

**DeFuniak Springs City Council
Regular Meeting Minutes – DRAFT
County Courthouse
December 14, 2020**

Mayor Campbell called the meeting to order at 4:00 p.m. followed by Councilmember W. Graham leading the invocation and Pledge of Allegiance.

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

Item 3. PRESENTATION – The City that Talks award recipients – West DeFuniak Elementary School

Mayor Campbell reminded Council that during City Government Week, the Florida League of Cities submitted a book about local government that was read to all the students from West DeFuniak Elementary School. He invited Darlene Paul, principal of the school forward and presented the books to two students from each grade, as well as their library.

Mayor Campbell announced an additional presentation and asked members of “Forward DeFuniak” to come forward. Dr. Melinda Henderson, representing Forward DeFuniak, came forward announcing they were presenting a check to the city for the Chautauqua Hall of Brotherhood fundraiser in the amount of \$4,661.87. She mentioned they want the funds to be used for the installation of the City Seal, and for a display to recognize those who have made substantial donations to sustain the building, furnishings, and programming.

Item 4. CONSENT AGENDA

Additions/Deletions to the Consent Agenda

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

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

A. Clerk

1. Minutes for approval: November 16, 2020 – Special Minutes
2. Minutes for approval: November 23, 2020 - Regular Minutes
3. Election Workers Approval

Item 5. 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 M. Smigielski announced that we need to move 11A forward. Mayor Campbell assigned it as Item 6A.

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

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

Item 6B. PUBLIC WORKS – (Moved from Item 11)

A. Elissa Pettis, Dewberry – Utility Impact Fee Study with recommendation to draft an Ordinance to adopt the Capacity Fee

Ms. E. Pettis came forward to present information on the Impact Fee Study. She went over the service areas stating it covers mostly residential customers, gas services and the wastewater area. She went over the comparisons stating DeFuniak Springs is very low in relation to other cities. She explained the surcharge is 25% higher for those outside the city limits. All of the projects are in the Capital Improvement schedule that was adopted. She also noted the fees included in the study are the maximum that can be charged. She said new customers were not included in the repair and replacement costs. For the potable water fee, we would need to add Northwest Florida State College for the system capacity. For the wastewater capacity fee, a new system would increase to three million gallons a day. She went over the land development codes, and the ERU (Equivalent Residential Unit) measurements. She provided recommendations that included the Council increasing the capacity fee. She mentioned a breakdown regarding land use. She stated the proposed fee adds about \$35,000 more than what is currently collected, as the current policy will not cover utilities in new developments, which would place a strain on the city. She added capacity fees can be used in any service area and administrative fees, but impact fees can only be used in the specific area where the impact occurs.

In reply to Mayor Campbell and his question on the impact for new business, E. Pettis replied she will need to look the figures for the ERU's. City Manager M. Smigielski responded that Raftelis will be providing the fire and police study, which this study would not include.

Councilmember K. Crystal asked about increasing the fees, as it is about 500% more and asked whether it could build a method to phase the fees in.

Attorney Clay Adkinson explained the tap fees are pledged revenue streams. He suggested detailing how the pledges could be implemented in phases. He added if Council approved the capacity fees, the tiering in of an increase of fees in phases could be done easier. The statute limits what we can do with the tap fees. The tap fee revenue is earmarked, so they cannot be compromised. The engineer could create a tiered model that would account for capital improvements that the pledged projects require.

Councilmember T. Bierbaum asked about the collection of the fees, and E. Pettis responded if the city does not collect the appropriate impact fees with the anticipated development, the city will not be able to keep up with the utilities in the new developments.

City Attorney Clay Adkinson said the tap fee is only used to offset growth. He added the tap fee must be set at least at its minimum for the meter cost and the time for the employee to connect it, otherwise you lose money every time someone connects to the system. The fee is based on the sewer tap ERU, so in the past ten years, most cities discovered the tap fee must be more than the minimum amount to guarantee service capacity. He added the hurdles we have in spending impact funds and added our tap fees have not gone up since 2004.

Councilmember T. Bierbaum mentioned the need to consider two Wastewater Treatment Plants, as a developer is proposing a development south of I-10.

