned by Craig Thomas stating the applicant would like to allow for future storage on the property, noting he wants to clear the land for a parking lot.

Motion by Councilmember T. Bierbaum and Councilmember H. Ennis to approve the Small-Scale Land Use Map Amendment request.

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

City Attorney Clay Adkinson read Ordinance 922 by title, An Ordinance adopting a Small-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.

- B. Planning Director Chris Wallace – Request motion to conduct a Public Hearing and approve on 2nd Reading, An Ordinance adopting Zoning Map Amendment of the City of DeFuniak Springs Land Development Code; Changing the Zoning Designation; repealing all Ordinances in Conflict herewith; Providing for Severability and Conflicts; Providing for Codification; and Providing for an effective date (Property located at 1667 Highway 83 N)

Planning Director Chris Wallace advised it was a zoning map amendment for the Industrial designation.

Motion by Councilmember T. Bierbaum and Councilmember A. Vallée to approve the zoning map.

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

City Attorney Clay Adkinson read Ordinance 923, An Ordinance adopting Zoning Map Amendment of the City of DeFuniak Springs Land Development Code; Changing the Zoning Designation; repealing all Ordinances in Conflict herewith; Providing for Severability and Conflicts; Providing for Codification; and Providing for an effective date by title.

- C. Conduct a Public Hearing and approve on 2nd Reading, An Ordinance adopting a Small-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 – (Property located on the east side of Highway 331 South, just south of Orange Avenue)

Planning Director Chris Wallace mentioned Bruce Naylor is representing Jerold Derkaz who wishes to change the zoning from Low-Density Residential to a Commercial designation on the one acre of land just south of Orange Avenue on Highway 331. No development is planned at this time, but it will be marketed for commercial purposes. He noted the traffic on the stretch of road.

Motion by Councilmember T. Bierbaum and Councilmember H. Ennis to approve the Small-Scale Land Use Map Amendment.

Evan Anderson, resident, came forward and said his property is adjacent on the south side. It is one of five of single-family homes in the area. He is concerned with the property being rezoned as C2, Commercial, adding the property is boxed in by single-family residential homes. It impacts the properties around it and asked that it be changed to C1 instead, to limit the use for something more appropriate. He added his neighbors have similar concerns.

Councilmember K. Crystal read a letter from Whitney Davis who could not attend. She sent a letter on May 12, 2021, to the Planning Department and Council expressing her and husband's strong opposition to the change in zoning. She believes her property will be compromised. Traffic noise and harm to the animal's habitat was noted, as well as harm to the area historical homes. She asked that Council not rezone to C-2 and suggested a C-1 designation. She added residents take pride in their historical homes.

Councilmember H. Ennis said he understands the position, however, the property may not be able to sell as residential.

Planning Director Chris Wallace went over spot-zoning, C-1 and C-2 uses and map restrictions. Responding to questions from Council, the C-2 designation would allow for all uses in a C1 plus a wider range of uses. There are a lot of uses that would not be ideal, however the landscape median will limit the uses because of the left turn lane. He said our ordinances have limited zoning maps and categories. He added there is C-2 zoning across the street but advised against spot zoning. He stated a project would not go back to either the Planning Board or the City Council if the project fits into the zoning.

City Attorney Clay Adkinson said the discussion should be on district purpose that is in the Code. He went over the intent of a C-1 for retail shopping and prohibits unsightly storage areas or has adjacent parking and accessory uses. On the other hand, C-2 said it intended that is primarily business district areas that is not in a neighborhood and is convenient to motorists adding the role of Council is to review for specific purposes.

Councilmember A. Vallee said it is a walkable area and does not include large parcels.

Councilmember T. Bierbaum said his concern is delivery trucks have accessibility issues on the smaller parcels. He asked if additional categories can be added, and City Attorney Clay Adkinson said it is possible to add the changes to the Code. He added that what we are seeing is three levels of residential, three levels of commercial and two or three levels in mixed-use. It is better to draw the best fit and then develop a map to show the residential areas. We need to broaden the categories. We are looking at Code revisions at the Planning Board level for the land development code and to modernize our Code.

Mayor Campbell asked whether the owner would have to pay fees again, and City Attorney Clay Adkinson replied that the applicant would have to pay if he withdraws or the applicant could make a voluntary change and request an amendment. The Planning Board has already approved the more intensive use, so Council would take up the amendment on the less intensive use.

