

**TOWN OF CINCO BAYOU
REGULAR TOWN COUNCIL MEETING
MARCH 12, 1998**

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL: Mayor Drabczuk
Councilman Beard
Councilman Kendrick
Councilwoman Leach
Councilman Payne
Councilman Skelly

PUBLIC HEARING

1. Ordinance No. 175. Second reading and proposed adoption of Ordinance No. 175, an ordinance amending Chapter 54 and Chapter 58, Town Code of Ordinances, setting fees and charges for expenses incurred in the process of issuing building permits and/or development orders.
2. Resolution 98-02. A resolution in support of a separate Zip Code for the Town of Cinco Bayou.

REGULAR BUSINESS

1. COUNCIL APPROVAL OF AGENDA

2. CONSENT AGENDA

- A. Minutes, Council Meeting - February 12, 1998
- B. Financial Report - February, 1998
- C. List of Deposits and Checks, February, 1998

3. ACTION ITEMS

- A. Street Paving Project
- B. Landscape Project
- C. Town Manager Selection Process
- D. Town Representative:
Economic Development Council
Panhandle League of Cities
Okaloosa County League of Cities

4. ENGINEER'S REPORT

5. ATTORNEY'S REPORT

6. TOWN MANAGER'S REPORT

7. PUBLIC REQUESTS/COMMENTS (LIMIT PRESENTATIONS TO 3 MINUTES)

8. COUNCILMEMBERS REPORTS/COMMENTS

9. CORRESPONDENCE

- A. Okaloosa League of Cities Dinner, March 19, 1998
- B. Thank You Note - Nomad Association
- C. FLOC ALERT - Telecommunications ROW
- D. FLOC Memo - 1998 Legislative Issue Briefs

10. MAYOR'S ANNOUNCEMENTS

11. ADJOURN

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
MARCH 12, 1998

Mayor Drabczuk called the Regular Town Council meeting to order at 6:02 PM. Following a silent prayer and the Pledge of Allegiance to the Flag, roll call was taken.

PRESENT: Mayor Drabczuk
Councilman Beard
Councilman Kendrick
Councilman Payne
Councilman Skelly

ABSENT: Councilwoman Leach

ALSO PRESENT: Town Manager Borchik, Attorney Massey, Engineer Griswold, Kim Payne, Sally Borchik, Glen Williams, Sara Carroll, Jerry Carroll, Mladen Rudman, Anya Whitfield, Jason Yarborough and Ed Connors.

PUBLIC HEARING

1. Ordinance No. 175. Second reading and proposed adoption of Ordinance No. 175, an ordinance amending Chapter 54 and Chapter 58, Town Code of Ordinances, establishing the requirement for applicants to be charged for those expenses associated with the building permit and/or development order process. Attorney Massey read Ordinance No. 175 by title only. Councilman Skelly made a motion to accept the second reading of Ordinance No. 175, seconded by Councilman Kendrick. The motion was unanimously approved. Councilman Skelly then made a motion to adopt Ordinance No. 175, seconded by Councilman Payne. The motion was unanimously approved.

2. Resolution 98-02. A resolution in support of a separate Zip Code for the Town of Cinco Bayou. Councilman Skelly made a motion to adopt Resolution 98-02, seconded by Councilman Payne. Councilman Kendrick questioned the reason for the separate zip code and the tie-in between zip code and the Town's receiving revenue. The Town Manager explained that some county, state and federal shared revenue appears to be distributed based upon zip code addresses, i.e., application for an alcoholic beverage license for a business in Cinco Bayou will have a Ft Walton Beach mailing address and unless someone recognizes the address as being in Cinco Bayou, the State will pay the municipal portion of the license fee to the City of Fort Walton Beach. Another example is the 1990 census. There was confusion concerning residents on Hughes Avenue. All Hughes Avenue residents have a 32548 zip code and as a result, all Hughes Avenue residents in Cinco Bayou were included in the Ft Walton Beach census count. This resulted in the amount of state and county shared revenue based on population to be less than it should have been. Mr. Kendrick stated that he had talked with the Fort Walton Beach Postmaster and he did not see problem! Mr. Kendrick also expressed concern with local businesses and the expense connected with a zip code change in light of the expense connected with the recent telephone area code change.

