

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
September 13, 2007 – 6:00 PM

Mayor Iovieno called the Regular Council meeting to order at 6:00 P.M. on Thursday, September 13, 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 (arrived 6:15)
Councilman Farley

Also present at the meeting were: Town Manager/Clerk Nell Webb, Attorney Jeffrey McInnis, Engineer Tyler Strickland, Jeremy Riser, Paula Hofer 1003 Anistion Ct., Ed Stanford and Community Officer Jim Welch.

PUBLIC HEARING

1. Attorney McInnis read by title the second 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 Bratton motioned to accept the second reading of Ordinance 215. Councilman Koch seconded the motion. For the record Attorney noted there was typical error that had no bearing on the ordinance.

The motion passed unanimously.

Attorney McInnis read by title the second 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.**

The public input following the second title reading was whether it applied to the next election. Attorney McInnis noted that the election date in Ordinance 216 is for 2008 only and that the regular March election date will return the following election in 2009. Councilman Bratton motioned to accept the second reading of Ordinance 216. Councilman Chubb seconded the motion. .

The motion passed unanimously.

Mayor Iovieno recessed the Public meeting at 6:10 PM due to Councilman Caforio being in transit and had not arrived to being continued tonight when she arrives. Mayor Iovieno continued on to the Regular Business.

Regular Business:

1. **Council Approval of Agenda** – Councilman Koch moved to approve the Agenda, Councilman Bratton seconded the motion. The motion passed unanimously.
2. **Council Approval of Consent Agenda:** Minutes: Regular Council Meeting Minutes of August 9, 2007, Special Council Meeting of August 21, 2007 and Budget Status as of August 31, 2007. Attorney McInnis noted that the minutes of August 9th had an error in reference to the title paragraph of Ordinance 216 and they should be pulled from the approval motion. Mayor Iovieno pulled the minutes of August 9th. Councilman Bratton motioned to approve the Consent Agenda minus the August 9th minutes, Councilman Koch seconded the motion. The motion passed unanimously.

Attorney advised the council of the correct title paragraph of Ordinance 216. Councilman Bratton motioned to approve the corrected minutes of August 9th and Councilman Koch seconded the motion. The motion passed unanimously

Mayor Iovieno reconvened the Public Hearing upon Councilman Caforio's arrival at 6:15 PM.

2. Attorney McInnis read by title the first reading of Ordinance 217 setting the tentative millage rate 2.0639 mills per \$1000 of property value: **Ordinance No. 217 An ordinance of the Town of Cinco Bayou, Florida levying the ad valorem property tax millage rate for municipal purposes on all taxable property within the Town for the fiscal year beginning October 1, 2007 and ending September 30, 2008 stating the percentage by which the millage to be levied IS LESS THAN the rolled-back rate; and, providing an effective date.**

There was no public input following the first title reading. Councilman Chubb motioned to accept the first reading of Ordinance 217. Councilman Caforio seconded the motion. Town Manager Nell Webb noted the tentative millage for fiscal year 2007 – 2008 is 2.0639 mills per \$1000 of property value. A roll call vote was taken.

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| Councilman Bratton | - | No |
| Councilman Chubb | - | Yes |
| Councilman Koch | - | Yes |
| Councilman Farley | - | Yes |
| Councilman Caforio | - | Yes |

The motion passed.

ACTION ITEMS

1. **Adoption of Tentative Operating Budget in the amount of \$499,040.00.** Councilman Koch questioned the amounts of percentage of increase in payroll and retirement. Town Manager Webb explained she had calculated the payroll increase at 4% of the previous year's payroll less the part-time employees payroll allowance. Mayor Iovieno noted that the Council's decision on payroll would allow the pay increases be disbursed at the Manager's discretion.

Councilman Koch questioned the percentages on the Employee retirement. Ms Webb stated she used the calculation of 100% on 1st 3% of contribution and 50% on the 2nd 3% of contribution per the minutes of July 31st. Councilman Bratton stated that his recollection was that it should be 4%. Councilman Chubb stated that his recollection was that it should be 100% of the 1st 4% and 50% of the 2nd 2%. Councilman Bratton motioned to reconsider employee retirement contribution to 100% of 1st 4%. Councilman Koch seconded the motion. A roll call vote was taken.

