

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
May 10, 2012 – 6:00 PM

Mayor Farley called the Regular Council meeting to order at 6:00 P.M. on Thursday, May 10, 2012. Following a moment of silence and Pledge of Allegiance, roll call was taken:

ROLL CALL:

MAYOR FARLEY	COUNCILMAN DRIVER
COUNCILMAN CHUBB	COUNCILMAN ARTABASY
COUNCILMAN BRATTON	

Also present at the meeting were: Town Manager/Clerk, Nell Dykes, Asst. Town Manager/Clerk Monika Gillette, Town Attorney Jeff McInnis, Town Engineer Joe Rector, Deputy Jim Welch, Town Planner Jack Dorman, residents Jean and Don Hood, Jose Lozano of Okaloosa Gas and James Puckett of Okaloosa County.

SPECIAL BUSINESS

1. Only one applicant submitted a resume for appointment for a vacant council seat. Councilman Driver made a motion to appoint Mrs. Jean Hood to serve the remainder of a vacated council seat on the Town Council. Councilman Chubb seconded the motion. The motion passed unanimously. Attorney McInnis gave the oath of office. Mrs. Hood had to leave early due to a previous engagement.

Regular Business:

1. **Council Approval of Agenda:** Mayor Farley asked for approval of the agenda. Councilman Chubb made a motion to approve the agenda. Councilman Driver seconded the motion. The motion passed unanimously.
2. **Council Approval of Consent Agenda:** Mayor Farley asked for approval of the consent agenda Regular Council Meeting Minutes, April 12, 2012, Meeting Minutes LPA Transmittal Public Hearing, April 12, 2012 and Budget Status as of April 30, 2012. Councilman Driver made a motion to approve the consent agenda. Councilman Chubb seconded the motion. The motion passed unanimously.

ACTION ITEMS:

1. Attorney McInnis read by title Ordinance 225: *AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, RELATING TO A NATURAL GAS UTILITY FRANCHISE TO THE OKALOOSA GAS DISTRICT, CREATED UNDER THE LAWS OF THE STATE OF FLORIDA, PROVIDING FOR DEFINITIONS; PROVIDING FOR THE RIGHT, AUTHORITY, EASEMENT, AND PRIVILEGE TO INSTALL, OPERATE AND MAINTAIN A NATURAL GAS MANUFACTURING PLANT OR PLANTS; NATURAL GAS TRANSMISSION AND DISTRIBUTION SYSTEM AND OTHER SUCH NECESSARY FACILITIES FOR THE PURPOSE OF PROVIDING NATURAL GAS SERVICES TO ALL CLASSES OF CUSTOMERS WITHIN THE TOWN OF CINCO BAYOU, FLORIDA; PROVIDING FOR NON-EXCLUSIVE GRANT; PROVIDING GEOGRAPHIC AREA; PROVIDING A TERM; PROVIDING CONSIDERATION; PROVIDING CONSISTENT CUSTOMER RATES; PROVIDING COLLECTION PROVISION; PROVIDING ACCOUNTING, AUDIT, AND INSPECTION; PROVIDING THE TOWN NOT TO COMPETE; PROVIDING RELOCATION AT GAS DISTRICT EXPENSE; PROVIDING RELOCATION FOR PRIVATE ENTERPRISE; PROVIDING RIGHT TO PURCHASE AFTER TERMINATION OF FRANCHISE; PROVIDING NOTICE OF EXERCISE OF*

OPTION; PROVIDING TRANSMISSION SYSTEM AND INTERRUPTIBLE CUSTOMERS; PROVIDING ANNEXATION; PROVIDING DEFAULT CLAUSE; PROVIDING PROPER OPERATION; PROVIDING HOLD HARMLESS CLAUSE; PROVIDING SOVEREIGN IMMUNITY; PROVIDING CONTINUITY OF SERVICE MANDATORY; PROVIDING FAILURE TO REQUIRE PERFORMANCE, NOT A WAIVER; PROVIDING EXCLUSIVITY OF ORDINANCE SECTIONS; PROVIDING REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENTS: There were none.

