

TOWN OF CINCO BAYOU  
PUBLIC HEARING MEETING MINUTES  
JULY 28, 2011 – 5:45 PM

Mayor Farley called the Public Hearing to order at 5:45 P.M. on Thursday, July 28, 2011. Following a moment of silence and Pledge of Allegiance, roll call was taken:

**ROLL CALL:**

MAYOR FARLEY  
COUNCILMAN CHUBB  
COUNCILMAN BRATTON

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

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

**PUBLIC HEARING:**

1. Attorney McInnis read by title Ordinance 222: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, PROVIDING FOR THE EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT, INC., OF FLORIDA, A PRIVATE CORPORATION, FOR THE COLLECTION AND DISPOSAL OF ALL RESIDENTIAL AND COMMERCIAL TRASH, GARBAGE, AND OTHER REFUSE WITHIN THE TOWN LIMITS; PROVIDING FOR THE COLLECTION OF RESIDENTIAL RECYCLABLE MATERIALS WITHIN THE TOWN LIMITS; PROVIDING FOR AUTHORITY; PROVIDING DEFINITIONS; PROVIDING FOR GRANT OF EXCLUSIVE FRANCHISE; PROVIDING FOR TERM; PROVIDING FOR ASSIGNMENT; PROVIDING FOR DEFAULT; PROVIDING FOR CUSTOMER BILLING AND COLLECTION; PROVIDING FOR RATE CHARGES; PROVIDING FOR SCOPE OF SERVICES; PROVIDING FOR DISPOSAL SITE AND FEES; PROVIDING FOR FRANCHISEE'S BUSINESS OFFICE; PROVIDING FOR PERFORMANCE BOND; PROVIDING FOR INSURANCE; PROVIDING FOR NOTICE OF CLAIMS OR LITIGATION; PROVIDING FOR INDEMNIFICATION AND HOLD HARMLESS; PROVIDING FOR HOLIDAYS; PROVIDING FOR ACCESS TO RECORDS; PROVIDING FOR COLLECTION EQUIPMENT; PROVIDING FOR PROTECTION OF FRANCHISE AREA; PROVIDING FOR SPECIAL WASTE, INFECTIOUS WASTE, HAZARDOUS WASTE, BIO HAZARDOUS WASTE AND BIOLOGICAL WASTE; PROVIDING FOR MODIFICATIONS TO LEVEL OF SERVICE; PROVIDING FOR MODIFICATIONS TO SCOPE OF SERVICE; PROVIDING FOR COOPERATION/ COORDINATION; PROVIDING FOR CONSUMER COMPLAINTS; PROVIDING FOR STORMS AND OTHER EMERGENCIES; PROVIDING FOR FRANCHISEE'S REPRESENTATIVES; PROVIDING FOR CONDUCT OF FRANCHISEE'S EMPLOYEES; PROVIDING FOR COMPLIANCE WITH STATE, FEDERAL AND MUNICIPAL LAW; PROVIDING FOR STANDARDS OF PERFORMANCE; PROVIDING FOR DEFAULT AND DISPUTE OF THE AGREEMENT; PROVIDING FOR PERMITS AND LICENSES; PROVIDING FOR TITLE TO MATERIALS; PROVIDING FOR MODIFICATION; PROVIDING FOR NONDISCRIMINATION PROVISION; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR PUBLIC SERVICE PROJECTS; PROVIDING FOR VENUE; PROVIDING FOR SOVEREIGN IMMUNITY; PROVIDING FOR CONFLICTING ORDINANCES AND RESOLUTIONS; AND PROVIDING FOR EFFECTIVE DATE.

Ms. Dykes stated that the franchise agreement would be for the next four years and then proceeded to highlight key points of the contract. Councilman Bratton made a motion to accept the first reading of Ordinance 222. Councilman Thrash seconded the motion. A roll call vote was taken:

Councilman Bratton	Yes	Councilman Chubb	Yes
Councilman Thrash	Yes		

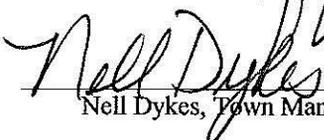
The motion passed unanimously.

Mayor Farley asked for public input which there was none.

**Adjourn** – There being no further business, the meeting adjourned at 5:55 pm.

ATTEST:

  
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Theresa Farley, Mayor

  
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Nell Dykes, Town Manager/Clerk