TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
NOVEMBER 19, 1986

Mayor Laginess called the Regular Council Meeting to order at 5:11 PM

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Present: Mayor Laginess
Councilwoman Buchanan
Councilwoman Dumka
Councilman Plaster

Absent: Councilman Skelly (Arrive 5:18)

Also Present: John Brown, Clerk Borchik
Bill Atkins, Bart Hudson
Steve Rushing, Jerry Schnitzius
Irene Balsley, Betty Gage

REGULAR BUSINESS

1. Consent Agenda - Councilwoman Dumka made a motion to approve all items listed for the Consent Agenda, specifically, agenda items 2, 3, 4, 5, 9 and 10, seconded by Councilwoman Buchanan. The motion was unanimously approved on a roll call vote.

(NOTE: The following items reflect their Agenda item numbers)

6. Resolution 87-2 - Councilman Plaster made a motion to adopt Resolution 87-2, seconded by Councilwoman Dumka. The motion was unanimously approved.

7. KSD Statement - Mr John Brown, attending the meeting for Mr. McInnis, asked that this item be discussed later time during the meeting as Mr. McInnis was delayed in Court and would be here soon.

8. Computer System Purchase - The Clerk asked that action on this item be delayed until December.

11. Hardee's Building Permit - Mr. Bill Atkins presented the plans for the construction of the new Hardee's and the removal of the present building. (Counciulman Skelly arrived at this point) Councilman Plaster made a motion to approve the the construction of the new building with the condition that the proposed parking areas satisfy the State Stormwater run-off requirements, seconded by Councilman Skelly. The motion was unanimously approved.

12. Councilmember Appointment - Councilman Plaster nominated Mr. Richard K. Gage, seconded by Councilwoman Dumka. There were no other nominations. Councilman Plaster made a motion to appoint Mr. Gage to the Town Council for the remainder of Councilman Davis' term, seconded by Councilman Skelly. The motion was unanimously approved. The Clerk was asked to call Mr. Gage and invite him to the meeting to take the Oath of Office.

Mr. McInnis arrived and at this point, the Council addressed item 7, KSD Statement. The tape recordings of the July and August Council meetings were reviewed and indicated that no verbal contract was made and in fact, Mr. Kendrick stated that he would prepare a proposal for the Council's consideration. Councilman Skelly asked that Mr Kendrick be invited to attend the December meeting to explain his position.

At this point Mr. Gage arrived and was administered the Oath of Office by Attorney McInnis and took his seat at the Council Table.

PUBLIC REQUESTS

1. Mr Bart Hudson, Environmental Waste Systems, was present and introduced Mr. Jerry Schnitzius, the new manager for Environmental Waste System's operations here in our area.
2. Councilman Skelly asked the members of the Council to consider changing the time of the Council meetings as it was difficult for several councilmembers to make a 5:00 meeting. This item will be on next month's agenda.

COMMITTEE REPORTS - None

CORRESPONDENCE

1. Letter - Department of Community Affairs - Outlined the new requirement for updating Flood Plain Management Ordinances by April 1987.
2. Letter - Panhandle League of Cities - a reminder of the media seminar in Panama City on December 5, 1986.

CLERK'S REPORT

1. Reference the Christmas Parade, the DOT has approved the use of Eglin Parkway for the parade. A copy of the approved permit will be given to the parade chairman.
2. The large Oak tree by First Federal Savings & Loan has died and needs to be removed. An attempt will be made to find a licensed and insured tree removal firm as this tree hangs over the adjoining house and could be a problem.

MAYOR'S ANNOUNCEMENTS

1. The Mayor advised the Council that he will participate in the Christmas Parade on December 6, 1986.
2. The Mayor reminded the Council that the Okaloosa County League of Cities Winter Quarterly Meeting will be sponsored by the Town and held at the Fort Walton Yacht Club on December 18, 1986.
3. The Town Christmas party will be held on Tuesday, December 16th.
4. The Council was asked to look at Glenwood Park as a decision would be made during December whether or not to accept the DNR grant to complete the boardwalk & trails

There being no further business, the meetintg adjourned at 6:20 PM.