Bruce Naylor came forward and said the reason for the request of change of zoning is for the best use of the property adding residential zoning is not the best use. In 2019, the traffic count was seven million. The issue is the demand for commercial development. Regarding the C-1 or C-2, he said low density residential is not the higher investment. He added Highway 331 is a major target area. He said he would like to amend his application to request C-1, so the client does not incur additional cost.

Councilmember A. Vallée asked about the uses and City Attorney Clay Adkinson said the use exception is allowed for drive-in eating establishments, bars and taverns, bus, train or taxi terminals, shopping centers or service stations, so to the extent that those items would need special approval, they would have to come back before the Planning Board. City Attorney Clay Adkinson advised that the two options tonight are to either approve the small-scale amendment or approve with the condition that the applicant bring back the zoning map amendment submittal.

Motion amended by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the Small-Scale Land Use Map Amendment with the condition that the applicant amends the submittal for a C1 designation.

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

City Attorney Clay Adkinson read Ordinance 924, Small-Scale Land Use Map Amendment, An Ordinance adopting a Small-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, by title.

- D. Planning Director Chris Wallace – Request motion to conduct a Public Hearing and approve on 2nd Reading, An Ordinance adopting Zoning Map Amendment of the City of DeFuniak Springs Land Development Code; Changing the Zoning Designation; repealing all Ordinances in Conflict herewith; Providing for Severability and Conflicts; Providing for Codification; and Providing for an effective date – (Property located on the east side of Highway 331 South, just south of Orange Avenue)

City Attorney Clay Adkinson advised the zoning amendment is continued for C-1 zoning adding the applicant may submit at no additional cost.

ITEM 6 - RESOLUTIONS

- A. Grant Coordinator Kara Chilcutt – Motion to approve the Resolution regarding a Face Mask Requirement for the City of DeFuniak Springs Airport

Grant Coordinator Kara Chilcutt said the requirement is part of the grant approval, as part of the condition of the grant. The requirement does not lift until the mandate is lifted.

Motion by Councilmember T. Bierbaum and Councilmember A. Vallée to approve the Resolution regarding a Face Mask Requirement for the City of DeFuniak Springs Airport.

In response to a request from Council, Grant Coordinator K. Chilcutt replied the requirement terminates at the end of the Executive Order.

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

B. City Attorney Clay Adkinson - Resolution Establishing a Policy and Procedure for Dispositions of Imposed Code Enforcement Fines and Liens

City Attorney Clay Adkinson explained the process for the liens stating they must remain outstanding four months. If the lien exceeds the property appraiser's value, the city manager would contact legal to start the foreclosure. It will not apply to Homestead Exemption, or if the owner resides in the home, however, those instances will come before Council to be approved by 4 out of 5 votes. It does provide for an out, and if it is in the best interest of the city as the goal is to turn the property over to the CRA. The second part is to enable the City Manager to settle the lien, so we have written in the policy that the City Manager may reduce the pay-off assuming code violations are clear, and the owner has given permission to enter the property. The goal is for the process not to be detrimental to the city.

In response to the question on accepting a minimum bid at our cost from Councilmember T. Bierbaum, City Attorney Clay Adkinson replied he did not recommend a minimum bid, as there could be environmental concerns on the property. The liens will come back to the Council on a case-by-case basis. The Council will have to make the determination, as it does not fall under the City's purchasing policy. He added there will be many attempts for compliance before the case even goes through the Special Magistrate.

Code Enforcement Officer C. Strawn said we have tried to contact the violators between five or six times before the case goes before the Special Magistrate and City Attorney Clay Adkinson said we try to attempt voluntary compliance, and if the violator makes an attempt to contact the city, we try to assist in the compliance. This is more of a situation where the fines outweigh the value of the property. The goal is cleaning up blight.

Motion by Councilmember K. Crystal and seconded Councilmember T. Bierbaum to approve the Establishing of a Policy and Procedure for Dispositions of Imposed Code Enforcement Fines and Liens.

Resident Robert Raymond came forward to state that his case is one of the Special Magistrate cases and said his fines accrued because Attorney Clayton Adkinson took a case from his neighbor an hour before the property was to be sold and stopped the sale. Mr. R. Raymond said the Magistrate only looked at his case on his camper, which is used as a construction trailer. After eighteen months, he said he lives in the trailer because the neighbor's sale of the property was stopped.

