

**DeFuniak Springs City Council
Regular Meeting Minutes
Council Chambers
August 9, 2021**

Mayor Campbell called the meeting to order at 5:01 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 Robert McKnight (Seat 2); 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.

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.

City Manager Robert Thompson announced that Item 2C needs to be removed and placed on the August 23rd agenda.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the Consent Agenda, as amended.

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

A. City Clerk Maryanne Schrader

1. Minutes for approval – July 26, 2021 - Regular Meeting Minutes
2. Minutes for approval – July 26, 2021 – Public Workshop Minutes

B. Administration –

1. Lacey Woodham – Ratify City Manager Employment Agreement
2. Lacey Woodham – Approve adjustment to approved Airport Maintenance Technician to an Airport Line Technician position
3. Grant Coordinator Kara Chilcutt – Approve the revised agreement regarding the historic structure reporting for the FY22 Library Architectural Assessment Grant Agreement – Amendment 2
4. Grant Coordinator Kara Chilcutt – Approve the application for the Airport Rescue Grant Program (ARGP) for \$32,000

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 R. Thompson requested that Item 7A be moved in front of the Regular agenda.

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

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

Item 7A. Dewberry/Engineering Report –
1. Mobility Plan Priority Projects

Ms. E. Pettis went over the mobility plan projects rankings. Councilmember A. Vallée said the projects were not clear and needed more detail. E. Pettis replied she can provide detail and send the list back out.

Discussion ensued on the deadline to have the city's input for the County deadline to submit projects to the TPO. E. Pettis said Dec 10th is when the Planning Council must have their projects compiled and wished to have the city plan included, adding the project is on the County agenda for tomorrow. Mayor Campbell said he is meeting with DOT at the end of the month and wanted their input first. E. Pettis mentioned the Planning Council advised that the projects can be added but not removed.

Councilmember A. Vallée said the Council has not decided if we are to be part of the mobility plan, and Mayor Campbell said he wanted the city to have a plan of its own in place adding the city can give the County an idea it will assist them. Councilmember K. Crystal said he does not mind submitting, as long as the County knows we have not opted in. He added he was concerned that about obligating funds right now. Councilmember T. Bierbaum concurred. Additionally, Councilmember A. Vallée voiced concern that the Council has not received input from the City Planner.

Ms. E. Pettis said she will submit the details to the city manager tomorrow, and City Manager R. Thompson said he will disperse the detail listing next Tuesday, as he will be attending a conference.

Item 7A – 2. SRF Wastewater Improvements Phase 11A (Construction) – Motion for the approval of the City Manager to execute Change Order #1 for official submittal to SRF

Ms. E. Pettis mentioned the SRF Change Order which has been under construction. She asked that Council approve the city manager to sign the Change Order.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to approve the City Manager to execute Change Order #1 for official submittal to SRF.

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

ITEM 4. PUBLIC HEARING/ORDINANCES

A. 1ST Reading –

1. Planning Director C. Wallace – Motion to approve on 1st 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 regarding (N 20th Street)

Mayor Campbell opened the Public Hearing at 5:14 p.m.

City Attorney Clay Adkinson called for anyone wishing to speak to come forward on the Public Hearing and Planning Director Chris Wallace was sworn in.

Planning Director Chris Wallace came forward to speak on the property located and said it is currently zoned as R-2 and has requested to approve the amendment of the Future Land Use Map to Multi-Family. The developer has submitted the conceptual plan and would like to ensure the zoning is in place before proceeding with their project.

Dee Brightwell representing the developer was then sworn in. Dee Brightwell said the project is preliminary and they are in the process of securing financing and are about twelve to sixteen months out. The complex will be similar to Shoemaker Place, a three-story, family-oriented complex with pool and playground. Planning Director Chris Wallace added it is across the street from the Highlander Apartments.

Motion by Councilmember R. McKnight and seconded by Councilmember K. Crystal to hold a Public Hearing and approve the Ordinance for 1st Reading and 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.