1. **COUNCIL APPROVAL OF AGENDA** - Councilman Kendrick made a motion to approve the Agenda as presented, seconded by Councilman Payne. The motion was unanimously approved.

2 CONSENT AGENDA

- A. Minutes, regular Council Meeting, February 12, 1998
- B. Financial Report -February, 1998
- C. List of Deposits and Checks, February, 1998

Councilman Payne made a motion to approve the Consent Agenda, seconded by Councilman Skelly. The motion was unanimously approved.

3. ACTION ITEMS

A. Street Paving Project - Engineer Griswold advised the Council that he had submitted the bid documents and proposed contract to Attorney McInnis for his review and approval. The bid documents and contract format should be ready for advertisement the early part of next week. Mayor Drabczuk questioned the proposal for the Opp/Troy/Garnett island problem. The Engineer advised the Mayor that the island would be reduced in size to allow the trucks more room to maneuver into the Serigraphia loading dock. The Mayor also expressed concern with the proposed construction for serigraphia on Garnett Street and asked the Engineer to insure that any utility work on Garnett Avenue be completed prior to the resurfacing of the road.

B. Landscaping Project - The Town Manager advised the Council that the landscaping project is under way. The irrigation wells and pumps on Kelly Avenue and Garnett Avenue have been installed along with the irrigation systems on Kelly Avenue, Garnett Avenue, Irwin Avenue and Luverne Street and are operating. Beal's Landscaping will begin planting these areas next week. With regard to the Eglin Parkway/Yacht Club intersection landscaping proposal, the survey disclosed that the right-of-way line in the back side of the sidewalk so there is no Town land for planting. Mrs. Kelley, the land owner, is still not in favor of this project and will not approve of using any of her land for landscaping. The Town Manager has spoken with Mr. Howard Kelley concerning this project and will prepare a drawing showing the landscaping proposal in hopes of gaining Mrs. Kelley's approval. Councilman Skelly asked if a letter had been sent to Mr. Gilmore, KMart, requesting that they submit a plan for planting and maintaining the inland by the Kmart Garden Shop? Mr. Borchik advised that the letter has been prepared and is presently working with the Town Attorney on a document to authorize the use of the right-of-way.

C. Town Manager Selection Process - Mayor Drabczuk advised the Council that the Town has received letters/resumes from 39 applicants for the Town Manager/Clerk position and requested the Council's ideas on how they wanted to begin the selection process. Councilman Payne made a motion to hold a special meeting for the selection of the Town Manager, seconded by Councilman Kendrick. The motion was unanimously approved. Following a short Council discussion, it was agreed that the Council would select the five best qualified candidates and after checking their references, set up personal interviews with each candidate. The first special meeting/workshop was set for Thursday, March 26, 1998 at 6:00 PM. The newly appointed Councilmembers were asked to participate in this selection process.

D. Town Representative :

Manager Borchik advised the Council that at present, the Town is represented only on the Okaloosa County League of Cities Board and does not have representation on either the Panhandle League of Cities or the Economic Development Council. Councilman Kendrick is the present representative on the Okaloosa County League Board and was asked if he would like to continue on the Board or have someone else appointed? Mayor Drabczuk nominated Councilman Payne to represent the Town on the Okaloosa County League of Cities Board and Councilman Payne accepted the nomination. Councilman Payne nominated Councilman Skelly to represent the Town on the Economic Development Council, however, Councilman Skelly declined due to prior commitments but said he would nominate Mrs. Carroll when she became a Councilwoman. Councilman Skelly asked Councilman Payne if he would also represent the Town on the Panhandle League of Cities Board and Councilman Payne accepted.

