

TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING MINUTES  
MAY 12, 2011 – 6:00 PM

Mayor Farley called the Regular Council meeting to order at 6:10 P.M. on Thursday, May 12, 2011 and recessed it at 6:11 PM to reopen the Special Council Meeting. She reopened the Regular Council Meeting at 6:20 PM.

**ROLL CALL:**

MAYOR FARLEY  
COUNCILMAN CHUBB  
COUNCILMAN BRATTON

MAYOR PRO-TEM KOCH  
COUNCILMAN DRIVER  
COUNCILMAN THRASE (ABSENT)

Also present at the meeting were: Town Manager/Clerk Nell Dykes, Town Attorney Jeff McInnis, Deputy Jim Welch, Blount Armstrong of Jordan & Associates, Jason Shepler of Mittauer and Associates and guests, Samantha Adams and husband Tom Adams.

**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.

**VISTOR:** Samantha Adams - Requested a Permit for a Tent Revival to be held from May 28, 2011 through June 18, 2011 from 6:00 pm to 9:30 pm; possibly to 10:00 pm on the vacant lot behind Top's Hamburgers. Mrs. Adams made a presentation to the Town Council showing her efforts to provide the information requested by the Town Manager/Clerk prior to the Council meeting. The Council members ask questions and discussed the request with her. Town Manager/Clerk Nell Dykes advised the Council there were no provisions in the Town's Code of Ordinances for this type of event. She provided a copy the Okaloosa County and the City of FWB's Temporary/Special Event Permit Applications. After much discussion the Town Council decided to permit the request using the County's Permit Application with modifications. Mayor Farley ask for a motion to permit the request. Councilman Bratton made a motion to grant the permit using the Okaloosa County Temporary Use Permit Application with the following modifications:

- 1) *A letter from property owner, Mr. Cook, granting permission to hold the event during the time frame requested by Mrs. Adams.*
- 2) *A letter from Tops Hamburgers owner granting permission to hold the event during the time frame requested by Mrs. Adams.*
- 3) *Provide an executed contract with a Security company providing security during entire event time frame.*
- 4) *Provide a certificate of liability insurance listing the Town of Cinco Bayou as Certificate Holder.*
- 5) *Rope off area to prevent overflow parking on the Kmart parking lot.*
- 6) *Enter and exit from south end of lot only. There will be no entering or exiting from the Beal Street driveway due to safety concerns and congestion in neighboring parking lot.*
- 7) *There will be no event held on Monday, June 6, 2011 due to congestion from the Billy Bowlegs Parade which has been previously scheduled.*

Councilman Chubb seconded the motion. The motion passed with Councilman Koch casting a nay vote.

2. **Council Approval of Consent Agenda:** Mayor Farley ask for approval of the consent agenda: Regular Council Meeting Minutes April 14, 2011, CATF Meeting Minutes, April 26, 2011, First Public Hearing CDBG Phase II Meeting Minutes, April 26, 2011, Fair Housing Workshop CDBG Phase II Meeting Minutes, April 26, 2011, Special Council Meeting Minutes, April 26, 2011, and Budget Status as of April 30, 2011. Councilman Bratton made a motion to approve the consent agenda. Councilman Driver seconded the motion. The motion passed unanimously.

**ACTION ITEMS:**

**1. PUBLIC HEARING:** Mayor Farley opened the Public Hearing at 6:55 PM.

Attorney McInnis Read by title Ordinance 221.

**Second Reading of Ordinance 221: AN ORDINANCE TO BE ENTITLED:**

AN ORDINANCE GRANTING TO GULF POWER COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO MAINTAIN AND OPERATE AN ELECTRIC PLANT AND AN ELECTRIC TRANSMISSION AND DISTRIBUTING SYSTEM IN THE TOWN OF CINCO BAYOU AND TO CONSTRUCT, MAINTAIN, OPERATE AND EXTEND ELECTRIC TRANSMISSION AND DISTRIBUTION LINES IN THE STREETS AND PUBLIC PLACES OF SAID TOWN; AND PROVIDING THE TERMS AND CONDITIONS OF SUCH GRANT; PROVIDING FOR GRANT OF FRANCHISE PRIVILEGE, PROVIDING FOR RIGHT TO OPERATE; PROVIDING FOR TERM OF FRANCHISE; PROVIDING FOR FRANCHISE CONSIDERATION; PROVIDING FOR TRANSFERABILITY; PROVIDING FOR FORFEITURE OF FRANCHISE; PROVIDING FOR TERMINATION OF GRANT BY INSOLVENCY OR BANKRUPTCY; PROVIDING FOR SEVERABILITY; PROVIDING HOLD HARMLESS AGREEMENT; PROVIDING FOR RATES, RULES AND REGULATIONS; PROVIDING FOR REVIEW AND REVISION OF FRANCHISE PROVISIONS; PROVIDING FOR OTHER FRANCHISES; PROVIDING FOR SUCCESSORS AND ASSIGNS; PROVIDING FOR PROPER OPERATION; PROVIDING FOR INTERRUPTION OF SERVICE; PROVIDING FOR METERING OF SERVICE; PROVIDING FOR EXCAVATION, MAINTENANCE AND RESTORATION; PROVIDING FOR SURRENDER OF RIGHTS; PROVIDING FOR WRITTEN ACCEPTANCE BY GRANTEE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mayor Farley ask for Public comments, there were none. Councilman Koch made a motion to accept the Second Reading and Adopt Ordinance 221. Councilman Chubb seconded the motion.

