

**MEETING MINUTES  
TOWN OF CINCO BAYOU  
REGULAR TOWN COUNCIL  
NOVEMBER 14, 2013 ♦ 6:00 PM**

Mayor Pro Tem Chubb called the Regular Council Meeting to order on November 14, 2013 at 6:04 P.M.  
Roll call was taken:

**ROLL CALL:**

MAYOR FARLEY (ABSENT)	COUNCILWOMAN HOOD
MAYOR PRO-TEM CHUBB	COUNCILMAN MYERS
COUNCILMAN BRATTON	COUNCLMAN SIEVERS

Also present at the meeting were: Town Manager Nell Dykes, Town Deputy Clerk Linda Barringer, Town Maintenance Manager Keith Williams, Town Attorney Jeff McInnis and Town Engineer Cliff Knauer and Charlie Cotton from Preble-Rish, Sam Houston, Sean McSheehy, Dharbi Jens, Arturo Gasca, Bryan Lopez, Dale & Kristi Jens, Residents: Brooke & Maria McLean.

**REGULAR BUSINESS:**

1. **Council Approval of Agenda:** Mayor Pro Tem Chubb asked for approval of the Agenda. Councilwoman Hood made a motion to approve the Agenda, Councilman Siever's seconded the motion. *The motion passed unanimously.*
2. **Council Approval of Consent Agenda:** Mayor Pro Tem Chubb asked for approval of the consent Agenda of the Meeting Minutes for the Regular Council Meeting on October 10, 2013, the Meeting Minutes from the Rescheduled Regular Council Meeting on October 22, 2013 and the Budget Status as of October 31, 2013.
3. Councilwoman Hood made the motion and Councilman Myers seconded the motion. *The motion passed unanimously.*

**PUBLIC HEARING:**

Attorney McInnis Read the Second reading of Ordinance 229

**ORDINANCE NO. 229**

**AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA,  
AMENDING CHAPTER 34, PARKS AND RECREATION, SECTION 34-41,  
MERCHANDISING, ADVERTISING AND SIGNS, SUBSECTION (1),  
VENDING AND PEDDLING; AMENDING SECTION 34-41(1) TO  
PROHIBIT ALL NON-PERMITTED COMMERCIAL ACTIVITIES  
WITHIN TOWN PARKS; AMENDING THE TITLE OF SECTION 34-42;  
AMENDING SECTION 34-42(c) TO ADD REQUIRMENT THAT ALL  
COMMERCIAL ACTIVITY IN TOWN PARKS TO BE PERMITTED;  
AMENDING SECTION 34-44(a) and (b), RECREATION FACILITY FEE,  
TO ESTABLISH THE AUTHORITY FOR CHARGING FEES FOR  
COMMERCIAL ACTIVITY PERMITS; PROVIDING FOR AUTHORITY;  
PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR  
A PURPOSE; PROVIDING FOR CODIFICATION; PROVIDING  
FORCONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY;  
AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Nick Chubb asked for any public comment: None

**Approval of Ordinance 229:** Mayor Pro Tem Nick Chubb asked the council for a motion on Ordinance 229. Councilman Bratton made a motion to adopt Ordinance 229 as presented, Councilman Hood seconded the motion.

*The motion passed unanimously.*

## CLOSE PUBLIC HEARING

### Action items:

1. Preble-Rish's continuing services contract for annual renewal to be voted on. Cliff Knauer spoke up and said he really appreciated the continued support and looks forward to working with the Town of Cinco Bayou.

Councilwoman Hood made a motion to continue service contract for annual renewal. Councilman Bratton seconded the motion. Roll call was taken:

Councilman Bratton- yes

Councilman Sievers- yes

Councilwoman Hood- yes

Councilman Myers-yes

*The motion passed unanimously*

2. Choctaw High School IT Class gave a sample of the website presentation. Mr. McSheehy along with his student leaders from the IT class gave the council a preview of the Cinco Bayou website they have created thus far. They gave a wonderful presentation and demonstrated how the Town and the residences could easily maneuver through the website and different pages, displaying projects, history, officials, and how easy/more efficient it would be to navigate documents through google docs. While uploading all documents such as the resolutions, ordinances, addendums, meeting minutes, etc. staff and officials would be able to view/edit/print agendas, minutes, financials etc. When the team asked if the council had any questions or comments. Councilman Bratton reminded the team that the council is under the guidelines of the "Sunshine Law" while going through the google docs may be more efficient it would not allow any conversation between the council members. Mr. McSheehy said it would not be a problem to construct the documents into the folder that would comply with the law. This would be a great way for everyone to see the Agenda and all documents in the draft form to make changes to them and the final drafts throughout the month.

