

TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING MINUTES  
14 FEBRUARY 2002

Mayor Drabczuk called the regular Town Council meeting to order at 6:00 P.M. on Feb. 14, 2002. Following a silent prayer and the pledge of allegiance, roll call was taken.

Present: Mayor Drabczuk  
Councilman Bainter  
Councilman Carroll  
Councilman Farley  
Councilman Frucci  
Councilman Koch

A quorum was present. Also present were Town Manager/Clerk Nell Webb, Assistant Ursel Behnken, Community Officer Frank Hawley, Attorney Jeffrey McInnis, Engineer Ed Stanford, and residents Jerry Carroll, Mr. and Mrs. Perry Kirsch, and Mr. and Mrs. Rod DesGranges.

#### **PUBLIC MEETING**

1. First Reading of Ordinance 191 relating to a Natural Gas Utility Franchise to the Okaloosa Gas District - Attorney Jeff McInnis read ordinance 191. Councilman Farley moved to accept the first reading. It was seconded by Councilman Koch and passed unanimously.

2, 3 and 4. Presentation of Findings Report; Approval of Findings Resolution #2002-02; and Adoption of Resolution #2002-02, Creating CRA - CRA Consultant David Cardwell was not able to attend the Public Meeting on Feb. 14 due to unavoidable circumstances. Therefore, the Public Meeting will be continued on Feb. 25, 2002 at 6 p.m. or immediately following the CDBG Public Hearing whichever is later.

#### **REGULAR BUSINESS**

1. **Council Approval of Agenda** - Mayor Drabczuk asked for acceptance of the agenda. Councilman Carroll moved to accept the agenda as submitted. Councilman Farley seconded it. The motion passed unanimously.

#### **2. Consent Agenda:**

A. Minutes, Regular Council Meeting, 14, Jan. 2002 and

B. Status of Funds, Jan. 31, 2002. Mayor Drabczuk asked for acceptance of Point A and B. Councilman Koch made a motion to approve the consent agenda, Point A and B. Councilman Farley seconded the motion which passed unanimously.

#### **3. Action Items**

- A. Motion to authorize Mayor to sign renewal of Agreement between the Town of Cinco Bayou and the Department of Transportation for maintenance of Eglin Parkway within the town limits - Councilman Carroll moved to authorize the Mayor to sign the renewal with the DOT. It was seconded by Councilman Farley and passed unanimously.
- B. Motion to appoint canvassing board for March election - Councilman Frucci moved to appoint Town Clerk Webb and resident Glenn Williams to the canvassing board. It was seconded by Councilman Koch and passed unanimously. Mrs. Webb said she received the election schedule from Pat Hollarn, Supervisor of Elections.

**4. Engineer's Report -**

A Yacht Club Drainage Ditch update – Engineer Stanford stated that he had received a phone call from Susan Spillman with DEP who had confirmed that the adjacent property had been released of any jurisdictional wetlands. Neither he nor the Town Manager/Clerk has received any written documentation on this topic. Mr. Kirsch who owns the adjacent property said he also had received a phone confirmation from Connie Lasher of DEP that his property had been released of jurisdictional wetlands but had not received anything in writing.

**MR. KIRSCH MADE THE FOLLOWING STATEMENT:**

*"In the phone call they have come to the conclusion to release me or release my property from being called any kind of jurisdictional wetlands - relinquished all rights to my property - my property belongs to me like it should and they told me when we were in that meeting that they were going to allow you to dredge out into that sandbar or as far as you wanted to go - or I shouldn't say as far as you wanted to - but as far as necessary to allow the flow of water to be released from the ditch and also to carry the culvert past the ends of my property - whatever you guys designed - go past the edge of the seawall on my property for protection of the ditch and my property."*

Councilman Frucci stated that he also had received a phone call from Connie Lasher of DEP confirming that what Mr. Kirsch said was what he had been told. Town Manager/Clerk Webb stated this was the first she or the engineer had heard what Mr. Kirsch stated. That if anything, most of the conversation with DEP had been quite the opposite. Engineer Stanford stated that he and the Town Manager/Clerk had a meeting scheduled with DEP on Tuesday, February 19<sup>th</sup> in Pensacola. That he had not acted any further until the meeting with DEP due to the changes on Mr. Kirsch's property.