<b>Roll Call Vote:</b>	Councilman Bratton	Yes
	Councilman Driver	Yes
	Councilman Chubb	Yes
	Councilman Koch	Yes

The motion passed unanimously.

Mayor Farley closed the Public Hearing at 7:00 PM.

**2.** Mayor Farley ask for a motion on Resolution 2011-01 - Supporting Emerald Coast Branding Initiative. Councilman Bratton made a motion to adopt Resolution 2011-01. Councilman Chubb seconded the motion. The motion passed unanimously.

**3.** Mayor Farley ask for a motion on Street Striping - Proposal Submitted From Gulf Coast Traffic Engineers, Inc. Councilman Bratton made a motion to place double yellow line striping on Hughes Street, place stop bars at all intersections using Thermoplastic, stripe turn lanes on Hughes Street and on the East side of Yacht Club at a cost not to exceed \$8,000. Councilman Driver seconded the motion.

<b>Roll Call Vote:</b>	Councilman Bratton	Yes
	Councilman Driver	Yes
	Councilman Chubb	Yes
	Councilman Koch	Yes

The motion passed unanimously.

**4. Street Sweeping.** The City of Fort Walton Beach Proposed to sweep the Town's streets once a month for an annual fee of \$15,000. It was the consensus of the Council not to accept the proposal but to have staff check other parking lot sweeping services.

**5. Renewal of Waste Management Agreement:** Attorney McInnis informed the Council that his firm also did work for Waste Management and he needed approval from the Council to waive any potential conflict of interest and authorize him to review the proposed renewal contract. He further advised the Council that Mrs. Dykes had handled all discussion with Waste Management thus far and that she had reached a tentative agreement with them subject to Council approval. Mayor Farley asked for a motion to waive any potential conflict of interest and authorize Attorney McInnis to review the contract to be considered by the Council at a later meeting. Councilman Chubb made a motion to waive any potential conflict of interest and authorize Attorney McInnis to review the contract. The motion was seconded by Councilman Bratton. The motion passed unanimously.

**Discussion Items:**

1. **CRA / CDBG Update** - Town Manager/Clerk Nell Dykes gave a written update in her Manager's Report.
2. **Review of Okaloosa County Sheriff Proposal for Fiscal Year 2011/2012** - Town Manager/Clerk Nell Dykes provided copies of the Proposed Community Policing Contract from the Okaloosa County Sheriff's Department. She noted that there was a 33% increase in the proposal. It was the consensus of the Council to invite Sheriff Ashley to the June or July Council Meeting to discuss the proposed increase.

**Reports:**

1. **Town Manager's Report** - A written report was submitted. Town Manager/Clerk Nell Dykes noted that the Contractor that had been cleaning the drainage ditch that goes through Glenwood Park was no longer in business and that the Town would need to go out for bids for a new service to clean it. Councilman Bratton made a motion to authorize the Town Manager/Clerk have the ditch cleaned before it gets too overgrown until a new cleaning service could be obtained. Councilman Koch seconded the motion.

**Roll Call Vote:**

Councilman Bratton	Yes
Councilman Driver	Yes
Councilman Chubb	Yes
Councilman Koch	Yes

2. **Attorney's Report** - None given
3. **Community Officer's Report** - Deputy Welch submitted a written report.

**Public Request / Comments:** None Given

**Council Members Comments / Request:** None Given

**Mayor's Comments / Announcements:**

**Days to remember:**

**Monday, May 30, 2011 - Memorial Day - Town Hall Closed**

**Adjourn** – There being no further business, the meeting adjourned at 7:35 pm.

ATTEST:



Theresa Farley, Mayor

Nell Dykes  
Town Manager/Clerk