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| Councilman Bratton | Yes |
| Councilman Chubb | Yes |
| Councilman Koch | Yes |
| Councilman Farley | Yes |
| Councilman Caforio | Yes |

The motion passed unanimously

Councilman Chubb motion to change line item #518.360 Employee Retirement Fund to \$3,759 which was a net change of \$470 calculated at using 100% on the 1st 4% contribution. Councilman Koch seconded the motion. A roll call vote was taken.

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| Councilman Bratton | Yes |
| Councilman Koch | Yes |
| Councilman Chubb | Yes |
| Councilman Farley | Yes |
| Councilman Caforio | Yes |

The motion passed unanimously.

Councilman Chubb motioned to approve the change of \$470 to line item #580.990 Contingency Fund to \$11,032. Councilman Koch seconded the motion. A roll call vote was taken

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| Councilman Bratton | Yes |
| Councilman Koch | Yes |
| Councilman Chubb | Yes |
| Councilman Farley | Yes |
| Councilman Caforio | Yes |

The motion passed unanimously

Councilman Chubb motioned to adopt the tentative budget with the approved changes. Councilman Koch seconded the motion. A roll call vote was taken.

Councilman Bratton Yes
Councilman Koch Yes
Councilman Chubb Yes
Councilman Farley Yes
Councilman Caforio Yes

For the record Town Manager Webb stated the budget amount for fiscal year 2007 – 2008 as \$499,040.

DISCUSSION ITEMS:

1. **Hurricane Preparedness** – Councilman Chubb asked the status on the gas connection to the generator. Town Manager Webb explained that the electrical connection was complete and that the gas connection order had been placed and should be completed within a couple of weeks. She explained that once the gas was connected that Koosen Equipment would come out to start up the generator. Town Manager Webb also noted the she had heard from Gabrielle Benigni with Disaster Operations and Training, Inc. and that Ms Benigni should be in town the next week to finalize the first draft of the Debris Management Plan.
2. **CRA** – Ms. Webb stated that it still was not clear as to how the TIF funds were going to be impacted for the upcoming fiscal year and that she had used the calculations sent to her from DOR.

Town Manager's Report: Ms. Webb submitted a written report. Councilman Chubb ask status of Frances Park. Town Manager Webb stated that Engineer Tyler Strickland would give an update. Councilman Chubb stated that the residents in Kidd Bayou Oaks might be interested in piggy backing with the town to get their seawall. Mayor Iovieno and Councilman Bratton noted that Kidd Bayou Oaks was private property and they would have to coordinate with the engineers on their own.

Engineer's Report: Engineer Strickland gave an update on meetings he had attended with Gulf Power and DOT on the CDBG project and that the project seemed to be moving along. He introduced Jeremy Riser with Environmental Services, Inc. as a consultant on the Frances Project. Mr. Riser said he had spoken with DEP and the Corps of Engineers and that both agencies seem willing to work with them on the project.

Attorney's Report: Attorney McInnis stated that the letter to Dan O'Brian was returned as undeliverable and that he would send it to Town Manager Webb for the file.

Community Officer's Report: Deputy Welch submitted a written report. He also stated that there has been an armed robbery in the What-a-burger parking lot but that the subject was apprehended shortly after the incident. He stated that he and his supervisor were going to attend a meeting with DOT in reference to vagrants under the bridge. Town Manager Webb Stated that she had also spoken with Deputy Welch's supervisor, Pecot and that maybe DOT would grant the town an easement under the bridge as an extension of the town's parks so that the town's park ordinances could be enforced for violators under the bridge.

Public Comments/Requests: Paula Hofer of 1003 Anniston Court questioned if the City of FWB discontinuance of recycling applied to residents of Cinco Bayou. Town Manager Webb answered no, that the Town of Cinco Bayou was contracted to Waste Mgmt.

Council Member's Comments/Reports:

- Councilman Koch thanked the staff for getting the minutes and packets out so quickly.
- Councilman Chubb agreed. He stated that he had also attended the OCLOC lunch meeting and that there were not enough in attendance for quorum but they did discuss the homeless issue and that it is a problem through out the county. They also discussed Branding for the Emerald Coast.

Adjourn – There being no further business, the meeting adjourned at 6:55 pm.

ATTEST:





Michael Iovieno, Mayor



Nell Webb
Town Manager/Clerk