Charles R. Loginess
Mayor

Attest: [signature]
Town Clerk

NOTE: A mechanical recording had been made of the foregoing proceedings of which these minutes are a part and is on file in the Office of the Town Clerk.

TOWN OF CINCO BAYOU
RULES OF PROCEDURE

I. MEETINGS.

A. REGULAR MEETINGS:

Regular meetings of the Town Council shall be held on the second and third Wednesday of each month at 5:00 P.M., or at such times as the Town Council may designate.

B. SPECIAL AND EMERGENCY MEETINGS:

Special meetings shall be called by the Mayor, Mayor Pro Tem or at the written request of three (3) members of the Town Council. Notice of such special meetings shall be mailed by the Town Clerk to each Council Member at least forty-eight (48) hours in advance. Public Notice, including time, place and subject matter of the meeting shall be published at least twenty-four (24) hours in advance of the meeting.

Emergency meetings shall be called by the Mayor, Mayor Pro Tem or at the written request of three (3) members of the Town Council. Public Notice shall be published by the Town Clerk at least twenty-four (24) hours in advance of the meeting unless that time might endanger the safety or property of citizens.

Notice of special or emergency meetings shall state the subjects to be considered and no other subject may be considered at that meeting. Upon receiving written request of three (3) Council Members, Mayor, or Mayor Pro Tem shall act immediately. Notification to remaining council shall be performed by the Town Clerk as described above.

C. QUORUM AND ATTENDANCE:

Three (3) voting members shall constitute a quorum for conducting any business. The chair shall announce all requests by members to be excused from attendance for stated period. No member shall fail to attend more than one (1) consecutive meeting without explanation to the chair.

D. MEETING AGENDAS:

The agenda for all regular and special meetings of the Town Council will be finalized and prepared not later than 12 o'clock noon of the day preceeding the meeting. The agenda for emergency meetings will be prepared prior to the meeting. Meetings, agendas and pertinent supporting papers and documents will be delivered to the Mayor, each Council Member and the Town Attorney no later than 5:00 P.M. of the day prior to the meeting, or in the case of emergency meetings, as soon as practical.

E. CONSENT AGENDA:

Those items on the Council Agenda which are considered routine, e.g., Grant Deeds, Grants of Easement, final reading and adoption of Ordinances, Auditor's Reports as to Cash Count, Standard Subdivision Agreements, Calls for Bids, Reports of Administrative Actions and Proposals, Leases and Agreements previously approved in principle, etc., shall be marked with an asterisk (*) and, unless the Mayor or a Council Member specifically requests that such item on the Agenda marked to be considered under "General Order of Business" be removed therefrom and Council action taken separately on said item in the order

appearing on the Agenda, these items so marked shall be approved, adopted, accepted, etc., by motion of the Council and roll call vote. Those items so approved under the heading "Consent Agenda" will appear in the Council minutes in their proper form, i.e., resolution accepting grant deed or easement, adoption or ordinance upon final reading, etc.

F. MINUTES AND RECORDS:

The minutes and records of all Town Council meetings shall be kept by the Town Clerk pursuant to Florida Law. A mechanical recording will be made of all Town Council meetings, workshop meetings and committee meetings.

G. PUBLIC NOTICES:

The Town Clerk shall prepare all necessary public notices and arrange for their publication in a newspaper published and circulated in the immediate area. Public notices shall be posted at the Town Hall and when concerning land use, on the property concerned. All public notices will be published and posted in sufficient time to satisfy all state and local advance notice publication requirements.

II. STRUCTURE.

A. CHAIRMAN AND VICE CHAIRMAN:

The Mayor and Mayor Pro Tem shall serve as Chairman and Vice Chairman respectively.

B. DUTIES AND RESPONSIBILITIES OF THE CHAIRMAN:

It shall be the duty and responsibility of the Chairman:

(1) Preserve order and to speak to points of order before the Town Council.

(2) To declare and record all votes.