Mr. McInnis stated that he had reviewed the Franchise Agreement with Okaloosa Gas and stated there were some changes from the past agreement which he reviewed. He stated the biggest change was to Section 6-E which would allow Okaloosa Gas to cap the gross revenue amount used to calculate the franchise fees due. He suggested that Mr. Jose Lozano clarify the change. He also stated that the clause would not go into effect until 75 percent of Okaloosa County's municipalities also agreed. Mr. Lozano stated that the clause was written in to the franchise agreements to account for volatility in natural gas prices. He stated that gas prices were estimated and that the franchise amount paid would be based on that rate for the year. Councilman Artabasy made a motion to accept the first reading of Ordinance 225. Councilman Chubb seconded the motion. The motion passed unanimously.

2. Mr. James Puckett of Okaloosa County addressed the Council to explain and answer questions about the Florida Boating Improvement Fund. He stated that it was not a grant program, but that the County administered a portion of the fees collected through boat registration. He stated that eligible municipalities could request up to \$15,000 per year with a one year rollover for boat launch repairs. Councilman Chubb made a motion to authorize the Town Manager to request money through Okaloosa County and the Florida Boating Improvement Fund and that the Town would stop collecting boat launch fees when the agreement is in place. Councilman Bratton seconded the motion. The motion passed unanimously.
3. Ms. Dykes stated that she had received a request from Laguna Landing Homeowner's Association requesting use of Laguna Park for an upcoming roof replacement project on their condominium. Mr. Joe Garvie of GLC Contracting addressed the council stating that their firm had been awarded the contract and were requesting that a 10x30 dumpster for roofing debris and the use of the park to bring equipment to the job site. Mr. McInnis stated that legal fees for creating a agreement for use of the park would cost between \$300 and \$500 and would need to be paid by the Homeowner's Association before the project began. Councilman Chubb made a motion to allow Laguna Landing Homeowner's Association request as drawn up by Attorney McInnis. Councilman Driver seconded the motion. Councilman Artabasy abstained from voting since he is a resident of Laguna Landing. The motion passed with Councilmen Driver and Chubb voting yes and Councilman Bratton voting no.

Councilman Bratton made a motion to approve replacement of the valve mixer on the Town's generator at a cost of \$2,825.26 from Kossen Equipment. Councilman Artabasy seconded the motion. A roll call vote was taken:

Councilman Driver	yes	Councilman Chubb	yes
Councilman Bratton	yes	Councilman Artabasy	yes

The motion passed unanimously.

Discussion Items:

1. CDBG Update: A written report was submitted.
2. Jack Dorman gave the council an update on the process for adoption of amendment cycle 12-1. He stated he wanted an ordinance prepared and scheduled as soon as possible. It was the consensus of the Council to hold the first reading of the ordinance at a special meeting on Tuesday, May 22. The second and final reading of the ordinance was scheduled for the regular June council meeting.

Reports:

Town Manager's Report - A written report was submitted. Ms. Dykes also updated the council on the property owned by 90 Yacht Club LLC stating she and Maintenance Supervisor Keith Williams would be inspecting the buildings with the Okaloosa County Building Inspector to see if they should be condemned.

Attorney's Report – None

Engineer's Report – Engineer Rector stated that his firm had inspected the outfall pipe in Glenwood Park off Opp Blvd. He stated that a slope needed to be put back into the outfall area at an estimated cost of \$8,000-\$9,000. Ms. Dykes suggested that the project could be completed using contingency funds. Councilman Bratton stated that a site visit be scheduled after the special meeting already scheduled for May 22. Mr. Rector also stated that there was no imminent danger on the outfall pipe at Town Hall and suggested a temporary fix could include filling the area.

Community Officer's Report – Deputy Welch submitted a written report. He stated that a fugitive was apprehended at 201 Troy Street and that Herbie's Smoke Shop had closed after a Sheriff's investigation.

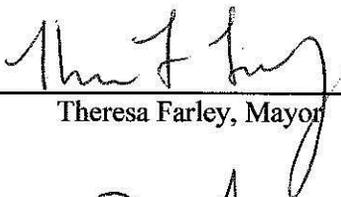
Public Request / Comments: None.

Council Members Comments / Request: None

Mayor's Comments / Announcements: Mayor Farley announced upcoming meetings.

Adjourn – There being no further business, the meeting adjourned at 7:25 pm.

ATTEST:



Theresa Farley, Mayor



Neil Dykes, Town Manager/Clerk