Discussion ensued on the issue between Mr. Raymond and his neighbor being a civil matter and not related to his case that went before the Special Magistrate.

Councilmember K. Crystal said Clayton Adkinson represented the neighbor under his private practice. He added the city had a moratorium for an extended time, and the city had two code officers that have worked with Mr. Raymond. The City of DeFuniak Springs has worked within the Code. There have been several opportunities for Mr. Raymond to fix the property. He does not appreciate the accusation that the city has done anything wrong and added the city has given him two extensions to correct the violation.

City Attorney Clay Adkinson said the city was not a party to the civil case stating the civil case was a private action adding Mr. Raymond is in civil litigation that does not concern the city.

Next, Bill Ferony, citizen, came forward and stated that he lives on the corner of Bruce and Michigan. He said the road has changed in ten years. It has been widened. There is no policing on the road for speeding. Mayor Campbell advised he could address the issue later after the vote on the current motion.

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

City Clerk M. Schrader announced that the Resolution is titled 2021-11.

ITEM 7 - REQUEST TO BE ON THE AGENDA

- A. Walton County Fair Board Association – Dale Anderson, President of the Walton County Fair Association – Proposal for city property to be used for parking by the Fair Association

Dale Anderson said the Fair Association needs additional parking for safety issues, as the Fair will continue to grow. He gave options for Council to either buy, lease, or donate the property to the Fair Association.

Councilmember T. Bierbaum said he is not interested in a long-term lease. It is advantageous for the city to support the Fair Association.

Motion by Councilmember T. Bierbaum and seconded Councilmember H. Ennis to donate the land for parking to the Walton County Fair Association, as the city no longer has use for the property, and it is advantageous to the city to surplus the property.

R. Sangl came forward mentioning the Planning Board gave a variance on a 5-0 vote to give the property on the east side to the Farm Bureau on May 11th for the six acres on the east side of the fairgrounds noting safety concerns and on June 22nd, the Council approved the transfer adding the Farm Bureau has done nothing to the property.

Dale Anderson explained they have been waiting on the County to clear the land, however, there are wetlands on the property. He said the Farm Bureau property is being cleared by the inmates

to train on heavy equipment. They will clear the other property at the same time if the city donates it.

Discussion ensued on why the Farm Bureau has not used the property yet and the relocation of a fire hydrant to the east side of the property.

Councilmember T. Bierbaum said he would like to entertain a motion to have the County relocate the fire hydrant.

Councilmember K. Crystal asked about the property use and City Attorney Clay Adkinson replied that it was the old city clay pit containing 3.2 acres.

Councilmember K. Crystal said the variance was done in May 2020, and Dale Anderson replied the County is going to have the engineer mark the wetlands before the heavy equipment work can be started.

Danny Glidewell said he is the Vice President of the Fair Association Board. He explained the County had agreed to clear the land for the Fair Association. The Farm Bureau piece is on the east side, as well as the fire hydrant. The sheriff has agreed to do the clearing, that will give the Fair parking, as we have had close calls regarding safety. He added granting the property to the Fair Association will allow us to use the clay pit for parking which will take parking off of Highway 83. We will continue to have issues with safety if we do not do something about parking.

Dr. Melinda Henderson, resident, came forward stating planning for increased traffic is important, as parking along Highway 83 is extremely dangerous.

Dale Anderson added the fairgrounds was designated as a COVID site, so we need continue to keep people from parking on Highway 83. He added they have volunteers for the safety of those crossing Highway 83. He added he has four months to sod the area for parking.

Councilmember K. Crystal said we need to put Highway 83 on our project list.

In response to the question from Councilmember K. Crystal on what happens if DOT decides to widen the road, City Attorney Clay Adkinson mentioned a reversal clause could be added to deed the property back to the city, if the Fair Association will no longer need it.

Motion amended by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to add the reversion clause to deed the property back to the city if the Fair Association no longer will need it.

Councilmember A. Vallée said in the spirit of safety, park the volunteers on the side of the Fairgrounds.

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

ITEM 8 - CITIZEN COMMENTS – General Comments from the Audience

Mr. Farony, resident, came back up about the safety of the road. The biggest issue is that once the drivers leave Bruce, they speed up to 50 mph. Regarding the safety of the children and animals, he proposed erecting electric signs and suggested 25 mph speed restriction with a school zone is adequate.

Next, Dr. M. Henderson said some triathlons have occurred around and had feedback that ours was the best and safest triathlon that they have attended. She offered a gift of appreciation to the Mayor and City Council.

