TOWN OF CINCO BAYOU
SPECIAL COUNCIL MEETING MINUTES
JUNE 23, 2010 • 5:30 PM

Mayor Farley called the Special Council meeting to order at 5:30 P.M. on Wednesday, June 23, 2010. Following the Pledge of Allegiance and a silent prayer, roll call was taken

ROLL CALL:

MAYOR FARLEY	MAYOR PRO-TEM KOCH
COUNCILMAN CHUBB	COUNCILMAN ARTABASY
COUNCILMAN BRATTON	COUNCILMAN DRIVER

Also present at the meeting were: Town Manager/Clerk Nell Dykes and Attorney Jeff McInnis.

SPECIAL BUSINESS:

1. Review and confirmation of the final details of the loan and easements for the Eglin Corridor Project.

Attorney McInnis gave the Council an update on the Kmart easement and the Gulf Power free standing pole on the right-a-way on the south side of Hughes Street. A report from Jason Shepler was given to each council member on the contamination findings at the Kmart easement. In sum, it appears the issues can be resolved with the Department of Health and DEP. The Sears/Kmart environmentalist and legal department have given clearance to proceed with the grant of easement pending some language change reviews in the easement by Attorney McInnis.

Attorney McInnis and Town Manager/Clerk Dykes received an email from Chad Fountain of Gulf Power in reference to the free standing pole. Per Mr. Fountain, the design engineer *thinks* that he can keep the diameter within 4' but because it is so close to their threshold, he will not be able to give a definitive answer with an exact pole diameter until he has completed the final design. He estimates that the final design will take 2-3 weeks to complete once he receives the soil sample results from the site. The soil sample was taken 6/23/2010, and the results of the sample should be delivered to the design engineer by Monday, the 28th.

Town Manager/Clerk Dykes and Attorney McInnis recommended the council authorize the Mayor and the Town Manager execute the loan documents as approved in previous council meeting with a ***FIFTY THOUSAND DOLLAR ($50,000)*** draw down. Mike Diehl, Senior Vice President with SunTrust Bank has assured the Town that there will be no prepayment penalty fee should the Town have to cancel the project. Attorney McInnis reminded the council that the original fee from Bond Attorney Lott was for $3,500 plus expenses for the note up to $200,000 and that if the loan amount was more there would be an additional fee. The additional fee is $500. He also informed the council that his office also had been required to write an opinion letter as the Legal Counsel of the Town and he had a fee of $750. He stated the council would need to approve payment of both fees.

Councilman Chubb moved to approve the additional fee of $500 to Attorney Lott and the fee of $750 to Attorney McInnis. Councilman Koch seconded the motion. A roll call vote was taken.

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

The motion passed unanimously.

Councilman Bratton moved to authorize the Mayor and Town Manager to execute the loan documents as approved in previous council meeting with a ***FIFTY THOUSAND DOLLAR ($50,000)*** draw down. Councilman Chubb seconded the motion. A roll call vote was taken.

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

The motion passed unanimously.

Councilman Bratton brought to the attention of the council that there were 3 pilings in the Bayou that have no no-wake signs on them and that they are very difficult to see at night or dusk. Town Manager Dykes said that she would look into it.

There being no further business the meeting adjourned at 5:55 pm.

ATTEST:

Theresa Farley, Mayor

Nell Dykes
Town Manager/Clerk