

**DeFuniak Springs City Council
Regular Meeting Minutes
Council Chambers
September 13, 2021**

Mayor Campbell called the meeting to order at 5:19 p.m. followed by the invocation and Pledge of Allegiance led by Mayor Pro-Tempore Todd Bierbaum.

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, and City Clerk Maryanne Schrader. Finance Director Debra Gibson 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 R. McKnight and seconded by Councilmember T. Bierbaum to approve the Consent Agenda, as presented.

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 – August 23, 2021 - Regular Meeting Minutes
2. Minutes for approval – August 17, 2021 – Budget Workshop Minutes
3. Minutes for approval – August 30, 2021 – Special Meeting Minutes
4. Minutes for approval – September 7, 2021 – Budget Meeting Minutes

B. Administration –

1. City Manager R. Thompson – Request renewal of 2021/2022 Interlocal Agreement with Walton County and Tri-County Community Council, Inc. relating to the Operation of the Senior Center
2. Grant Coordinator Kara Chilcutt – Request approval 2021-JAGC-3868, Grant Agreement to Purchase BolaWraps
3. Grant Coordinator Kara Chilcutt - Request approval of the American Rescue Plan Act: Coronavirus Local Fiscal Recovery Fund Agreement
4. Grant Coordinator Kara Chilcutt - Request approval to submit the Request for Proposal for Architectural Services for the Library Architectural Assessment Grant

C. Finance –

1. Utility Billing & Finance Supervisor – On behalf of Finance Director D. Gibson, a Request budget amendment to purchase the police vehicles approved by Council on August 30, 2021
 2. Utility Billing & Finance Supervisor – Request to approve the August 2021 Bill Ratification
 3. Utility Billing & Finance Supervisor – Request approval of the purchase of two ornamental displays from Jubilee Décor, a sole source for Christmas Reflections ornaments
- D. Planning –**
1. Code Enforcement Officer Chris Strawn – Request a motion to approve the Special Event Permit request from the DeFuniak Business and Professional Association for Halloween Happening’s for Saturday, October 30, 2021, 3:30 – 8:00 p.m. with street closures on Baldwin Avenue
 2. Code Enforcement Officer Chris Strawn – Request a motion to approve the Special Event Permit request from the DFS Woman’s Club to hold the Halloween Trick or Treat Around the Lake on Saturday, October 31st from 5 p.m. – 7:30 p.m. with Street Closures around Circle Drive
 3. Code Enforcement Officer Chris Strawn – Request a motion to approve the Special Event Permit request from the DFS Woman’s Club to hold the Annual Christmas Parade on Saturday, December 11, 2021 from 10:30 a.m. – 3:00 p.m. with street closures around Circle Drive
 4. Code Enforcement Officer Chris Strawn – Request a motion to approve the Special Event Permit request from Walton High School Homecoming Parade on Friday, October 1, 2021 from 2 p.m. – 3:30 p.m. with street closures on Baldwin Avenue and Circle Drive
- E. Airport**
1. Airport Direct Dan Edwards – Request a motion to approve the continuation of the August 23, 2021 Cellular Agreement for QT Pod Self-Serve Refuel Kiosk

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 announced that Item 4C, the AFSCME Union Negotiation, is to be removed, and Mayor Campbell requested that Item 13 be placed before Item 12.

Motion by Councilmember T. Bierbaum and seconded by Councilmember A. Vallée 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 4. PRESENTATION AND/OR PROCLAMATION

A. Bill Imfeld, Executive Director of Walton County Economic Development Alliance, WCEDA, DEO Grant

Bill Imfeld announced that Governor DeSantis delivered a \$500,000 check for the joint DEO grant that was approved by Council earlier and thanked the Council for their support and on the sensible growth they have supported.

B. Kathy Rudd, GoWal Public Transit System

Kathy Rudd came forward and explained the GoWal Public Transit System has four stops and is running five days a week. She went over the route schedule and added the busses are equipped with Wi-Fi, are handicapped accessible and have bike racks. She said the website is www.gowaltransit.com and includes information on the routes. She said she must work within the parameters of the grant she received from the Florida Department of Transportation in reply to the question from Councilmember R. McKnight on adding stops. K. Rudd explained the grant will end around February of 2023. She added they abide by the CDC guidelines. Councilmember R. McKnight suggested trying to renegotiate the grant by adding a stop at Grayton Beach to the bus route.