Mayor Campbell voiced his appreciation to the police department, and City Marshal James Hurley said he will take care of the traffic issue mentioning this justified adding more positions in the police department.

Pastor Tyrone Broadus came forward and thanked the Mayor for the proclamation. He announced the celebration will be 10:30 a.m. to 1:30 p.m. on June 19th at the Trivoli Complex. He also suggested adding an overpass on Highway 83 to make sure pedestrians can walk safely over the road.

ITEM 9 - DEPARTMENT REPORTS

A. ADMINISTRATION –

1. Holly Dincman, Labor Attorney – Motion to approve the Memorandum of Understanding for the AFSCME Collective Bargaining Agreement Negotiations

Holly Dincman, Labor Attorney introduced herself and mentioned she would like to close out the FY20 and FY21 negotiations. She explained the Executive Session was in February for the ratification of the two agreements and new hire orientations.

She explained the wages and benefits, in Article 19 and 20, were opened. They had a late start this year for the two items regarding new hire orientations during Open Enrollment to include a representative present to provide information on Union benefits. The city will not administer for them, however. The other item is related with wages. The city approved the Mercer Pay Study, and the Union asked that on a one-time basis, for the sum total of the aggregate for a one time pay increase of \$659.95 for each of the 49 positions. So, at the beginning of the next fiscal year the Mercer Study pay will go into effect, and it has been budgeted. She explained in 2017, bargaining employees took a lesser pay increase to pay for the Study to be completed. As we roll into a new bargaining year, the city may consider a raise in the budget process. She added the packet included the changes highlighted in red in the agreement along with a draft Memo of Understanding stating there is not much change from what the Council approved.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the ratification of the two agreements and the new hire negotiations.

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

Holly Dincman, Labor Attorney said we hope the new negotiations will be completed by October 1st to avoid any headaches with retro payments.

Mayor Campbell called for a recess at 7:34 p.m. Mayor Campbell resumed the meeting at 7:44 p.m.

2. City Manager Robert Thompson – Motion to approve an Agreement with the National Caucus and Center on Black Aging Agreement/Senior Community Service Employment Program Letter of Commitment for Carla Brown

City Manager Robert Thompson asked for approval on the renewal of employment includes no cost to the city.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the Agreement with the National Caucus and Center on Black Aging Agreement/Senior Community Service Employment Program Letter of Commitment for Carla Brown.

Dr. M. Henderson, resident, came forward stating the city is missing an opportunity at the Visitor's Center for failing to provide staffing and location for maximum expansion.

Mayor Campbell said he spoke to staff and are satisfied with what we are doing.

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

B. DEWBERRY/ENGINEERING REPORT

Cliff Knauer said they turned in the 30% plans into Walton County and will work with the school on the sidewalks. They hope to get input from Council on the preliminary plans. He added he is willing to meet with Council to discuss long range transportation needs.

Mayor Campbell said there are only certain roads that meet the criteria for the TPO. We can have Dewberry put together a list of what makes sense, adding we should include everything, as we can use the list for some other funding source.

Councilmember T. Bierbaum asked about a workshop with Dewberry, as we want to tie Walton Road into 20th and beyond that we have west DeFuniak and the middle school and tying it all together. For identifying cost, Dewberry said there will be no cost for the workshop.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to set date and time for a workshop to go over the long-range transportation needs list and set priorities based on the schedule for next week for two hours from 4 p.m. to 6 p.m. on Monday, June 21 at City Hall.

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

Motion amended by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to schedule a Special meeting instead of a workshop.

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

ITEM 10 - LEGISLATIVE REQUESTS

- A. Councilmember A. Vallée – Direct staff to add anti-litter campaign language on utility bills, as well as social media and the City website through September 30th

Councilmember A. Vallée said we have an area on the utility bill where we can add anti-litter campaign language. He said we have not had any work crews for some time and there is a lot of litter. He said it coordinates with September being National Litter Month with September 17th being National Clean Up Day. He asked for volunteers to do the cleanup for a pickup event. He asked the city manager to put together a team to develop a slogan and a logo such as a DeFuniak Pride to please clean up and keep our city clean adding it is a way for the community to get involved.

Motion by Councilmember A. Vallée and seconded by Councilmember T. Bierbaum to direct staff to create anti-litter campaign language to be included on utility bills, as well as social media and the city website through the month of September.