4. Engineer's Report - Engineer Griswold advised the Council that he had reviewed two preliminary site plans for projects in Town; the Serigraphia warehouse between Garnett Avenue and Irwin Avenue and the Townhouses on Kidd Street adjacent to the Town Hall and both projects appear to be within the land development code. The Town Manager has met with the developer/builder and provided the initial guidance along with the application requirements and checklists to be completed before the Local Planning Agency meeting can be scheduled and it appears that this will be sometime during April.

Mayor Drabczuk asked if there was any word on the Laguna Landing Project and the Town Manager advised that he had spoken with Mr. King, Engineer for the project, and it is still in being! The developer plans to begin as soon as a few more units are sold and the weather improves.

Councilman Kendrick expressed concern with the zoning requirements for the Town and reminded the Council to take a good look at all the zoning requirements before approving any more Commercial Buildings. Councilman Skelly inquired on the difference between manufacturing and light manufacturing. The Town Manager will find the answer.

5. Attorney's Report - No Report

6. Town Manager's Report

A. The Ready Bank Certificate of Deposit matures on March 21, 1998 and asked the Council if the CD should be "rolled over" or cashed and the proceeds placed in the savings account pending funding of the paving project? Councilman Skelly made a motion to "roll over" the Ready Bank CD for a period of 90 days, seconded by Councilman Payne. The motion was unanimously approved.

B. Informed the Council that all bids received for the painting of the Town Hall, deck and railing were over \$3,000.00 and it was decided to do the work in-house. The total job will take longer but will be considerably less expensive. Our maintenance man will be doing the work. To assist our maintenance person during this period with the Town Hall projects, the landscaping project and general park and road maintenance required after the winter, I have made arrangements for part time help for six weeks with an independent contractor.

C. The FYE 1997 audit reports have been filed with the State Auditor General and the Finance and Banking Department in accordance with the state requirements. I anticipate these agencies requesting answers to the two areas of concern identified in the Auditor's Management Letter. I would ask the Council to consider solutions to resolve the internal control problems cited in the letter. Councilman Skelly asked if the Town had a Finance Committee in the past and the Town Manager replied that there was an active Finance Committee and this may be a solution. The Town Manager went on to explain that the present monthly financial reports were designed to satisfy a previous Council's requests and can be modified to satisfy this Council's desires.

7. Public requests/Comments

Ms. Anya Whitfield, 105 Opp Boulevard, introduced herself and explained the situation resulting in the removal of a "dead and dying" oak tree in her yard. After a large branch fell on the roof of her house and a piece of it almost hit her daughter, she had a friend remove it from the roof and at that time, noticed that it was decayed and only partially living. For safety reasons, she had them cut it down. She told the Council that she was not aware of the Town's Tree Ordinance and the requirement for a permit to remove even a dead tree. Following a short discussion, Councilman Skelly made a motion to fine Ms. Whitfield \$1.00 for cutting down the tree without permit. The motion died for lack of a second. Then Councilman Kendrick made a motion to waive the fine due to special circumstances, seconded by Councilman Payne. The motion was approved 3-1 with Councilman Skelly voting "No".

Mayor Drabczuk asked the Town Manager to open the matter concerning the removal of the tree on Mrs. Barnes property, 142 Opp Boulevard. Manager Borchik advised the Council that a second notice had been sent to Mrs. Barnes and since she could not attend the meeting, sent a letter to the Mayor explaining her situation. In her letter she said she was concerned with the looks of her property, she just wanted her home to look neat and she had no intention of breaking a law that she did not know existed. Councilman Payne said that since the Council had voted on to levy the fine at a previous meeting, the fine should stand. Councilman Payne made a motion that the fine, \$499.99, stand as previously levied, seconded by Councilman Skelly. The motion was approved 3-1 with Councilman Kendrick voting "No."

8. Councilmember Reports/Comments

A. Councilman Kendrick - No Report

A. Councilman Payne:

1. Called the Council's attention to House Bill No.1379, a Clean Air Bill, that is presently in committee. This Bill allows the local governments more stringent controls over smoking in public buildings. Councilman Payne suggested Councilmembers call their representative and let him know that we do support this bill. Councilman Payne the made a motion to pass a resolution supporting the Clean Air Bill, seconded by Councilman Skelly. The motion was approved unanimously.