ITEM 5. PUBLIC HEARING/ORDINANCES

A. 1st Reading – None brought forward.

B. 2nd Reading –

1. Planning Director C. Wallace – 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 regarding (Intersection of Live Oak and South 26th Street)

Mayor Campbell announced that the Item 5B1 is on 2nd reading for adoption.

City Attorney Clay Adkinson asked for anyone wishing to speak on the 2nd Reading items, items 5B 1, 2 and 3 to come forward to be sworn in and swore in Planning Director C. Wallace.

Planning Director C. Wallace said this is a Small-Scale Land Use Map amendment located at the intersection of Live Oak Drive and South 26th Street requesting to change to Medium Residential to allow for development of townhomes on the property.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to hold a Public Hearing and approve the Ordinance for 2nd Reading and adoption.

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 Ordinance 930 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 (Intersection of Live Oak and South 26th Street).

2. Planning Director C. Wallace - Motion to conduct a Public Hearing and approve on 2nd Reading, an Ordinance Adopting a 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 (Intersection of Live Oak and South 26th Street)

Planning Director C. Wallace said the request is a zoning map amendment to an R-2 Residential designation located at the intersection of Live Oak and South 26th Street.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to hold a Public Hearing and approve the Ordinance for 2nd Reading and adoption.

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 Ordinance 931 by title, an Ordinance Adopting a 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 (Intersection of Live Oak and South 26th Street).

3. Planning Director C. Wallace - Motion to conduct a Public Hearing and approve on 2nd Reading, an Ordinance Adopting a 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 (1688 US Highway 90 West)

Planning Director C. Wallace said this is a rezoning request and the Future Land Use Map has already been re-zoned to commercial.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to hold a Public Hearing and approve the Ordinance for 2nd Reading and adoption.

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 Ordinance 932 by title, an Ordinance Adopting a 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 (1688 US Highway 90 West).

Item 6. RESOLUTIONS – Cemetery Coordinator Dewey Roberts - Request a motion to approve a Resolution for Magnolia Cemetery Fee Schedule and award bid to sole bidder, GLCMO Memorials, Inc. and approve Contract.

Cemetery Coordinator D. Roberts came forward and went over the contract of the burial services and requested approval of the sole bidder.

Motion by Councilmember K. Crystal and seconded by Councilmember R. McKnight to award bid to sole bidder, GLCMO Memorials, Inc. and approve Contract and Resolution for Magnolia Cemetery Fee Schedule.

Councilmember T. Bierbaum said he heard feedback from the public about the fees and the rules surrounding the cemetery.

City Attorney Clay Adkinson said we plan to update our rules and procedures, as well as an Ordinance amendment. He explained the intent is to get this moving forward. For the price issue, the contractor can assist in the development of the structure.

Councilmember T. Bierbaum asked about the fees and asked whether they are in line with services. Public Works Director C. Drake said the rates were in line with the area, but he could get a fresh perspective.

Councilmember K. Crystal said we looked at the bottom line a year ago to make the cemetery break even explaining that Mr. Burgess looked at the pricing of Ft. Walton Beach to gain a comparison.

Motion by Councilmember T. Bierbaum and seconded by Councilmember A. Vallée to postpone the review until the next Council meeting.

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.

Councilmember R. McKnight asked if the local funeral homes itemized their expenses, and Cemetery Coordinator D. Roberts replied that the contractor will provide the tent and chairs for

the majority of the funeral homes. Currently, GLMCO provides services for the local funeral homes.

After discussion, Mayor Campbell said a Cemetery Board could be pulled together to review the policies.

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

Item 8. CITIZEN COMMENTS -No one came forward.

ITEM 9 - DEPARTMENT REQUESTS/REPORTS

- A. Code Enforcement Officer Chris Strawn – Request a motion to approve the Special Event Permit request from Main Street to hold an Inaugural Main Street Oktoberfest on Saturday, October 2, 2021 from 8:30 a.m. – 6:00 p.m. with street closures on Baldwin Avenue, Circle Drive, and the use of Lake DeFuniak, as well as alcoholic beverages and live music

Code Enforcement Officer Chris Strawn said Main Street has requested alcohol sales mentioning they will have the city listed as additional insured.

Chelsea Blaich, Main Street Executive Director, came forward stating the event will start after the RUNS/UP race. The Oktoberfest event is not kid friendly because of the alcohol sales. She explained the axe throwing will be in an enclosed trailer. She said the actual Oktoberfest event is from noon to 3 p.m.

