

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
August 9, 2007 – 6:00 PM

Mayor Iovieno called the Regular Council meeting to order at 6:00 P.M. on Thursday, August 9, 2007. Following the Pledge of Allegiance and a silent prayer, roll call was taken:

Roll Call: Mayor Iovieno
Mayor Pro Tem Koch
Councilman Bratton
Councilman Chubb
Councilman Caforio
Councilman Farley

Also present at the meeting were: Town Manager/Clerk Nell Webb, Asst. Town Manager/Clerk Monika Gillette, Attorney Jeffrey McInnis, Engineer Tyler Strickland and Community Officer Jim Welch.

PUBLIC HEARING

1. Attorney McInnis read by title the first reading of Ordinance 215: **AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING CHAPTER 30 OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES TO BE ENTITLED "THREATENING, INTIMIDATING, AND HARASSING BEHAVIOR FOR SOLICITATION PROHIBITED"; PROVIDING AUTHORITY; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING DEFINITIONS; ESTABLISHING PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input following the title reading. Councilman Koch motioned to accept the first reading of Ordinance 215. Councilman Caforio seconded the motion. A roll call vote was taken:

Councilman Bratton yes
Councilman Koch yes
Councilman Chubb yes
Councilman Farley yes
Councilman Caforio yes

The motion passed unanimously.

2. Attorney McInnis read by title the first reading of Ordinance 216: **AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING SUBPART B, RELATED LAWS, ARTICLE II. ELECTIONS; CREATING A NEW SECTION 12 ENTITLED "2008 MUNICIPAL ELECTION DATE", SECTION 13 ENTITLED "QUALIFYING PERIOD FOR 2008 ELECTION DATE", AND SECTION 14 ENTITLED "BEGINNING DATE FOR TERM OF OFFICE"; ESTABLISHING JANUARY 29, 2008 AS THE MUNICIPAL ELECTION DATE FOR 2008; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2008 MUNICIPAL ELECTION; ESTABLISHING THE BEGINNING DATE FOR THE TERM OF OFFICE; PROVIDING FOR AUTHORITY; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR A PURPOSE; PROVIDING FOR CREATION OF SECTION 12, [2008**

MUNICIPAL ELECTION DATE], SECTION 13, [QUALIFYING PERIOD FOR 2008 ELECTION DATE] AND SECTION 14 [BEGINNING DATE FOR TERM OF OFFICE]; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

There was no public input following the title reading. Councilman Koch motioned to accept the first reading of Ordinance 216. Councilman Chubb seconded the motion. A roll call vote was taken:

Councilman Bratton yes
Councilman Koch yes
Councilman Chubb yes
Councilman Farley yes
Councilman Caforio yes

The motion passed unanimously.

REGULAR BUSINESS

1. **Council Approval of Agenda:** Mayor Iovieno asked for acceptance of the agenda. Councilman Koch motioned to approve the agenda as submitted. Councilman Bratton seconded the motion. The motion passed unanimously.
2. **Council Approval of Consent Agenda:** Mayor Iovieno asked for acceptance of the consent agenda including: minutes Regular Council Meeting of July 12, 2007, Budget Workshops of July 17 and July 31, 2007, and Budget Status as of July 31, 2007. Councilman Bratton motioned to accept the consent agenda. Councilman Koch seconded the motion. The motion passed unanimously.

ACTION ITEMS

1. Ms. Webb asked for approval to pay Kossen Equipment, Inc. \$15,582 for the town hall generator. Councilman Koch reminded the council that this item had already been approved and budgeted and motioned that the request be granted. Councilman Chubb seconded the motion. A roll call vote was taken:

Councilman Bratton yes
Councilman Koch yes
Councilman Chubb yes
Councilman Farley yes
Councilman Caforio yes

The motion passed unanimously.

2. Ms. Webb asked for approval to pay Okaloosa Gas for a service connection fee of \$961 for the town hall generator. Councilman Bratton motioned that the request be granted. Councilman Caforio seconded the motion. A roll call vote was taken:

Councilman Bratton yes
Councilman Koch yes
Councilman Chubb yes
Councilman Farley yes
Councilman Caforio yes

The motion passed unanimously.

3. Ms. Webb asked for approval to pay Kossen Equipment, Inc. \$3,235.00 for a 5-year maintenance service agreement for the town hall generator. Councilman Bratton motioned that the request be granted. Councilman Caforio seconded the motion. A roll call vote was taken:

Councilman Bratton yes
Councilman Koch yes
Councilman Chubb yes
Councilman Farley yes
Councilman Caforio yes

The motion passed unanimously.