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

Planning Director C. Wallace read the ordinance 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 regarding (N 20th

Street). He stated that second reading is scheduled for August 23rd.

ITEM 6 - RESOLUTIONS

A. City Manager R. Thompson – Request a motion to adopt a Resolution of the City of DeFuniak Springs relating to Facility Rental Fees

City Manager R. Thompson explained the resolution will determine how the city wants to regulate the rates.

Motion by Councilmember R. McKnight and seconded by Councilmember K. Crystal to start the discussion.

Councilmember T. Bierbaum suggested adopting the temporary solution of cutting the rates in half except keeping the damage deposit at \$500 when alcohol is involved and leaving the rate at \$250 where no alcohol is involved.

Councilmember R. McKnight said the rates are too high. He proposed three tiers of rates, non-profits, residents', and all others, as it will decrease the rates for non-profits, reduce the rates for residents and all others will be raised. The proposal is revenue neutral as there is no one right way to do this. The out-of-town people, especially when alcohol is involved, should pay a premium. The nonprofits need to receive a discount, but residents should not have to pay a premium rate.

Councilmember K. Crystal said the concern with the proposal from Councilmember McKnight is he has not had a chance to look at it or how staff would determine residency. In response, Councilmember R. McKnight replied that the renter would have to show they live in the city limits.

City Manager R. Thompson asked whether the item should be tabled so the Council is able to review it further. However, discussion ensued on the price increases and whether to act on the rates, as well as the tiered approach.

Councilmember T. Bierbaum suggested the rate for the Chautauqua Hall of Brotherhood building should be \$800 for eight hours, and if there is no alcohol, a \$250 damage deposit and \$500, if alcohol is involved. He added requiring a deputy present should remain. He added the set up and tear down fee implies that it is policy and suggested that if they want to pay the \$200, the fee should not be required. Having someone be required to have a layout of the events is also not practical. He mentioned the floors are going to get damaged if the floors are that sensitive, so we are occupying the staff unnecessarily.

Mayor Campbell asked Cindy Permenter to distribute the pictures of the damage incurred at the event this past weekend. Mayor Campbell said a \$200 or \$250 deposit is not going to be enough. However, Councilmember T. Bierbaum said if someone leaves the building in disarray, the city manager can determine that the deposit is not returned.

City Manager R. Thompson said the setup fee is designed to ensure that we can minimize the damage that may occur. He said the intent is to protect the integrity of the building so everyone can use it. Councilmember H. Ennis agreed that we do not need to return the damage deposit.

Councilmember R. McKnight said he could hear the noise from his home, but it was a party. He does not think we should half the fee in the packet as that was too low. If you are out of town and not a nonprofit, we will charge the renter more.

Councilmember K. Crystal mentioned \$400 for the damage deposit on the damage deposit, if we are going to waive or make the setup fee optional, and Councilmember T. Bierbaum compromised at \$300. Councilmember K. Crystal stated he would be agreeable to \$300 without alcohol and \$500 with alcohol.

Citizen Dr. M. Henderson said the facility has to be useful. Many non-profit organizations do not have the manpower to move the tables and chairs. She thought the objective was to bring people to the city for meetings or conferences. Councilmember K. Crystal said it cost \$5,000 to \$7000 for the hotels on the beach.

Councilmember A. Vallée asked about a resident rate as a third category. City Attorney Clay Adkinson recommended sticking with two rather than three categories. He suggested placing residents and non-profits together. He said he does not think we can enforce the resident and nonresident challenge. Currently, as it is worded, a citizen can take it out in their name for a non-related resident. He does not see a way to stop a resident for renting an out-of-town business in their name. Council agreed on having two categories, and a reasonable damage deposit.

After discussion on the alcohol fee and security, Councilmember A. Vallée said a resident and non-resident with local resident as a point of contact would be workable suggesting the half off rate, making the setup/cleanup as optional and shifting the damage deposit to \$300 with no alcohol and \$500 with alcohol. We could place the officer as a separate contract. He added the floor needs some life. Once we see the revenue, we can determine the maintenance schedule adding periodic repair is needed.