3. Council's consideration of a request for the proclamation to designate the Town of Cinco Bayou as "A Purple Heart Town". Mr. Sam Houston who was instrumental in this project spoke to the council stating he had to apply through Washington D.C. for the "Purple Heart County and Purple Heart City/Town designation, and Okaloosa County has designated January a "Purple Heart Month".

Councilwomen Hood made the motion to approve the Proclamation to make Cinco Bayou a Purple Heart County. Councilman Siever's seconded the motion.

*The motion passed unanimously.*

4. Discussion and vote on Resolution 13-06. Town Attorney Jeff McInnis read Resolution 13-06 as previously discussed in recent Town Regular Council meetings.

**RESOLUTION 13-06**  
**A RESOLUTION OF THE TOWN COUNCIL OF THE**  
**TOWN OF CINCO BAYOU, FLORIDA, PROVIDING FOR**  
**AUTHORITY; PROVIDING FOR THE ESTABLISHMENT**  
**OF FEES FOR THE RESERVATION AND USE OF TOWN**  
**RECREATIONAL AND PARK FACILITIES; PROVIDING**  
**FOR WAIVER OF FEES FOR CERTAIN NON-PROFIT**  
**ORGANIZATIONS; PROVIDING FOR PENALTY;**  
**REPEALING CONFLICTING RESOLUTIONS; AND**  
**PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Pro Tem Nick Chubb asked for any comment from the Council Members: Mr. Siever's asked if any of businesses have contacted Town Hall concerning the new Ordinance: Town Manager replied: No

Mayor Pro Tem Chubb asked for a motion on Resolution 13-06.  
Councilman Siever's made a motion to approve Resolution 13-06,  
Councilwomen Hood seconded the motion. *The motion passed unanimously.*

Town Attorney McInnis went over the following: Town Hall Facility Use Agreement, Park Facility Use Agreement, Commercial Use and Special Event Permit, Application Agreement.

Mayor Pro Tem Chubb asked for a motion of approval and adoption of the following: Town Hall Facility Use Agreement, Park Facility Use Agreement, Commercial Use and Special Event Permit, Application Agreement.

Councilman Bratton made a motion to approve Resolution 13-06,  
Councilwomen Hood seconded the motion. *The motion passed unanimously.*

5. Town Council's decision for the Town and Holiday banners. Town Deputy Clerk Linda Barringer displayed the options for the town banners to the Council for consideration.

Council Bratton made the motion to approve purchase of 14 banners with the discussed and approved design from Displaysales.com and to purchase 12 Holiday banners from a company with a less expensive price, but only after council had a chance to preview the proof. Councilwomen Hood seconded the motion. Roll Call was taken:

Councilman Bratton- yes

Councilman Sievers- yes

Councilwoman Hood- yes

Councilman Myers-yes

*The motion passed unanimously*

## Reports:

### 1. Town Manager's Report --

#### **TRANSIT SYSTEM CONTRIBUTION**

Wednesday 10:00 am, Water and Sewer Company, conference room. The cities in attendance were: Destin, Fort Walton Beach, Mary Esther, Cinco Bayou, School Board representative. The County is asking municipalities to contribute to the transit system even though some of the municipalities are not using the system. There is a shortage of funds approximately \$300,000.00 per year. This meeting was just to brain storm with the municipalities to get an idea of where they thought their council members would be on the idea of supporting the system, (which none of the municipalities thought their governing bodies would be in favor of it, unless they have an input). One reason is there doesn't seem to be a far reaching plan or goal for the system to grow or improve; they at this point are just trying to stay afloat. The ultimate thought was to form a transit co-op as like the one the county did for the Library, in producing the Library Co-op. That way all municipalities would have a vested interest in the system and determine the routes, stops, etc.

