

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
June 14, 2012 – 6:00 PM

Mayor Farley called the Regular Council meeting to order at 6:00 P.M. on Thursday, June 14, 2012. Following a moment of silence and Pledge of Allegiance, roll call was taken:

ROLL CALL:

MAYOR FARLEY	COUNCILMAN HOOD
COUNCILMAN CHUBB	COUNCILMAN DRIVER
COUNCILMAN BRATTON	COUNCILMAN ARTABASY

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, and Town Planner Jack Dorman.

ADOPTIVE PUBLIC HEARING

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: None

Councilman Driver made a motion to accept the second reading and adoption of Ordinance 225. Councilman Artabasy seconded the motion. The motion passed unanimously.

2. Attorney McInnis read by title Ordinance 226: *AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY ELIMINATING TRANSPORTATION AND PUBLIC SCHOOL CONCURRENCY REQUIREMENTS FROM THE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR*

ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENTS: None

Councilman Chubb made a motion to accept the second reading and adoption of Ordinance 226 and authorize the Town Manager to transmit the document. Councilman Driver seconded the motion. The motion passed unanimously.

The public hearing was closed at 6:05 with the immediate convening of the Regular Council Meeting.

Regular Business:

1. **Council Approval of Agenda:** Mayor Farley asked for approval of the agenda. Councilman Bratton 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, May 10, 2012, Meeting Minutes Special Council Meeting, May 22, 2012 and Budget Status as of May 31, 2012. Councilman Bratton made a motion to approve the consent agenda. Councilman Hood seconded the motion. The motion passed unanimously.

ACTION ITEMS:

1. Engineer Rector approached the Council discussing correcting erosion issues at the outfall pipe in Glenwood Park off Opp Blvd. He stated that a permit would need to be submitted to Florida Department of Environmental Protection and the Corps of Engineers at a cost of \$710. Councilman Artabasy made a motion to authorize Engineer Rector to proceed with a final design including permitting to present to the council at the next council meeting. Councilman Chubb seconded the motion. A roll call vote was taken:

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

The motion passed unanimously.

2. Town Manager Dykes stated she had received a project agreement from Okaloosa County for funding from the Boater Improvement Fund. Councilman Bratton made a motion to approve the project agreement and to lift boat launch fees as soon as Attorney McInnis had reviewed the agreement and to authorize Mayor Farley to sign it. Councilman Driver seconded the motion. A roll call vote was taken:

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

The motion passed unanimously.

Discussion Items:

1. CDBG Update: Ms. Dykes stated that the environmental review has been completed and after submission and approval, request for funding can be started. Mr. Rector stated that a meeting with the utility companies was scheduled for Wednesday, June 20 at 3 pm.

Reports:

Town Manager's Report - A written report was submitted.

Attorney's Report – None

Town Planner – Mr. Dorman stated that he discussed the Military Compatibility portion of the Comprehensive Plan with DOE who agreed to extend the deadline to the end of the year.

Engineer's Report – Engineer Rector stated that he had met with Keith Telly of Telly's Automotive regarding flooding at the corner of Kelly Avenue and Beal Parkway. He determined that the Town was not responsible for the flooding issues and that it was a private property issue. He stated that gravel from the car lot had washed into the adjoining parking lot which caused the drainage issue. He also stated that he made suggestions to Mr. Telly to correct the problem.

Mayor Farley asked Mr. Rector to prioritize a project list for discussion during the upcoming budget meetings.

Community Officer's Report – Deputy Welch confirmed that Herbie's Smoke Shop had closed..

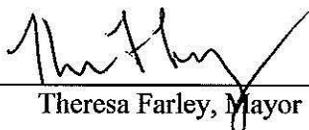
Public Request / Comments: None.

Council Members Comments / Request: Councilman Chubb suggested replacing the payment box at the boat launch with a dispenser for bags so boaters could bag their recycling for the nearby recycling dumpster.

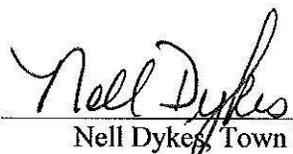
Mayor's Comments / Announcements: Mayor Farley announced upcoming meetings.

Adjourn – There being no further business, the meeting adjourned at 6:41 pm.

ATTEST:



Theresa Farley, Mayor



Nell Dykes, Town Manager/Clerk