Motion amended by Councilmember R. McKnight and seconded by Councilmember K. Crystal to be consistent with the comments from Councilmember A. Vallée.

Discussion ensued on the need for a separate insurance certificate for the caterer. City Attorney Clay Adkinson said it is needed unless the general liability extends to cover the caterer.

Councilmember T. Bierbaum suggested removing the acknowledgement requirement regarding damaging the AV system, as it could be covered under general liability. City Attorney Clay Adkinson concurred. City Manager R. Thompson said it will protect the city overall, so a separate policy is preferable.

City Attorney Clay Adkinson added the requirement of producing a certificate for service animals should be removed from the application.

Councilmember R. McKnight stated the motion included the changes on the application in response to the question on the addition from City Attorney Clay Adkinson.

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

ITEM 7 - CITIZEN COMMENTS – General Comments from the Audience

ITEM 8 - DEPARTMENT REQUESTS/REPORTS

A. Finance Director D. Gibson – Budget Summary – October 1 – July 31, 2021

Finance Director D. Gibson provided Council on the cash balance, CD balance, investments, operating revenues, budget revenues, budget expenses, grant revenues, ad valorem and sales tax projections, water and sewer charges, and gas and sanitation charges.

In response to the question on whether expenditures would roll over from Councilmember R. McKnight, Finance Director D. Gibson replied that the expenditures will not roll over. She added that August bond payments are due which will raise the amount, as well as grant expenditures. She explained we have not asked for reimbursement or expended the money as a large part dealt with the airport, regarding the budgeted grants. Councilmember R. McKnight voiced concern in particular with the general fund. Finance Director D. Gibson responded that we have started receiving grant reimbursements and the Chautauqua Hall of Brotherhood grant money is the only one we are waiting on.

B. Planning Director C. Wallace – Motion to approve The Blessings at DeFuniak Springs Final Planned Project

Councilmember K. Crystal recused himself and provided Form 8b to City Clerk and left the room, and Councilmember A. Vallée also recused himself and turned in his form.

Planning Director C. Wallace explained that this is a final planned project and they have met all land code requirements. Based on comments from residents at the June Planning Board meeting, they reduced the height of the building to three stories instead of four. Our engineer has reviewed the plan and comments have been addressed.

In response to Councilmember R. McKnight and his question on the proposed exterior view, Planning Director C. Wallace replied that the exterior elevations were not part of the approval process mentioning it would be part of this historical view.

City Attorney Clay Adkinson said a COA would have to be submitted. One of the conditions is they are required to submit covenants and restrictions to him, and he approve the documents as a second layer of protection.

Councilmember A. Vallée said there are residents who are pursuing the National Landmark Designation for the Lakeyard and the district. He added it is part of the national standards not to mimic the structure or replicate historical details in the district, however, you would want to take on the historical characteristics of the district, such as overhangs, pitches, and porches. He mentioned three stories were less common, and they added porches facing the back.

In response to Councilmember R. McKnight and his question on how the Gulf Power building will look like when it is finished, Councilmember A. Vallée said it will be encased in the structure for the first floor to include the two additional stories.

Motion by Councilmember R. McKnight and seconded by Councilmember H. Ennis to approve Final Planned Project for The Blessings, as presented in the Council packet.

Vote: Councilmember T. Bierbaum, Aye; Councilmember R. McKnight, Aye; Councilmember H. Ennis, Aye. Ayes 3, Nays, 0. Motion carried.

- C. City Manager R. Thompson/City Clerk Maryanne Schrader – Request approval to establish a uniform Public Records Policy and Procedure

City Manager R. Thompson explained that the policy is to establish standardization.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the establishment of a uniform Public Records Policy and Procedure.

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

- D. City Manager R. Thompson – Ranking of Non-Profit Organizations

City Manager R. Thompson said the average ranking in the last column is incorrect explaining where the zero is located was not included. He asked what Council would want to rank first. However, Councilmember R. McKnight said the data is invalid, as we do not have the correct averages.