Motion by Councilmember R. McKnight and seconded by Councilmember A. Vallée to approve the Special Event Permit request from Main Street to hold an Inaugural Main Street Oktoberfest as provided in the packet.

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.

- B. City Manager R. Thompson – Request motion to approve the purchase of a Bumper Pull-Dump Trailer from Texas Pride Trailers for the Community Redevelopment Agency in the amount of \$11,260

City Manager R. Thompson said the CRA Board approved the purchase with the objective to assist homeowners at their properties to assist in cleaning up blight. In response to Councilmember K. Crystal, City Attorney Clay Adkinson replied the CRA is developing a policy for those who need assistance, and the CRA Board will make the determination. He added that City Manager R. Thompson has agreed to act as the executive director.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to approve purchase of a Bumper Pull-Dump Trailer from Texas Pride Trailers for the Community Redevelopment Agency in the amount of \$11,260.

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 –

A. Councilmember A. Vallée – TPO and Mobility Plan Update

Councilmember A. Vallée updated the Council on the TPO and Mobility Plan. He said Dewberry has given the information to the County and provided the map. He wanted to ensure that the listing matches to what the Council wanted. He will meet with the TPO and bring forward any comments. The Needs List call occurred next week and some of our projects had already shown up with the exception of a few oversights. He said Cliff Knauer has an item for clarification.

Cliff Knauer said he put together two separate lists, 24 items on the Mobility Plan and 11 items for the TPO list. Council approved of the list moving forward.

Councilmember A. Vallée requested Council feedback on their needs and desires, so he can discuss concerns with the TPO tomorrow. He suggested drainage issues and reminded Council that Main Street had raised objections to the tree removal, since we are a Tree City. He said he needs comments from Council by tomorrow morning.

City Manager R. Thompson mentioned there is an arborist on staff, and they will provide feedback.

Councilmember R. McKnight said the tourists need signage, so they can get in the correct lane. He stated that outside the City Hall going eastbound, signage is needed showing that US 331 is moving to the right. He added better signage is needed on US 331N and Highway 90W to Paxton showing where to go north. His issue is clear signage, in particular for the tourists. Mayor Campbell agreed that this is a good time to request satisfactory signage with the turn lane projects. Cliff Knauer said additional signage can be requested directly to the DOT. Mayor Campbell asked for the requests to be written and sent to him before he meets with FDOT. Councilmember A. Vallée said the list will bring clarity.

Item 11. EXECUTIVE COMMENTS – Mayor Campbell - Florida Department of Transportation Acquisition of Property for the Multi-Lane Construction and Roadway Improvements to US 90, SR 83, and SR 187 – (A) Resolution to Transfer Parcel 101, (B) Resolution to Transfer Parcel 103, (C) Resolution for Donation Fee Simple Parcel 104, (D) Resolution for Donation Temporary Easement Parcel 701, Chelco Section

Mayor Campbell explained this consists of three small pieces of property, 10-foot slivers, encompassing Wayside Park, and two streets that we maintain. He added the Chelco piece should be held off for now.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to approve Resolutions for the Florida Department of Transportation Acquisition of Property for the Multi-Lane Construction and Roadway Improvements to US 90, SR 83, and SR 187 with (A) Resolution to Transfer Parcel 101, (B) Resolution to Transfer Parcel 103, (C) Resolution for Donation Fee Simple Parcel 104, and (D) Resolution for Donation Temporary Easement Parcel 701 Transfer Parcel 101.

Councilmember R. McKnight asked about the payment as the city will receive a check for \$50,000 from FDOT. He said we have a major need for a professional Grants Administrator, so we may want to use the money received to hire an employee, stating the position pays for itself.

City Attorney Clay Adkinson said it is unanticipated revenue in the budget, so an amendment would have to come back before Council.

Note: 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 13 - CITY ATTORNEY – Consideration of Scheduling Two (2) Public Hearings in compliance with Florida law for Eagle’s Crossing/Veteran’s Lodge Development Agreement.

City Attorney Clay Adkinson received a request for the city to enter into a developer agreement. We are required to have two Public Hearings with two advertisements and send a notice to the surrounding property owners. The developer wants to the city to waive the fee and hold a special meeting which would set a second hearing on September 27th.

Discussion ensued on setting a precedent to subsequent developers and the publicizing of the new Ordinance fees. City Attorney Clay Adkinson said if someone comes in within the next seventeen days, Council will have to give the same consideration to approve a special meeting.

Mayor Campbell cautioned that this request entails hundreds of jobs. This is not something to take lightly.