Councilmember H. Ennis voiced concern that impact fees could be a small business killer adding the larger ones factor it into their price. He mentioned the capacity fee can be used in a broader way.

In response to Councilmember K. Crystal regarding projects coming up in the next five years and the taxing of our system, City Manager M. Smigielski replied the city cannot service the new developments even with the addition of the new plant. He estimated the new Wastewater Treatment Plants, may use up to three million gallons a day.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to adopt the recommendation of a study and direct staff to bring back an ordinance on the capacity fees, as well as bringing something that will allow the city to tier in the increases.

Discussion ensued on the impact on small business, the developers concerns, and the balance between the two.

City Attorney Clay Adkinson stated he will work with Dewberry, regarding options for a tiered-in program with a goal to have a draft ordinance by the first meeting in January. He added that while the city is eliminating the impact fee and adding a capacity fee, we are going to follow the ninety days advertising requirement, so the fee may not be implemented until April.

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

Item 6. ADMINISTRATION –

A. City Manager M. Smigielski – Motion to approve the City Hall Solicitation

City Manager M. Smigielski said the intent of the document is to do a solicitation through January, and if we do not get enough interest, we will advertise with a sealed bid process.

Discussion ensued on the right to turn down any offer. City Attorney Clay Adkinson explained the process is an open solicitation, adding the city does not have to accept any proposal in an open process.

Mayor Campbell explained the acreage is four acres, not the 2.6 acres, as listed.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the City Hall solicitation.

Councilmember H. Ennis explained he will support this, as we need to sell City Hall, since we moved forward with approving the move to the Chelco building.

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

B. City Manager M. Smigielski – Motion to approve the Project Priority List for 2021

City Manager M. Smigielski provided the updated priority list mentioning number 5 and number 9 was changed on the list, as Triumph through Appropriations, will be the funding these projects. He added Councilmember R. McKnight requested that Phase III for Chautauqua Hall of Brotherhood for \$250,000 be included, as it was missing from the list.

Councilmember T. Bierbaum suggested moving Chautauqua Hall of Brotherhood below number 17. Councilmember K. Crystal stated we have money set aside, and City Manager M. Smigielski concurred we have the money set aside, if we do not get the grant.

Motion by Councilmember T. Bierbaum and seconded by K. Crystal to add the Chautauqua Hall of Brotherhood Phase III grant to be positioned below number 17 on the priority list. City Manager M. Smigielski said he will place it at position 18.

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

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the Project Priority List for 2021, as amended.

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

Item 7. CITIZEN COMMENTS – Mayor Campbell explained there is a three-minute limit for agenda items.

A. General Comments from the audience

Chief Hurley came forward explaining his department gave certificates to homeowners for decorating their houses. He also presented one to Public Works in recognition of the work they have done with Christmas Reflections.

Dan Cosson came forward and mentioned the outstanding work that Public Works has done with Christmas Reflections and specifically to Morgan, for her direction.

Mr. Cosson asked about a citizen survey and Councilmember T. Bierbaum said he has an agenda item to discuss tonight.

Mr. Cosson also asked about someone being appointed a representative of the city, and Councilmember K. Crystal replied the topic is on the agenda tonight.

Chelsea Blaihc echoed the accolades by Chief Hurley and the work that Public Works has done with the Main Street program. Councilmember T. Bierbaum also thanked Main Street adding the downtown area has been jam-packed the last three weeks adding his business doubled what they made on Small Business Saturday last year. The Council agreed with the tremendous work done by Main Street.

Item 8. REQUEST TO BE ON THE AGENDA – No item brought forward.

Item 9. EXECUTIVE REQUESTS –

- A. Councilmember K. Crystal - Requests appointment to serve as a Governmental Affairs Liaison to serve as a point of contact in discussions on the State/Federal level for legislative and regulatory issues and to coordinate with the governmental consultants

Councilmember K. Crystal said the appointment does not commit the city to anything. It just provides for one contact from the Council.

Motion by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to appoint Councilmember K. Crystal to serve as a Governmental Affairs Liaison to serve as a point of contact in discussions on the State/Federal level for legislative and regulatory issues and to coordinate with consultants.

Discussion ensued regarding the Councilmember's ability to meet at the State or Federal level, the ability of the Mayor being able to talk to any member of the Council if the Charter passes, the importance of having one person appointed to assist the Mayor, and the importance of having the Mayor being the focal point of contact on legislative issues.