City Manager R. Thompson said the companies are all unique, so this is for the Council to determine the amount of money they would like allocated. Councilmember R. McKnight disagreed stating the statistics help determine the decision, and the amount of money the councilmember wants to allocate is not included.

Councilmember K. Crystal said we were to focus more on children's activities, so he suggested to include the first six, Emerald Coast Children's Advocacy Center, Matrix, Little League, Chamber, Early Learning Coalition, and Boys and Girls Club which add up to \$29,000 adding all were responsive on dealing with youth programs.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the ranking of the first six, allocating the requested \$5,000 to Matrix, Little League, Chamber, Early Learning Coalition, and Boys and Girls Club, \$4,000 to Emerald Coast Children's Advocacy Center, and the extra \$1,000 to be kept in reserve.

Vote: Councilmember T. Bierbaum, Aye; Councilmember R. McKnight, Nay; Councilmember K. Crystal, Aye; Councilmember H. Ennis, Aye; Councilmember A. Vallée, Aye. Ayes 4, Nays 1. Motion carried.

Councilmember H. Ennis said it was confusing and thought it needed to be worked on.

E. City Manager R. Thompson – Non-Mandatory Committee Discussion
1. Airport Advisory

City Attorney Clay Adkinson said he was asked to look at which were the mandated committees stating the Airport Advisory, Special Events Committee and the City Beautification and Tree Board are non-mandatory.

The Airport Board of Adjustment was created for the Overlay District, and the Airport Advisory Committee was created in 2017, by the City Council to advise the Council on the airport. He suggested it could serve as an Ad Hoc committee to review the Airport Overlay variances.

Regarding the Special Events Committee, City Attorney Clay Adkinson said it is not mandated but has served as a pass-through for several committees. He said working groups could be set up to make recommendations to the Council.

City Attorney Clay Adkinson added there is no need to allocate money to specific committees, as line item could be set up to be used for special events.

City Attorney Clay Adkinson said the City Beautification and Tree Board, regarding Arbor Day and the City being designated as a Tree City, USA, stated one of the requirements is to have a Tree Board that must meet on a regular schedule. He will seek guidance from the national organization on what we can do on changing its structure to be compliant.

Councilmember K. Crystal mentioned the consolidation of committees under Special Events, so they would operate under the Sunshine Law. Mayor Campbell said we have LakeFest, Marvel of Flight, Oktoberfest as a brand-new event, and Christmas Reflections under Special Events. Councilmember K. Crystal said since those projects bring in revenue, so we should keep the committee.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to move the Airport Advisory Committee to an Ad Hoc Committee status.

Councilmember R. McKnight voiced concern about the committee booklet that was adopted January 9, 2012 and expressed annoyance that the Council was given inaccurate information.

However, City Attorney Clay Adkinson went over the code stating the document from 2012 is superseded by an Ordinance.

Councilmember R. McKnight said a citizen participates and engages with the city and advises on specific information. The oversight is the Council has not required the committee chairman to come and report to Council.

Chris Jergens came forward and agreed with Councilmember R. McKnight stating there must be interaction with who leases hangars. He said the Airport Advisory Committee is a viable committee that provides the Council with information on airport activities. He mentioned he has an aircraft at the airport. He said he was always told the Airport Advisory Committee serves as a single point of contact. However, Councilmember K. Crystal said that the role of the airport director is to advise Council, and the airport director handles the daily operations. C. Jergens said the advisory board is a good conduit for discussion. He added there is no interaction on the weekends and frustrations arise if there is no contact at the airport to bring concerns forward.

Terry Dawkins came forward stating he serves as the chairman of the Airport Advisory Committee set up by the former Council. His recollection was the Director brought information to the Council from the committee and had great success working with the past two directors. He added the five-member committee meets once a month for the betterment of the airport.

Councilmember A. Vallée thanked Mr. Dawkins for his time. He asked about the gap of information on the weekends, and the lack of staff, and T. Dawkins said the airport runs smoothly and there has not been any issues with communication. He added the airport director phone number is posted.

