

**DeFuniak Springs City Council
Regular Meeting Minutes - DRAFT
Council Chambers
April 12, 2021**

Item 6A1 April 26, 2021

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

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

ITEM 3. CONSENT AGENDA

Additions/Deletions to the Consent Agenda

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

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

Approval of the Consent Agenda

A. Clerk

1. Minutes for approval: March 22, 2021 – Regular Minutes

B. Administration –

1. Mayor Campbell – Motion to approve the settlement agreement and release regarding Matthew Overton
2. Grant Coordinator K. Chilcutt – Motion to accept Contract Amendment 2 for the FIBRS FY20/21 Implementation Assistance Program: Support for Local Law Enforcement Agencies

C. Finance –

1. Finance Director D. Gibson – Motion to approve the budget amendment for the Airport properties in the amount of \$83,400
2. Finance Director D. Gibson – Motion to approve the budget amendment for the Walton Road Sidewalk project in the amount of \$50,000
3. Finance Supervisor Morgan Hulion, March 2021 Bill Ratification

D. Planning –

1. CEO C. Strawn/Shevah Jordan– Request motion to approve a Special Event request to conduct a wedding with recorded music at Lake DeFuniak on Friday, April 23, 2021
2. CEO C. Strawn/Stephanie McMinn – Request motion to hold a “Gathering in the Land” Special Event fundraiser for Saturday, May 22, 2021 from 12 – 10 p.m. at the amphitheater at Chipley Park to include live music

- E. **Police** – City Marshal J. Hurley – Request Council approve the demolition of the old Health Department building and approve the Mayor or Designee to file for the proper permits to have the demolition completed

4. REGULAR AGENDA

Additions/Deletions to the Regular Agenda

Approval of the Regular Agenda

Mayor Campbell announced that Robert Raymond asked that Item 7D be removed from tonight's agenda and that Item 12B will be moved to Item 6B.

Motion by Councilmember K. Crystal and seconded by Councilmember W. Graham to approve the Regular Agenda, as amended.

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

ITEM 5. ADMINISTRATION

- A. Mayor Campbell – Update from Liberty Partners on House Bill 1633

Mayor Campbell updated the Council on HB 1633 and the meetings with Okaloosa Gas determining that boundaries would be set.

City Attorney Clay Adkinson mentioned everything south will be city territory and anything north from that line would be a non-exclusive area. We also agreed to consider a mutually agreed agreement. It is our recommendation that Council support the revised House Bill with the agreed upon considerations. He added that the County will appoint a Walton County representative to the Okaloosa Gas Board. City Attorney Clay Adkinson said he hopes by tomorrow to hear whether the new language is accepted.

- B. Mayor Campbell – Capital Improvement Plan (CIP) Review Discussion

Mayor Campbell said because of the available funding, we will want to ensure that all our concerns are in the CIP in order to be qualified for grant funding. He asked Council's permission to update it in another four months, if need be.

Councilmember R. McKnight said a map would be helpful to get some spatial geography. He mentioned a park in the Tivoli neighborhood, and adding bicycle lanes, striping, and citizen comments for property. Mayor Campbell asked Council to send in any items.

Kara Chilcutt came forward and said she has spoken to Elissa Pettis. She mentioned Ms. Pettis said for the 2022 Appropriations, we can send in multiple requests, and the deadlines are April 19th. She asked for guidance on proceeding with the police department equipment, pavement condition index and the design permit for the WWTP expansion.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to proceed with the three requests for appropriations for the police department equipment, pavement condition index and the design permit for the WWTP expansion.

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

C. Grants Manager C. Mitchell – Motion to approve the Change in Scope of Work Agreement for the Chautauqua Hall of Brotherhood Restoration Phase II Grant

Grants Manager C. Mitchell came forward and stated there is a contract agreement from the State for \$21,500 for the north/south staircase. There is a small match for the staircase, but nothing changes for the bottom line. He mentioned the project has been advertised and two contractors came for a mandatory pre-bid walkthrough today.

Motion by Councilmember W. Graham and seconded by Councilmember R. McKnight to approve the Change in Scope of Work Agreement for the Chautauqua Hall of Brotherhood Restoration Phase II Grant.

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

ITEM 6. CITIZEN COMMENTS

A. General Comments from the audience

Mayor Campbell asked for any comments. No one came forward.