City Manager R. Thompson suggested magnetic signs for city cars “To keep DeFuniak Clean” and any other inexpensive marketing mechanisms to keep the message going past the September time frame.

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

- B. Councilmember A. Vallée – Establishment of hours and locations for swimming in Lake DeFuniak

Councilmember A. Vallée said it has been 57 years since Ordinance 376 shut down the Lakeyard for swimming. There used to be kayaking, canoeing, and mentioning the schools used to have swimming lessons at the lake. Ironically, a large portion of the community cannot swim now.

The ordinance of 1964 was intended to designate a portion of the area for swimming, and they shut it down to swimming, fishing, kayaking and all human activities until 1977. Since 1977, Ordinance 441, has been used to prohibit swimming, however, it was never intended to eliminate swimming in the lake. It was intended to open up an area for swimming. He provided some history recounting that the minutes do not reflect why the lake was closed. The newspaper account of the meetings in 1977 stated the Environmental Protection at that time stated bathroom

facilities were required at the lake. As we are coming up on the 43rd year that there has been a ban on the swimming, he proposed, with the existing Ordinance, hours from 8 a.m. to sunset, requiring proper attire, designating an area behind the amphitheater for swimming, opening from March 1st through September 30th, providing additional trash receptacles, no fishing within 50 feet of the swimming area, and no one under 15 can swim without an adult present, and for able-bodied adults to be able to free-swim. He suggested leaving it to the City Manager for specific details.

City Attorney Clay Adkinson said the Council would need to designate the area and hours per the ordinance.

Motion by Councilmember A. Vallée and seconded by Councilmember T. Bierbaum to designate an area adjacent to the Amphitheater for public swimming, between the hours from 8 a.m. to sunset Monday through Saturday and Sunday from 12:30 p.m. to sunset from March 1st to September 30th.

Councilmember H. Ennis said it was discussed in the past that sand should be placed at the area which involves cost, and the Muscovy ducks, as they make a mess. Also, the boat motors were banned but electric motors were approved so one could still fish were issues brought up in the past.

Discussion ensued on placing sand in the area, the ducks, capacity and how that element would be handled, as well as the need for lifeguards.

Councilmember T. Bierbaum said the north Walton Tourist Development Tax could be used for marketing to entice people to come to the lake with kayaking as the backdrop with the Chautauqua Hall in the background. He added sheer activity will keep the grass and sand clear.

City Attorney Clay Adkinson advised the motion should be contingent on staff addressing insurance liability and developing an operational plan and to provide for an effective date after the plan is in place.

Councilmember T. Bierbaum mentioned we already have public swimming at Lake Stanley.

Councilmember K. Crystal voiced concern that our lake is fed by Bruce Creek with several reports which state Bruce Creek is contaminated. He is not personally in favor of swimming because of that issue. He said the water must be tested for swimming, and we need to contact the DEP to ensure there are no endangered species in the lake, such as Gopher turtles or whether we have to relocate the ducks or turtles. He added Lisa has called the insurance provider, and we are covered from an insurance standpoint and voiced concern about safety before moving forward.

In response to Councilmember H. Ennis and the question on who does the testing in the lake, and Mayor Campbell replied that Jacobs tests the water. Mayor Campbell added the lake water is up to 90 feet deep from where the water comes from.

City Attorney Clay Adkinson advised that staff should contact DEP regarding any environmental concerns.

Motion amended by Councilmember A. Vallée and seconded by Councilmember T. Bierbaum designate an area adjacent to the Amphitheater for public swimming, between the hours from 8 a.m. to sunset Monday through Saturday and Sunday from 12:30 p.m. to sunset from March 1st to September 30th but not to begin until policies are in place and add that staff continue the existing monitoring and testing and verify with DEP that there are no endangered species or other wildlife that would restrict human activity.

Vote: Councilmember T. Bierbaum, Aye; Councilmember K. Crystal, Nay; Councilmember H. Ennis, Aye; Councilmember A. Vallée, Aye. Ayes 3, Nays, 1. Motion carried.

ITEM 11 - CITY ATTORNEY – No further comments.

ITEM 12 - COUNCIL COMMENTS - No further comments.

ITEM 13 - EXECUTIVE COMMENTS - No further comments.


ITEM 14 - ADJOURNMENT

Mayor Campbell adjourned the meeting at 8:16 p.m.

Approved:


Bob Campbell, Mayor

ATTEST:


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