B Hughes Street Update – Town Clerk Webb has talked to Danielle Slayterpryce of Okaloosa County, who turned her back to the DOT who will send her a package of information about the grant. Mrs. Webb is afraid that the town might have missed the deadline and all the money has already been allocated. The next step would be to talk to a financial institution to ask for money. Hughes Street was originally included in the study done by the CRA. Mayor Drabzcuk asked whether the road is so bad that it has to be done tomorrow, or can we wait. He suggested to give Mrs. Webb the chance to find out what funding is available.

C. Bat House DOT application status – Engineer Stanford said that the application has been sent out. He will give them a week to review the plan and then call them. Installing the equipment under the bridge will be quite expensive, he said. Councilman Farley said he would be starting to collect money after the town receives the approval. Councilman Frucci wanted to know if anyone had talked to the DOT about the impact of bats under the bridge. He is afraid that if the program was a success and thousands of bats would explode from under the bridge, the Town would be liable for water pollution and possible accidents. Councilman Bainter said that Cinco Bayou is not the first town doing this program, and there is only a remote possibility of something to happen. Attorney McInnis said DOT must know something about it for them to give the town a permit. Councilman Farley said that the program is a "cool thing" and that the County has tested the water at the boat ramp, and the town has a long history of water quality. Councilman Carroll agreed and said at least the town will not have any more problems with the homeless under the bridge and also, if it does not work it can always be taken down.

5. Attorney's Report. No report

6. Community Officer's Report - Officer Hawley presented a chart listing calls for service to the Okaloosa County Sheriff's Dept. and ask if the Council would like for him to continue to submit this type of report monthly. It was the consensus of the Council for it to continue.

7. Town Manager's Report - Town Manager/Clerk Webb submitted a written report. There were no comments.

8. Public Requests/Comments. No comments
9. Council Member's Comments/Reports: Councilman Bainter – Had problem with reading his phone bill and all of the charges and wondered if the Town of Cinco Bayou collected anything from the phone company. Town Manager/Clerk stated there were none being collected at this time. Councilman Carroll: No comments. Councilman Frucci: Thanked everyone for condolences received in the death of his father. Councilman Farley: Kids are excited about the bat houses and waiting to see if they are permitted from DOT. Councilman Koch: Would like for a fee structure to be researched for use of Town Hall for different events. Attorney McInnis said there was fee schedule and facility use policy formed at one time. Councilman Koch asked that Town Manager/Clerk Webb research this and report back to the Council next council meeting. Councilman Koch stated that the Vision Committee time had expired and would like for it to start back up. Town Manager/Clerk was asked to put it on the agenda for discussion for March council meeting.
10. Mayor's Report – Mayor Drabczuk gave a reminder of upcoming meetings and holiday closing hours for Town Hall. He said that the last day to register to vote is Monday, Feb. 15, 2002. – Town Manager/Clerk Webb noted that was stated in error and that Monday February 11<sup>th</sup> was actually the last day to register to vote. That day Town Hall is closed on February 18<sup>th</sup> in observance of President's Day. He further stated that Tuesday, Feb. 19<sup>th</sup> is the Town Picnic at 6:30 p.m. at Town Hall. An on Tuesday, March 12, 2002 is Election Day.
11. New Council members – Councilman Frucci asked whether the installation of new council members would be held in April. If the new council members are sworn in at the next Council meeting they only have one day for orientation. Attorney McInnis suggested swearing the new members in, but having the orientation at a later date, due to the fact that it takes quite some time to ready the oath packages, etc. Town Clerk Webb pointed out that new council members fall under the Sunshine Law as soon as they are elected. She will try to have the Sunshine Manuals available.
12. Thank You – Councilman Carroll thanked outgoing Mayor Randy Drabczuk for his dedication and all he has done for the Town of Cinco Bayou.
- Adjourn – There being no further business, the meeting adjourned at 6:55 p.m.

ATTEST:

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Randall P. Drabczuk, Mayor

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Jell Webb  
Town Manager/Clerk