Dan Cosson came forward and voiced concern about travel expenses. He mentioned the five Councilmembers consist of the legislative branch, and the Mayor, as the Executive Branch, is historically the point contact for the city. He added that no one other than Harley Henderson has done an outstanding job as the Mayor has done for the city.

Dr. Melinda Henderson said according to the new charter, the point of contact is the Mayor, or the City Manager would appoint any person as a liaison. She disagreed with a one-person designation.

Councilmember H. Ennis removed his motion.

Mayor Campbell mentioned he does not want us to block anyone from coming to the mayor, as he has the feel of the community adding there is a significant position of being the mayor.

Councilmember T. Bierbaum said he does not see it as being any different that his being the liaison for TPO.

City Attorney Clay Adkinson said the Council can appoint anyone, so all this motion does is to designate a primary point position, adding it does not take anything from the mayor.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to appoint Councilmember K. Crystal as Governmental Affairs Liaison.

Councilmember K. Crystal said he has supported the Mayor, so this does not have anything to the Mayor's role. It was meant to assist the Mayor.

Councilmember W. Graham stated he would like to see this tabled until after the Charter.

City Attorney Clay Adkinson said if the Charter passes, the roles for the Mayor are clear. We will have to revisit the role of each Councilmember, once the new Charter passes and review the relationships of the Mayor and Councilmember under Sunshine Law.

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

B. Councilmember T. Bierbaum – Requests that staff bring a Cybersecurity Program back to include Planning, Education, Protection, Testing and Recovery Components

Councilmember T. Bierbaum mentioned the importance of being prepared in the event of a cyberattack. He has looked over what our IT has in place, but he would like insurance on cyber ransomware insurance to cover the city and have a plan to prevent an attack. He stated while we have measures in place, we need insurance, planning and budget for some outside assessments of all of our infrastructure.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to direct staff to bring back a solution for a Cybersecurity Program to include Planning, Education, Protection, Testing and Recovery Components, including the cost.

Discussion ensued on how Jacobs had done an exercise on our sewer systems, insurance to cover any attack, riders on insurance, and policies for backups if all recovery attempts had failed.

Stewart Duncan, Jacobs, thanked Council for the praise from doing their study. He mentioned DEP will be requiring a penetration test to see if they are able to attack our system. The exercise is about \$3500 and will be added to the Capital Plan.

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

- C. Councilmember T. Bierbaum – Direct staff to bring a Citizen Survey on Services program and an anonymous employee satisfaction survey program no later than the second regular Council meeting in February 2021

Councilmember T. Bierbaum said he has heard from citizens about their concerns and wondered where we are in terms of citizen and employee morale. His experience has made a positive meaningful change in his company, so he would like to survey customer satisfaction to see if someone is positive, negative or neutral.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to direct staff to bring a Citizen Survey on Services program and an anonymous employee satisfaction survey program with cost by the last meeting in January.

Discussion ensued on past survey results and the need to solicit our citizens for feedback on our performance to measure our blind spots continuously.

Councilmember T. Bierbaum wants to know how our employees feel, so we can always be current. Councilmember H. Ennis agreed that that a continuous program would be different.

City Manager M. Smigielski said he and the Deputy City Manager have spoken about performing surveys and said it will come from Administration for the citizen and HR for the employee side.

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

Item 10. AIRPORT

- A. Liberty Partners - Motion to approve the 2021 contract for services with Liberty Partners for Lobbying Services

Jennifer Green and Tim Parsons of Liberty Partners came forward.

City Manager M. Smigielski stated Attachment B includes a fee structure, but it has been removed, as we have a grant writer on staff. However, if there is a particular grant project, we will contact Liberty Partners.

City Attorney Clay Adkinson said the fees would be negotiated on a case by case basis.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the 2021 revised contract for services with Liberty Partners for Lobbying Services.

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

B. Liberty Partners - Motion to approve the application for Triumph Gulf Coast Funding

Jennifer Green had hoped to have a draft application, but changes were made so they have to ensure duplication does not occur with the County or college. The school may add pilot certification to the licensing. She said there is potential funding, so they will finalize over the next few weeks and bring the application back. She said they need to scale the application back to two pages and add hangars and classroom space for multi-use to allow for future development.