Mayor Campbell mentioned in the last twelve months or more operations were inconsistent with management, and we want to look at the whole package to clean up everything.

Vote: Councilmember T. Bierbaum, Aye; Councilmember R. McKnight, Nay; Councilmember K. Crystal, Aye; Councilmember H. Ennis, Nay; Councilmember A. Vallée, Aye. Ayes 3, Nays 2. Motion carried.

Councilmember R. McKnight raised a point on why the other two committees were not mentioned, as they were on the agenda.

Discussion ensued about the committees needing to be reviewed on whether they were still viable and whether the policy conflicted with the ordinance for the various committees. City Attorney Clay Adkinson said he will review and update the packet with a resolution.

- F. Airport - Airport Director Dan Edwards – Request a motion to approve the Airport T-Hangar Lease Revision to implement standardized fees and leases

City Manager R. Thompson explained the lease is designed to standardize fees and leases for the t- hangars.

Airport Director Dan Edwards explained there are a lot of inefficiencies namely with the agreements. The last proposed leases were in 2017, however, there were sporadic leases, as well. He also has a 2020 agreement that was implemented without Council approval. He would like to increase the fees to \$450 monthly for an annual agreement or \$550 on a month-to-month basis. He mentioned he has 29 tenants that are willing to pay the \$450 each month adding there is a dramatic need for hangar space. Councilmember K. Crystal said it will give the current tenants time to decide if they want to stay at \$450 per month. Councilmember T. Bierbaum asked if it is an appropriate rate given the demand, and Airport Director D. Edwards said he believes it is as he has researched the area rates.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the Airport T-Hangar Lease Revision to implement standardized fees and leases to start on October 1.

City Attorney Clay Adkinson stated air worthy planes will be permitted to be stored in the hangars. The terms of the leases have been updated and will come back to Council for approval.

Mr. C. Jenkins came forward stating that as a tenant, he will be levied a 57% increase in rates. He questioned why the people on the standby list were called, and as a monthly tenant he was not contacted or seen the terms and conditions on the new lease. He asked if the city has exhausted all grants or potential revenue. He has not seen any expenditures for the airport and asked what the money will be used for.

Mayor Campbell said if it was not for the grants, we would have to close the airport.

Councilmember K. Crystal explained that for many years everything in the city has been underpriced, and we cannot operate our city at a deficit adding we have to be able to break even.

Discussions ensued on incrementally increasing fees, needed improvements, and budgetary expenses, as well as the demand for hangar space.

City Manager R. Thompson said since Mr. Edwards came to the helm, he has identified deficiencies at the airport. We cannot operate the airport in two years, if we do not raise fees and standardize operations at the airport. We cannot maintain the airport without fiscally responsible actions. He added we will get input from the current tenants, and they will get first right of approval.

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

ITEM 10 - LEGISLATIVE REQUESTS - No further comments.

ITEM 11 - CITY ATTORNEY – No further comments.

ITEM 12 - COUNCIL COMMENTS – Councilmember R. McKnight congratulated the city and Jacobs for the Water Quality Report and thanked the Council for making a decision on the rental fee rates. He said he presented his changes for the city manager’s evaluation on June 4th and asked for an update. City Attorney Clay Adkinson said it is going to be on the next agenda.

Councilmember K. Crystal thanked the Council for approving his project.

Councilmember A. Vallée said for those organizations that did not receive funding, he suggested private entities consider donating to these worthwhile organizations. Regarding rate increases, the city must maintain costs, as he does not want to put outrageously high-water bill increases on the citizens.


Mayor Campbell asked about the mobility plans submittals and City Manager R. Thompson said he is collecting the information.

ITEM 13 - EXECUTIVE COMMENTS - No further comments.


ITEM 14 - ADJOURNMENT

Mayor Campbell adjourned the meeting at 7:39 p.m.

Approved:


Bob Campbell, Mayor

ATTEST:


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