The County sent letters to the municipalities last September and this year in April asking the cities to give some thought to assist the County in providing transit services. None of the cities included this request in their 2013 – 2014 budgets. Copies of the letters, along with information given at today's meeting are being sent to each Council Member. This information is just the beginning of discussions to come. No dollar amount were given and explanations of how the numbers on the charts were arrived at were not made clear.

**RICK'S CRAB TRAP:** Rick's Crab Trap has added a lean-to on the north side (Irwin St side) of their building for purpose of allowing patrons a place outside to smoke while visiting the restaurant. No permits were applied for. This project was done over the weekend of October 26<sup>th</sup>. The property owner was notified that they were in noncompliance of Cinco Bayou's Code of Ordinances and that the lean-to would have to be removed. The property wishes to apply for a variance. The requirements for applying for a variance were explained to him. He plans to attend the regular Council Meeting of November 13, 2013. It recommended that all Council Members go look at the structure before the November Council meeting. Keith Williams Maintenance Manager said it is made of 4 x4 post, shingle, it measures approx.. 24x16. Jeff McInnis mentioned at this point it is best to let Code Enforcement. Town Manager Dykes stated there will be a Violation letter hand delivered to Rick's Crab Trap tomorrow.

**SPIRITUAL DEMINTIONS: HOMELESS OVER NIGHT FACILITY** It has been reported to staff that Spiritual Dimensions located at 186-A Eglin Parkway (little white house behind Chatter Box Hair Salon) has been allowing homeless people to sleep overnight at this location for a fee of \$20 a night. Staff has made several attempts to contact business owners as early as 8:00 am to as late as 5:00 pm on several different occasions as well as by phone. No one has answered the door nor did it appear that anyone was on the premises. A letter was sent to them to purchase a business license. Someone from the business called and told Linda that they were exempt and did not have to purchase a business license. That was the first and last time the town has had any contact with them. Staff will keep trying to get information on this business and will keep the Council informed.

2. **Attorney's Report** – no comments
3. **Town Planner's Report** – no comments
4. **Engineer's Report** – Cliff Knauer spoke: Thank you for your confidence as we look forward to continuing to work with you.

**Public Request/Comments:** None

**Council Member's Comments/Request:**

**Councilman Bratton:** None

**Councilman Siever's:** Are there any plans for a meeting to discuss the new LDC and the website design? Attorney McInnis commented on both: the Planning Manager, Town Manager Dykes and he had met earlier that day and discussed starting the adoption process; hold 3 public meetings and then bring before the council to vote on. As for the website, according to the Sunshine Law, only one elected official can work with the staff and give ideas for the new website. Councilman Siever's volunteered to help out with the completion of the website project.

**Councilwomen Hood:** Commended the staff for the newsletter that was recently sent out. As it develops she would like to see more mentioned of the businesses in our town. Town Manager Dykes replied that we have had good feedback from the businesses as they have called and emailed us their logos.

**Councilman Myers:** None

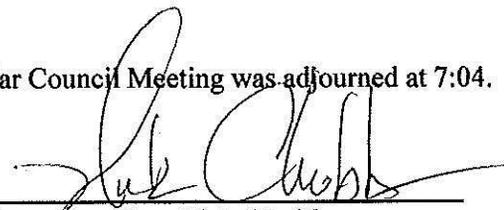
**Mayor Pro Tem Chubbs Comments/ Announcements:** None

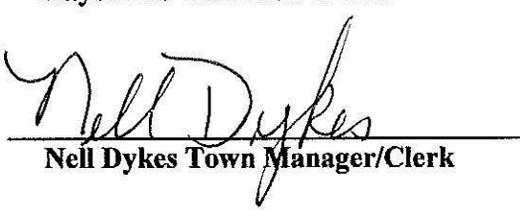
**Dates to Remember:** Town Hall will be closed on November 28<sup>th</sup>-29<sup>th</sup>, 2013 for the Thanksgiving Holiday. Regular Town Council Meeting on December 12, 2013 followed by Holiday Gathering. Town Hall to be closed December 24-25<sup>th</sup> in observance of the Christmas Holidays and January 1, 2014 in observance of the New Year Holidays.

**Adjourn:** After no further business the Regular Council Meeting was adjourned at 7:04.

**ATTEST:**



  
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**Mayor Pro Tem Nick Chubb**

  
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**Nell Dykes Town Manager/Clerk**