B. Planning Director Chris Wallace – Motion to approve the Resolution Approving the Conceptual PDP for Eagle’s Crossing

Planning Director Chris Wallace came forward asking approval for the Conceptual Planned Development Project (PDP) for Eagle’s Crossing. He mentioned the developer has agreed they must submit the agreement to be made part of the PDP within 30 days.

Motion by Councilmember R. McKnight and seconded by Councilmember W. Graham to approve the Resolution approving the Conceptual PDP for Eagle’s Crossing.

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

City Clerk M. Schrader announced the resolution number as 2021-05.

Julie Smith of Veterans Lodge thanked the Mayor and Council for their support in ensuring the project moved forward. She also thanked the city attorney for the work he provided. She added Chris Wallace stepped up and took care of the project within thirty days. She acknowledged the veterans in attendance and thanked everyone for supporting the Veterans Lodge.

Mayor Campbell voiced his appreciation for the project and for choosing DeFuniak Springs.

ITEM 7. REQUEST TO BE ON THE AGENDA

- A. Dr. Melinda Henderson – Request approval of a re-submittal of support letter and a Resolution of Support for St. Agatha’s Episcopal Church in its quest for a Florida Division of Historical Resources Special Category Grant for the Preservation and Restoration of the Charles E. Murray Home

Dr. Melinda Henderson came forward representing St. Agatha’s Episcopal Church explaining the grant submittal did not go through last year mentioning the criteria had changed from last year. She asked for the city’s support.

Motion by Councilmember T. Bierbaum and seconded by Councilmember H. Ennis to approve the Mayor signing a re-submittal of support letter and a Resolution of Support for St. Agatha’s Episcopal Church in its quest for a Florida Division of Historical Resources Special Category Grant for the Preservation and Restoration of the Charles E. Murray Home.

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

- B. Andre Q. Miley – Request Council to amend the Right-of-Way Decision on the Abandonment at 444 Dorsey Avenue

Mr. Miley came forward and said he spoke to his neighbors, and they agreed the city can use the ROW, however the neighbor does not want to sign the deed back to the city.

City Attorney Clay Adkinson came forward reminding the Council the owner would need to deed the easement back to the city, as the city needs to own the storm management system. He added Mr. Miley wants the section abandoned, but the intersection involves three homeowners. He has not seen the latest survey.

Planning Director C. Wallace said the survey shows the 50-foot-wide easement. However, the survey does not include the east-west section that runs through the property. In response to legal, Mr. Wallace will send the survey to legal for review.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to table until the next meeting since there are too many unanswered questions.

Councilmember T. Bierbaum said we must have ownership to the drainage ditch, per our legal.

Mr. Miley asked that legal provide a document to present to the other homeowner to review.

After discussion on the latest survey and drainage issues, Councilmember R. McKnight said Council needs the survey, so we cannot decide tonight.

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

C. Jon Kinsey – Motion to approve Downtown Arts Night borrowing 10-12 tables and 30-40 chairs for Arts Night on May 1, 2021

Jon Kinsey of the Downtown Arts Night came forward to request table and chairs from the city for the event. He mentioned the purpose of the event is to bring cultural arts, music and barbeque to historic Baldwin Avenue which runs from sixth to eight street on Baldwin.

Discussion ensued on who is responsible to deliver and pick up the tables and chairs, as Mr. Kinsey did not have the resources to do it, as well as the overtime costs involved.

Councilmember R. McKnight mentioned that a previous Council had approved a motion that was strictly prohibiting the city allowing tables and chairs to an entity, so the Council would have to rescind the resolution in order to assist Mr. Kinsey. City Attorney Clay Adkinson said that has been the policy of the Council for at least five years, so a motion would be needed to rescind the previous action.

In response to Councilmember K. Crystal on city liability, City Attorney Clay Adkinson said there is minimal liability any time city-property is loaned.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to deny the approve Downtown Arts Night borrowing 10-12 tables and 30-40 chairs for Arts Night on May 1, 2021.

Discussion ensued on the expense to the city in overtime.

After discussion, Mr. Kinsey withdrew his request.

Motion by Councilmember K. Crystal and seconded by Councilmember H. Ennis to withdraw the previous motion.

Mayor Campbell offered to pick up and drop off the tables and chairs if Council would consider the request.

Councilmember R. McKnight said it is good stewardship of our resources, but he suggested reviewing our policy for future requests.

Motion by Councilmember R. McKnight and seconded by Councilmember T. Bierbaum to permit the use with the understanding that the mayor will pick up and drop off the tables and chairs, as well as bringing back a policy.