2. Thanked Councilman Beard saying that he has enjoyed serving with him on the Council for the last two years.

A. Councilman Beard:

1. Thanked Councilman Skelly for having the confidence to nominate him to serve on the Council. Also thanked the rest of the Council for giving him the opportunity to serve with them but due to prior commitments, he could not run for re election. Said he would be here on March 26, 1998 and would do any thing he could to help the new Councilmembers during their transition.

A. Councilman Skelly

1. Asked if the Okaloosa County League of Cities dinner was on the same night as the Town Picnic and Mayor Drabczuk said it was but the night of the dinner would change in June.

2. Asked if everyone received the letter from Mr. Scarborough inviting them to Washington DC? Asked if anyone was going and there was no reply.

3. Told Councilman Beard that it was an honor to serve on the Council with him and he will be missed.

4. Asked Manager to check if the Code of Ordinances listed a difference between light manufacturing and manufacturing?

5. Asked if the Town previously had a Finance Committee?

6. Inquired on the status of the tree and plaque honoring Councilwoman Leach? The Town Manager said that nothing had been done to date but he would take care of that project.

7. Asked if anyone knew what all the commotion with the fire trucks and ambulance was on Opp Boulevard last Wednesday night? Mayor Drabczuk said he understood that there was a gas leak. Asked the Town Manager to find out what the problem was.

8. Asked if the Crawford house at 137 Opp Boulevard was still occupied. Manager Borchik said the owner was notified and she has taken care of the problem. The house has been vacated and windows boarded .

9. Correspondence

A. Okaloosa League of Cities Dinner, March 19, 1998- Mayor Drabczuk said he will host the Town picnic since Councilman Payne, Skelly and Manager Borchik will be attending the Okaloosa County League of Cities dinner on the same evening. The Mayor said that in the future, he will plan to attend the Okaloosa County League of Cities dinners.

B. Thank You Note - Nomad Association - Mayor Drabczuk read the thank you note to the Council that was thanking them for their donation.

C. Florida League of Cities Alert - Telecommunications Right-of-Way - No Action

D. Florida League of Cities 1998 Legislative Briefs - The Town Manager advised the Council that the complete copy of the 13 listed Legislative Issue Briefs were available for their review.

Mayor Drabczuk presented a certificate from the University of West Florida to Councilman Payne for attending the Interview and Selection Process Seminar during February, 1998.

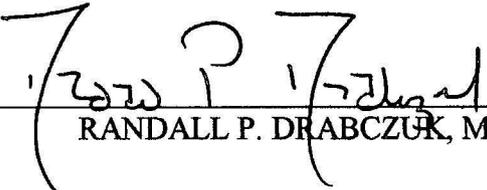
Manager Borchik said that the Special Meeting/Workshop on Thursday, March 26, 1998, would be a good time to administer the Oath of Office to the new Councilmembers.

10. Mayor's Comments/Announcements

A. Reminded everyone of the Town Potluck Dinner on Thursday, March 19, 1998, at 6:30 PM.

B. Thanked Councilman Beard for serving on the Council and wished him good luck..

11. There being no further business, Mayor Drabczuk adjourned the meeting at 7:22 PM.



RANDALL P. DRABCZUK, Mayor

Attest:



ALBERT S. BORCHIK, Jr. Town Manager/Clerk

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA AMENDING SECTION 54-153, SECTION 54-156 AND SECTION 58-52 (LAND DEVELOPMENT CODE) TOWN OF CINCO BAYOU CODE OF ORDINANCES, ESTABLISHING THE REQUIREMENT FOR APPLICANTS TO BE CHARGED FOR THOSE EXPENSES ASSOCIATED WITH THE BUILDING PERMIT/DEVELOPMENT ORDER PROCESS; PROVIDING FOR THE SEVERABILITY OF ANY SECTION OR PORTION OF THIS ORDINANCE; REPEALING ANY ORDINANCE INCONSISTENT HERewith; PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the Mayor and Town Council of the Town of Cinco Bayou, Florida have reviewed and examined the total costs associated with the process outlined in the Land Development Code for granting/issuing building permits and development orders and determined that these costs are a part of the process and should be paid by the applicants.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, THAT:

Section 1.