(3) To control the chamber and the halls connected to it and in cases of disturbances or disorderly conduct, cause the same to be cleared.

(4) Perform those duties as may be requied by the Town Charter and the Code of Ordinances.

C. APPEALING DECISIONS OF THE CHAIR:

A vote of four (4) Council Members shall be necessary to overrule the decision of the Chair on a point of order.

D. COMMITTEES:

(1) Standing Committees:

The Mayor shall create such standing committees as may be advisable. The chairman and members shall be appointed by the Mayor. The following are the permanent standing committees:

A. Administrative Committee

B. Finance Committee

(2) Ad Hoc Committees:

The Mayor may establish as hoc committees from time to time as may be advisable to address specific matters of temporary interest. The chairman and members shall be appointed by the Mayor.

(3) Committee Procedures:

A majority of members constitutes a quorum for any committee. A majority vote of those present shall be required to pass a motion, provided a quorum is present. If a quorum is not present, no business shall be conducted and the meeting postponed. Committee Business is governed by the same procedural requirements as exist for the Council as a whole.

III. RIGHTS AND DUTIES OF TOWN COUNCIL MEMBERS:

A. MEETING PARTICIPATION:

The Town Council shall use the Rules of Procedure adopted by the Council to conduct its business. All members shall:

(1) not procede until recognized by the chair,

(2) confine themselves to the question under debate,

(3) not interrupt another member without the consent of the member who has the floor, except by rising to a point of order,

(4) not speak more than twice on any subject, without first obtaining leave of the Town Council; nor speak more than once so long as any member who has not spoken shall desire to speak,

(5) vote on every question, unless excused by law,

(6) refrain from voting, or serving on a particular committee where there is a personal conflict of interest, and

(7) not change their vote without the consent of a majority of the Town Council.

IV. ORDINANCES AND RESOLUTIONS.

A. WRITTEN:

A copy of each ordinance and resolution legibly written or printed, shall be furnished to each council member when introduced, except by unanimous consent; and every amendment to an ordinance or resolution shall be submitted in writing, except by unanimous consent.

B. SUBJECT:

All ordinances, except those making appropriations and ordinances codifying or rearranging existing ordinances, shall be confined to the subject, and that subject shall be clearly expressed in the title.

C. READINGS:

Each proposed ordinance must be read on two (2) separate days before a vote for adoption can be taken. An ordinance may be amended on its first reading. The final reading of each ordinance shall be in full, unless a written copy shall have been furnished to each Council Member. Before a vote is taken, the ordinance must be presented to the Council in typewritten form, without erasure or interlineation.

D. VOTE RECORDED:

The YEAS and NAYS shall be taken upon the passage of all ordinances and resolutions and entered into the record of the proceedings of the Town Council.

E. EMERGENCY ORDINANCES:

An emergency ordinance may be passed if its purpose is to preserve the public peace, property, health or safety and the emergency claimed is set forth and defined in the preamble. An affirmative vote of at least four (4) members of the Town Council shall be required to pass any ordinance as an emergency measure. No measure making a grant, renewing or extending a franchise or other special privileges; amending a land use plan; rezoning private real property shall ever be passed as an emergency measure.

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V. PUBLIC PARTICIPATION.

Members of the general public may speak on any issue before the floor provided that they abide by all the rules and duties of Town Council members with regard to debate on the motion.

VI. RULES OF ORDER.

There are four (4) types of motions.

1. Main Motions: Motions of this group have for their object the bringing of questions, or propositions, before the assembly for consideration. Only one main motion can be considered at a given time by the assembly, and such a motion, when introduced, excludes all other main motions until it has been disposed of.

2. Subsidiary Motions: Motions of this group have for their object the modification or disposition of the main motion that is being considered. Their existence as motions depends entirely upon the principal motion to which they are subordinate. Since they relate to the question before the house, it is "in order" to propose them when a main motion is still before the assembly and to vote upon them before voting upon the main motion.

3. Privileged Motions: Motions of this group have no connection whatsoever with the main motion before the assembly, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of setting aside temporarily the main business before the house.