Vote: Councilmember R. McKnight, Aye; Councilmember T. Bierbaum, Aye; Councilmember K. Crystal, Nay; Councilmember H. Ennis, Nay; Councilmember Wayne Graham, Nay. Ayes 2, Nays 3. Motion failed.

- D. Kim Wennerberg/Beautification and Tree Board – Request a motion to allow the Board to propose site locations on city-owned property for a dog park

Kim Wennerberg mentioned during the Beautification and Tree Board survey on the Florence Park FRDAP grant, they received replies that the neighborhood was interested in a dog park, so she asked permission to explore the possibility of a location, as well as getting support and funding.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the Tree Board to explore options for the dog park.

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

Councilmember R. McKnight mentioned the neighbors had no idea that the name of the park was Florence Park. An old map showed the name was Cypress Park. He would like the name to return to its historic name, as no one knows why it was named Florence.

ITEM 8. LEGISLATIVE REQUESTS –

- A. Councilmember T. Bierbaum – Motion to direct staff to set a special meeting to conduct an initial budget and goals meeting in the next 45 days

Councilmember T. Bierbaum reminded the Council of the directive to pass a pre-budget meeting in March, so when we got to the July budget meetings, we would be more efficient. He also suggested that our Finance Director lead the budget meetings.

Motion by Councilmember T. Bierbaum and seconded by Councilmember W. Graham to direct staff to set a special meeting to conduct an initial budget and goals meeting in the next 45 days.

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

After further discussion, **Motion** amended by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to have the Finance Director conduct all budget workshops and budget meetings, as well as require legal to be present.

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

B. Councilmember R. McKnight – Motion to approve a salary increase for City Council elected in April 2021 and thereafter appointed or elected

Councilmember R. McKnight explained the Council cannot receive a pay raise after their term of office begins. The salary is \$10,500 now. If not changes, the incoming members would not be able to receive a pay raise until 2025. He added there is a lot of work, research, and meetings to attend. He proposes the salary for seats 4 and 5, to be increased to either \$13,000 or \$14,000 a year. He added the other three members cannot receive a raise during their term. He has asked finance and money can be reallocated for the remainder of this year.

Motion by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to approve a salary increase of \$15,000 for the City Council elected in April 2021 and thereafter for appointed or elected officials.

Finance Director Debra Gibson said, currently, the Council would receive an estimated \$500 difference.

Councilmember R. McKnight said it is a 40% increase in pay and said \$15,000 was higher than what he made him comfortable.

Citizen D. Cosson said at the last election, Council increased the Public Works minimum salary to \$13 an hour and suggested they should receive a \$2 an hour wage increase. However, Mayor Campbell said the employee salaries will be considered during the budget meetings.

Councilmember T. Bierbaum said the Council supports the Public Works and Police salaries and will continue to support them.

Motion amended by Councilmember T. Bierbaum and seconded by Councilmember R. McKnight to approve a salary increase of \$14,000 for the City Council elected in April 2021 and thereafter for appointed or elected officials.

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

ITEM 9. AIRPORT

John Collins, AVCON – Airport Terminal Development Project Bid Approval for Advertisement

John Collins said the city attorney has approved the bid documents, which are due on May 20th.

Motion by Councilmember K. Crystal and seconded by Councilmember T. Bierbaum to approve the Airport Terminal Development Project Bid Approval for Advertisement.

John Collins said he will work with Chris Mitchell regarding the grant. After the bids are received, the successful bidder will be brought to Council. The grant will be issued by August 1st. The site development and plan will be brought forward to the city in the interim. The last one is water and sewer, however, they have discovered there is only a septic tank at the airport, so if we can get a grant to cover that piece it will be pursued for funding.

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

ITEM 10 - Reserved

ITEM 11. PUBLIC WORKS –

A. Elissa Pettis, Dewberry - SRF Loan Agreement DW66025 for Asbestos Concrete Watermain Replacement

Motion by Councilmember K. Crystal and seconded by Councilmember R. McKnight to approve and accept the SRF Loan Agreement DW66025 for Asbestos Concrete Watermain Replacement.

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

B. Public Works Director Craig Drake – Motion to approve the award of the Clay Street Double Tennis Court Resurfacing Contract to Premier Surface Solutions in the amount of \$30,860

Public Works Director Craig Drake came forward to approve the award and then enter into an agreement with Premier Surface Solutions. He mentioned adding lights since the project was budgeted at \$40,000 and some funds would be unspent on paving.