Section 54-153: The following paragraph is added:

(c) If an application is withdrawn, the applicant will be responsible for any additional fees and charges incurred as outlined in Section 54-156 (c)

Section 54-156: The following paragraph is added:

(c) In addition to the fees charged for the building permit/final development order, the applicant will be responsible to reimburse the Town for all fees and charges associated with obtaining the desired building permit/development order. These fees/charges include but are not limited to engineering plan review charges, public hearing advertisement costs, legal fees associated with additional meetings of the boards and committees as required in the Land Development Code and any other cost/charge associated with obtaining the permit/order.

Section 58-52: The following paragraph is added:

(7) All fees and charges associated with obtaining the building permit/development order. See Section 54-156(c).

Section 3. SEVERABILITY.

If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion of words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portion thereof.

Section 4. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS.

All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

Section 5. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its adoption.

Adopted this ___ day of _____, 1998.

Approved:

MAYOR RANDALL P. DRABCZUK

Attest:

ALBERT S. BORCHIK, JR.
Town Manager/Clerk

RESOLUTION 98-02

A RESOLUTION OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA, REQUESTING THAT THE TOWN OF CINCO BAYOU BE ASSIGNED A SEPARATE ZIP CODE FOR IDENTIFICATION AND MAILING PURPOSES.

WHEREAS, the Town of Cinco Bayou, Florida, presently is assigned the same zip code as the City of Fort Walton Beach, Florida; and

WHEREAS, a single zip code is used for the Town of Cinco Bayou, the City of Fort Walton Beach and the unincorporated areas south of Five Mile Bayou; and

WHEREAS, the use of a single zip code for the Town of Cinco Bayou and other areas all with the "Fort Walton Beach" mailing designation has causes confusion with County, State and Federal agencies in the areas of taxation, distribution of shared revenues and the 1990 National Census; and

WHEREAS; as a result of this confusion, the Town of Cinco Bayou does not receive the full amount of taxes, shared revenue, or highway maintenance payments it is due; and

WHEREAS; the 1990 National Census count for the Town was in error by approximately 20% due to this zip code confusion.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA THAT:

The Town of Cinco Bayou, Okaloosa County, Florida be assigned a separate zip code to be used solely by Town residents and businesses for identification and mailing address purposes.

Adopted this 12th day of March, 1998

Approved:

Randall P. Drabczuk, Mayor

Attest:

Albert S. Borchik, Jr.
Town Manager/Clerk



City of Fort Walton Beach

America's Most Beautiful Beaches

107 Miracle Strip Parkway, SW • P.O. Box 4009 • Fort Walton Beach, FL 32549

(850) 833-9510 • Fax (850) 833-9640



Glenda Glover
Mayor

March 2, 1998

Mayor Randy Drabezuk
Town of Cinco Bayou
10 Yacht Club Drive
Fort Walton Beach, FL 32548-443

Dear Mayor Drabezuk:

The City of Fort Walton Beach is pleased to host the Spring meeting of the Okaloosa County League of Cities, scheduled for March 19, 1998.

The dinner meeting will be held at the Summerhouse Restaurant on Eglin Parkway, Fort Walton Beach. Social hour will be from 6:00 to 7:00 p.m. with dinner at 7:00 p.m. Dinner will be a choice of soup or salad; grilled N.Y. steak (with brandied mushroom cream), sauteed gulf triggerfish (with lemon butter sauce and toasted almonds), or sauteed breast of chicken (with spinach, roasted garlic, applewood smoked bacon and feta cheese); and dessert, at a cost of \$27.00 per person.

Please advise the City Clerk, Helen Spencer, 833-9509, by Tuesday, March 17, 1998 of the number of representatives from your municipality and their choice of menu.

We look forward to seeing you on March 19th.

Cordially,


Glenda Glover
Mayor

G/m