4. Incidental Motions: Motions of this group have few general characteristics in common, but for convenience have been grouped into one class. The name, "incidential" has been chosen because they arise only incidentially out of the business of the assembly.

RESOLUTION NO. 87-2

A RESOLUTION OF THE TOWN OF CINCO BAYOU AUTHORIZING THE TOWN MAYOR TO EXECUTE AND SUBMIT THE FISCAL YEAR 1987 LOCAL GOVERNMENT COMPREHENSIVE PLANNING ASSISTANCE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, the Florida Legislature, during the 1986 legislative session, appropiated $ 8.8 million to assist local government in revising their comprehensive plans to comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, and,

WHEREAS, the Florida Department of Community Affairs promulgated procedures for the allocation, disbursement and general administration of these funds within Chapter 9j-16, Florida Administrative Code, and,

WHEREAS, it is the intent of Okaloosa County to apply for Fiscal Year 1987 Local Government Comprehensive Planning Assistance funds,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, that the Town Mayor in cooperation woth the other units of local government in Okaloosa County, the town of Cinco Bayou's Local Government Comprehensive Planning Assistnace application for the Fiscal Year 1987 to the Florida Department of Community Affairs; and,

BE IT FURTHER RESOLVED, that the Mayor be authorized to act in connection with the application and to provide such additional information as may be required by the Florida Department of Community Affairs.

This resolution shall take effect immediately upon its passage and approval by the Mayor.

ADOPTED this 19th day of November, 1986.

Charles R Laginess
Mayor

ATTEST:

Town Clerk

RECEIVED 11/17/86 ASB

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

BOB GRAHAM
Governor

TOM LEWIS, JR.
Secretary

November 3, 1986

Dear Chief Elected Official:

As you are aware, the Federal Emergency Management Agency (FEMA) has revised the National Flood Insurance Program (NFIP) regulations, effective October 1, 1986. These rules conclude a two-year effort to revise NFIP criteria to reflect the experience and knowledge gained implementing these criteria during the nearly ten years since the last significant changes became effective. Section 60.7 of the NFIP regulations requires, as a condition of continued participation in the NFIP, that communities revise their local flood-plain management ordinances within six months of the effective date of any revision in NFIP regulations, in order to keep them consistent with NFIP regulations. Consequently, your community is required to amend its local floodplain management ordinance by April 1, 1987.

During the two-year effort by the federal government to revise the NFIP regulations, the State of Florida enacted several pieces of growth management legislation, some of which impacts directly on local floodplain management. Examples of this growth management legislation are the Coastal Zone Protection Act, the Local Government Comprehensive Planning and Land Development Regulation Act, and Area of Critical State Concern Legislation. Note that the NFIP regulations provide that more restrictive state regulations will take precedence over any minimum federal provisions. Consequently, when revising your local ordinance you should be aware that your enacted floodplain management ordinance may need to be more restrictive than the minimum NFIP regulations.

The State Assistance Office for the NFIP is available to assist you on this important task. Enclosed is a model flood management ordinance prepared by FEMA, which meets the minimum federal NFIP requirements. You would, of course, need to add applicable local and state definitions and any requirements which are more restrictive than the minimum federal NFIP regulations.

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Upon adoption of the revised local floodplain management ordinance, one certified copy each should be provided to:

Mr. C. Richard Mayson, Chief
Natural Hazards Section
Federal Emergency Management Agency-Region 4
1371 Peachtree Street, N.E.
Atlanta, Georgia 30309

Mr. Charles H. Speights, State Coordinator
State Assistance Office for the NFIP
Florida Department of Community Affairs
2571 Executive Center Circle, East
Tallahassee, Florida 32301

Specific requests for assistance from the State Assistance Office for the NFIP should be directed to Mr. Charles Speights or Mr. Leroy Thompson at 904/488-4925.

Sincerely,

Tom Lewis, Jr., AIA, Architect
Secretary

TL/csp
Enclosure

cc: Local Government Attorney