Airport Chair Terry Dawkins invited Liberty Partners to attend the Airport Advisory Committee meeting tomorrow, as they could use more communications.

Mayor Campbell added he is happy with the Triumph services.

Tim Parsons said their peers nominated Jennifer Green recognizing her for her ethical standards.

Item 12. PLANNING –

- A. Motion to hold a Public Hearing and approve on 2nd Reading an Ordinance Amending the Comprehensive Plan Future Land Use Map of the City of DeFuniak Springs to Reflect a Future Land Use Designation of Medium Density Residential for a Parcel of Property Located at 537 N. 20th Street, DeFuniak Springs, Florida; Setting Forth Authority for Adoption; Providing for Findings of Fact; Providing for Severability and Providing for an Effective Date (Highlander Apartments)

K. Schultz came forward requesting a motion to hold a Public Hearing and approval on 2nd Reading for the Comprehensive Plan Future Land Use Map amendment explaining it will allow the developer to add an addition to their complex.

Motion by Councilmember W. Graham and seconded by Councilmember K. Crystal to approve on 2nd Reading an **Ordinance** Amending the Comprehensive Plan Future Land Use Map of the City of DeFuniak Springs to Reflect a Future Land Use Designation of Medium Density Residential for a Parcel of Property Located at 537 N. 20th Street.

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

K. Schultz read the Ordinance by title. City Clerk M. Schrader stated the Ordinance number is 913.

- B. Motion to hold a Public Hearing and approve on 2nd Reading an Ordinance Amending the Zoning Map of the City of DeFuniak Springs, Florida, for a Parcel Located at 537 N. 20th Street Having Approximately 4.47 Acres, to Multi-Family R-2, Setting Forth Authority for Adoption; Providing for Severability and Conflicts Providing for Codification; and Providing for an Effective Date (Highlander Apartments)

K. Schultz went over the zoning map change to multi-family.

Mayor Campbell asked if there was anyone to come forward for the public hearing, but no one came forward.

Motion by Councilmember H. Ennis and seconded by Councilmember W. Graham to approve on 2nd Reading an Ordinance Amending the Zoning Map of the City of DeFuniak Springs, Florida, for a Parcel Located at 537 N. 20th Street Having Approximately 4.47 Acres.

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

K. Schultz read the Ordinance by title. City Clerk M. Schrader confirmed the Ordinance number is 914.

Item 13. POLICE – Reserved

Item 14. CITY ATTORNEY –

City Attorney Clay Adkinson asked for a motion to accept any Public comments and for Council to approve on 2nd Reading An Ordinance Amending Ordinances 881 and 906, Providing for the Amendment Of The City’s Code of Ordinances by Amending Chapter 18 “Land Development Code”, Article VII “Specific Uses”, Section 18-53 “Travel Trailers, Mobile Homes and Manufactured Homes” to Replace Subsection (A) Thereof in its Entirety with a Revised Subsection “A”; Providing for Repeal Of Conflicting Provisions, Motions, Resolutions, and Ordinances; Severability; and for an Effective.

Motion by Councilmember H. Ennis and seconded by Councilmember W. Graham to approve on 2nd Reading and an adopt an Ordinance Amending Ordinances 881 and 906.

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

City Attorney Clay Adkinson read the ordinance by title, and City Clerk Schrader confirmed the number is 915.

Item 15. STAFF REPORTS – City Manager Mell Smigielski read an email from a resident who stated Christmas Reflections and the Merry Market has been the best it has ever been. The resident mentioned the increase of traffic in the downtown area stating the market has improved the Hallmark feeling of the downtown. Putting it together created a lot of work, and their family greatly appreciated it.

Item 16. COUNCIL COMMENTS – Councilmember T. Bierbaum echoed the statement from the email for Christmas Reflections and the downtown market and thanked the Public Works department.

Item 17. MAYOR COMMENTS – Mayor Campbell said the Public Works department is very excited about the reaction to the decorations and added he is so thankful to Public Works and staff.

Item 18. ADJOURNMENT

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

Approved:

Robert “Bob” Campbell, Mayor

ATTEST:

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