DISCUSSION ITEMS

1. Hurricane Preparedness – Councilman Chubb asked the status on purchasing radios and walkie talkies. He stated his concerns about frequency availability and after a brief discussion it was the consensus of the council to not purchase VHF radios at this time but to only purchase walkie talkies to be used by council members around town as part of their disaster equipment. Councilman Koch asked about the town's requirement for FEMA reimbursement. Ms. Webb stated she is waiting on an update from FEMA but would schedule workshops as required. Mayor Iovieno stated that this was an important matter to the town and that it be kept under unfinished business. Attorney McInnis recommended contacting Okaloosa County to review their disaster preparedness plan and agreement for FEMA. Councilman Bratton asked that the council be updated within a week via email about the matter.
2. CRA – Ms. Webb stated that she updated the council in her manager's report. She added that she had received an email from the CDBG engineer that she would be meeting with DOT, Gulf Power, the City of Fort Walton Beach and the town's engineer on August 21.
3. Councilman Bratton that he had contacted Vanguard for information regarding the town's retirement plan. He stated he learned that there were different rules regarding municipalities and that if the town chose to go with Vanguard they would need to go through one of their approved third parties for administration. He recommended putting together a plan before the next council meeting. Attorney McInnis stated that the town may need to issue a RFP or RFQ to acquire administration bids for the retirement plan. He questioned if the Florida League of Cities offered a plan that the town could use. Ms. Webb stated that the city of Fort Walton Beach used the Florida City and County Manager's Association for their retirement plan. Ms. Webb asked if a written policy needed to be adopted before a plan was put in place. Attorney McInnis stated that the plan administrator would be responsible for helping the town develop a policy. Councilman Chubb asked that Ms. Webb update the council before the next council meeting via email.

Reports

1. **Town Manager's Report:** Ms. Webb submitted a written report. Councilman Bratton stated that he felt the EAR workshop was not productive and that the comprehensive plan should be reviewed by exception rather than item by item. Attorney McInnis stated that it might have been a requirement of the EAR to conduct the workshop as it was. Mayor Iovieno agreed that if the entire council did not need to meet at the next EAR workshop time might better be served. Attorney McInnis stated that he and Ms. Webb would be meeting with Mr. Dorman on the 14th and that time spent with the council on August 21 be meaningful. Councilman Koch recommended all council members read the current comprehensive plan.

Councilman Chubb asked for an update on Francis Park and wanted to know why the council was not aware of the contract with Mr. O'Brien and questioned if due diligence had been done regarding the company's

background. Ms. Webb stated that the company came highly recommended by Final Construction who is on contract with the town and that O'Brien Construction was licensed in Okaloosa County. Councilman Chubb asked Deputy Welch if he had done a background check. Deputy Welch stated he had done a background check and that Mr. O'Brien's record was clean in Okaloosa County but there was record of an arrest warrant that had been served in Walton County several years ago but that he did not have access to those records. Mayor Iovieno recommended using the town's engineering firm to help secure a DEP permit for Francis Park. Mr. McInnis stated a certified demand letter had been sent to Mr. O'Brien to begin the process through the Sheriff's department. Officer Welch stated that he will process the complaint through the State's Attorney's Office but it would be left up to the judge to determine how Mr. O'Brien would be prosecuted. Councilman Chubb asked the status of the FRDAP grant. Ms Webb stated that Mr. O'Brien was to help her with some of the information for the grant but that she felt she had enough information to go ahead on her own. Mr. McInnis recommended working through the town engineer since they could use sub contractors as part of their contract with the town. Mayor Iovieno stated that this was an important matter to the town and that this project needed to be kept in unfinished business.

2. **Engineer's Report:** Engineer Strickland stated that the final construction review was completed on Anchor Ice and that everything was in compliance.
3. **Attorney's Report:** None give.
4. **Community Officer's Report:** Deputy Welch submitted a written report. He also stated that the owner's of 90 Opp Blvd. were contacted to clean and mow their property and they promptly complied. He also stated that he had written 12 open containers citations in the past two weeks. He notified the council he would be assisting the Federal Marshall's department August 20-25 and would be out of pocket..

Public Comments/Requests: None.

Council Member's Comments/Reports:

- Councilman Chubb asked that packets and minutes be delivered earlier. Ms. Webb stated that the staff was limited and that all efforts are being made to reach set goals.
- Councilman Bratton stated that he would not be in attendance at the EAR workshop set for August 21 and asked that he be updated via email. Attorney McInnis suggested that the meeting on the 21st be advertised as a special council meeting to empower the council to be able to vote on pressing matters.

Mayor Iovieno announced upcoming meeting dates and Town Hall closings.

Adjourn – There being no further business, the meeting adjourned at 6:59 pm.

ATTEST:



Michael Iovieno, Mayor



Nell Webb
Town Manager/Clerk