Julie Smith, Eagle’s Crossing, came forward to explain why the developer requests an extension and on the late request. She explained they have had a lot of people working on the large project adding the project has been completely redone.

City Attorney Clay Adkinson said some of the requests in the agreement are based on the lower rate. There are additional elements of the developer agreement that will need to be addressed.

Julie Smith said they have made agreements for workforce housing, explaining some of their agreements are based on the older prices, adding the agreement includes 3,000 jobs. She mentioned the developer is aware of the October 1st deadline. She thanked the Council for their support. She said every dollar on the workforce housing side means a lot and asked for mercy in the Council’s consideration.

Discussion ensued on the fairness of approving an extension. Councilmember T. Bierbaum said by his perspective, the people came to Ms. Smith after the PDP was approved. The Council has voted twice to extend the deadline. He does not see that it is fair to anyone else to extend the deadline or have another meeting. He said they had had six to nine months to put something together.

Mayor Campbell mentioned the experience with the lost development when Disney, Six Flags and Nascar have come to the city and then pulled out. He said the Council has the power to give them a chance in extending for the seventeen days. He does not see the backlash from other developers. We have had changes with COVID, Planning department and City Council. Mayor Campbell said the former Council denied a company from coming to the airport and the city lost an opportunity with more jobs.

City Attorney Clay Adkinson said it would be a 90 days' notice requirement, so January 1 would be the deadline.

Motion by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to approve scheduling Two (2) Public Hearings.

City Attorney Clay Adkinson said the statute requires seven days between meetings. City Attorney Clay Adkinson said it would be a notice within seven days prior to the next meeting. The Council would have to meet the 22nd, 23rd or 24th, stressing that a date is needed. City Attorney Clay Adkinson said the developer should provide the meeting advertisement and send out the letters.

Councilmember K. Crystal asked about the specifics of a meeting, and City Attorney Clay Adkinson said it would be a hearing on the developer's agreement. Councilmember K. Crystal said he cannot support the agreement that was provided.

City Attorney Clay Adkinson said the agreement has to be available in final form and advised that if there were additional items for the agreement, it would have to be noticed. City Attorney Clay Adkinson added the last copy was received on September 9th.

City Manager R. Thompson said he has been charged to act with the best interests of the city. He requested approval to negotiate a proper agreement to bring before the Council, as he would like to have a chance to look at it.

Julie Smith asked for a workshop to review the Council comments. City Attorney Clay Adkinson said we are forbidden for waiving impact fees; however, we have flexibility with the capacity fee for waivers, rebatements, and credits. In a workshop we could explore more of what they want to do.

Councilmember T. Bierbaum rescinded his second.

Councilmember A. Vallée, said this is an opportunity for the Council to review what the city wants to do. Rushing through an agreement now is a concern, as he would like to identify the projects that falls within our goals.

Motion by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum stop the discussion, as Council does not have three votes to pass the motion for holding two special meetings.

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.

City Attorney Clay Adkinson said the first motion failed because of a lack of a seconded.

Motion by Councilmember K. Crystal to set a workshop to address the developer's agreement.

City Attorney Clay Adkinson said the city manager could negotiate the terms of the agreement. He said staff will be able to prepare comments and have comments forwarded for Council.

Councilmember K. Crystal said he would like to see it in draft form before a meeting is set.

City Attorney Clay Adkinson said the city manager or mayor could call a workshop, so there is no need for an actual motion tonight.

ITEM 12 - COUNCIL COMMENTS –

Councilmember A. Vallée asked about the timeline for the land use studies, and City Attorney Clay Adkinson replied with the city's budget process is being worked on, so the review could be taken up early October. He mentioned the Council requested five appointments and recommended to Councilmember T. Bierbaum, to prepare for Council those who have expressed interest in a serving on the committee. Councilmember T. Bierbaum said he planned to ask the Planning Board for any recommendations, but the meeting was cancelled due to a lack of a quorum. He added he will bring back a slate of people who are interested.

Councilmember K. Crystal thanked the staff for the notices from Waste Management announcing that they will be starting on October 1st. He voiced concern about the Planning Board not having meetings due to a lack of a quorum, as we have development going and the importance of having a quorum. City Manager R. Thompson said staff has gone back to review attendance, and the report will be provided by the end of the week.

ITEM 14 - ADJOURNMENT

Mayor Campbell adjourned the meeting at 7:09 p.m.

Approved:


Bob Campbell, Mayor

ATTEST:


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