Motion by Councilmember R. McKnight and seconded by Councilmember K. Crystal to approve the award of the Clay Street Double Tennis Court Resurfacing Contract to Premier Surface Solutions in the amount of \$30,860.

Discussion ensued on the addition to lights. Public Works Director C. Drake added it includes striping and nets.

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

Motion by Councilmember H. Ennis and seconded by Councilmember T. Bierbaum to authorize the Mayor to enter into an agreement for the tennis court re-paving project after legal Counsel review and without it coming back to Council.

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

Public Works Director C. Drake said he would like to add LED lights with a budget amendment.

Councilmember R. McKnight asked for signage during the project. Public Works Director C. Drake suggested it may be a three-week project, and he will add signs.

12. Planning –

- A. Chris Wallace/Dan Cosson – Request to approve the Special Event application for the Forward DeFuniak 1st Annual Sprint Triathlon with street closures on Circle Drive from East Live Oak to College Avenue and allow for swimming in Lake DeFuniak for May 15, 2021 from 5 – 10 a.m., as well as approval to allow an exception to Section 16-18, Swimming, to allow participants for the Triathlon to practice swimming in Lake DeFuniak for approximately thirty days (April 12 – May 15, 2021)

Chris Wallace brought forth the Special Event application for the Forward DeFuniak 1st Annual Sprint Triathlon with street closures on Circle Drive from East Live Oak to College Avenue and allow for swimming in Lake DeFuniak for May 15, 2021 from 5 – 10 a.m., as well as approval to allow an exception to Section 16-18, Swimming, to allow participants for the Triathlon to practice swimming in Lake DeFuniak for approximately thirty days (April 12 – May 15, 2021).

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the event as written.

Councilmember K. Crystal voiced concern about the swimming in the lake and asked about the liability.

Dan Cosson came forward and said Taylor mentioned inviting the participants to review the new venue adding May 1 and May 8 in order to have their scouts check out the venue. They do not have insurance to cover it, however.

Discussion ensued on having the scouts sign a waiver of insurance for liability to swim at their own risk, providing lifeguards, and the safety of the lake for swimming. Mayor Campbell added Stewart Duncan has said the lake has tested clean.

Councilmember R. McKnight said our policy says insurance is required. If the event is held, the sponsors should submit insurance, as having just a waiver is problematic. He asked if this is an acceptable risk. Dan Cosson said it should be to swim at their own risk. Dr. Henderson came

forward stating the original permit did not include a practice session, as they only have insurance for the day of the event.

Councilmember K. Crystal voiced concern that there is no insurance for the trial session.

City Attorney Clay Adkinson said Dr. Henderson has complied with the event requirements. Regarding the practice, the participants and time are defined, so the better option is to obtain insurance naming the city as additional insured. A waiver form is also good to have. He added they are asking for an alleviation of the city's policy for the extra two dates.

Discussion ensued on the liability of the city and concern about the waiver.

Motion amended by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the event without the request for practice days.

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

Discussion ensued on the need for liability insurance and certified lifeguards, and the issue with the Forward DeFuniak Board not having approved the practice runs.

Councilmember R. McKnight suggested that D. Cosson obtain insurance from their sponsor and get lifeguards.

ITEM 13. POLICE – Nothing brought forward.

ITEM 14. CITY ATTORNEY

City Attorney Clay Adkinson had no other comments.

ITEM 15. STAFF REPORTS – No other comments.

ITEM 16. COUNCIL COMMENTS

Councilmember T. Bierbaum thanked Councilmember W. Graham for his service to the city. Councilmember R. McKnight thanked him, as well.

Councilmember H. Ennis mentioned the lake on the circle is called Chipley Park Lake.

ITEM 18. EXECUTIVE REPORT

Mayor Campbell announced the interviews for the city manager start tomorrow at 9:00 a.m. and will allow 40 minutes for questions from the Council, ten minutes for questions from the candidates and a 10-minute wrap up, so the Zoom call will be suspended for a break. At noon, there is a lunch break and resume at 1 p.m. for the next candidate.

Mayor Campbell distributed information to the Council about the EDA wastewater stating said they have had several meetings to get educated on funding for the project. City Attorney Clay Adkinson added we are waiting on the preliminary engineering report.

Mayor Campbell said the Chelco extension deadline is the 23rd of May.

ITEM 18. ADJOURNMENT

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

Approved:

Bob Campbell, Mayor

ATTEST:

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