

Town of Cinco Bayou, Fl
Regular Council Meeting Minutes
March 14, 1996

1. Mayor Laginess called the meeting to order at 6:00 p.m. this date. Following silent prayer and the pledge of allegiance to the flag, roll call was taken.

- 2. Present: Eugene E. Broxson
Jim Kendrick
Carolynn Leach
Joseph Skelly
Mayor Charles Laginess
- Absent: Rene' Chamberlain

Also present: Manager Elvin C. Bell, Secretary Faye Payne, Legal Counsel Jeff McInnis, and Engineer Spence King.

3. Adopt the Canvassing Board's Certification of Elections.

Councilman Skelly moved to adopt the Canvassing Board's Certification of Elections, seconded by Councilman Kendrick. The motion was approved unanimously.

4. Councilman Kendrick moved to adopt Resolution 96-03 declaring the candidate for office of Town Mayor to be duly elected as there is no opposition. Second by Councilman Skelly. The motion was approved unanimously.

5. Swearing-in Ceremony for Councilmembers and Mayor.

Manager Bell gave the oath of office to the newly elected Councilmembers and Mayor and welcomed each of them to the Council. They each took their seats at the dais. Mayor Drabczuk thanked the Council and everyone for the opportunity to serve the Town of Cinco Bayou, and gave special thanks to Chuck Laginess for his help in the transition period. He thanked Manager Bell and the staff and said they had done a good job following Hurricane Opal. He also said he would like Councilmembers to work together to make this a better community in which to live, work and raise a family, and that together we can make a difference. Mayor Drabczuk said he noticed the consent calendar had been removed from the agenda, and he would like to see it put back on. He also said he would like to see an addition to the agenda and that would be Unscheduled Items to give fellow residents a chance to speak and voice their opinion. The new listing would not be an action item. If action is necessary, the item would be placed on the next agenda. At that time Mayor Drabczuk proceeded with the next item on the agenda.

6. Council Selection of Mayor Pro-Tempore

Councilman Skelly made a motion to select Councilman Kendrick as Mayor Pro-Tempore, seconded by Councilwoman Leach. The motion was unanimously approved.

March 14, 1996

7. Action Items:

A. Minutes of February 8, 1996. Councilman Skelly moved to approve the minutes of the February 8, 1996, Council Meeting, seconded by Councilman Kendrick. Following comments from Councilwoman Frey regarding contents of the minutes, the motion was approved unanimously.

B. Financial Reports, January and February 1996. Manager Bell addressed the Council to clarify certain checks listed on the Financial Report. Councilman Skelly moved to accept the Financial Report for January and February 1996, seconded by Councilman Kendrick.

Councilmembers Leach, Frey and Skelly asked for clarification or explanation of various expense items. The Town Manager provided information as requested. There being no further discussion, the Financial Reports for January and February were approved unanimously.

C. Review of Proposed Parks and Recreation Ordinance. Attorney McInnis outlined the proposed Ordinance and explained to the Council that it was a preliminary draft. He asked Councilmembers for their suggestions and comments. Attorney McInnis said he would start the adoption process by placing ads in the newspaper for the first and second readings of the Ordinance. Attorney McInnis reviewed the Ordinance with the Council. After discussion by the Council, Manager Bell suggested that a special Council meeting be scheduled so a quicker timeframe could be implemented for action on the Ordinance.

Councilman Skelly made a motion to authorize Attorney McInnis and Town Manager Bell to begin the advertising process for the proposed park and recreation ordinance, seconded by Councilwoman Leach. Motion was approved unanimously.

Councilman Kendrick made a motion to have the Town Manager obtain prices on 4 x 8 signs for placement at the Boat Ramp following adoption of the ordinance. The motion was seconded by Councilwoman Leach and was approved unanimously.

D. Review of Parking Restrictions on Lucile Street. Manager Bell proposed two options for traffic control on Lucile Street; one he would present and one that would be presented by Engineer King. The Manager explained that neither option had staff priority but were being presented to the Council for its consideration. Manager Bell submitted an option to stripe and post no parking signs along Lucile Street. He then introduced Engineer King for the second option which was to construct curbs along Lucile St. The council asked Engineer King and Manager Bell several questions on the different options. After discussion, Councilman Skelly moved that the Engineer coordinate the placement of red striping on both sides of Lucile Street, and at the Town Manager's direction have No Parking Signs posted along Lucile Street from Seaway to Kidd Street. The motion was seconded by Councilwoman Leach. After discussion, the motion was approved unanimously.

E. Review of Bids for Town Security. Manager Bell informed the Council that he had received three (3) bids for Town Security. They were from (1) Nyc; (2) Guardian Corp., and (3) American Security. Manager Bell said, per previous Council discussion, he had a preliminary discussion with Fort Walton Beach Police Chief Phil Irish regarding security and law enforcement for the Town of Cinco Bayou. After Council discussion, Councilman Kendrick made a motion to have a workshop meeting and study the security problem. The motion was seconded by Councilwoman Leach and approved unanimously. Councilwoman Frey said she would like for all the Citizens to know about the meeting. Attorney McInnis explained that the meeting would be advertised in the newspaper and posted on the Town Hall door.

8. Public Requests and Comments. Mr. Les Fritz addressed the Council about some concerns he had. He mentioned that the Town had spent a sizable sum of money on trees and they needed to be maintained in case there was a drought. Mr. Fritz also expressed concern about a bid he gave for cleaning Glenwood Park following Hurricane Opal. He was concerned because the bid was awarded to a competitor who he believed did not have workers' compensation insurance. Mr. Fritz's third concern was that in October he presented a proposal to the Town that had been advertised in the paper. The Town had rejected his bid. He said that it would have been more courteous and professional for someone to have written him a letter announcing the rejection of his proposal. Councilman Skelly then asked Mr. Fritz about the trees that were put in last year. Councilman Skelly said it was his understanding that after a year the trees would be self-sufficient. Mr. Fritz said they were self-sufficient but the Town should have provisions for watering because you have three or four months of a dry period.

Councilman Skelly made a motion to start a new bid process and go through the legal solicitation process for two separate bids as follows. (1) Maintenance of the trees the Tree Committee planted last year and (2) Contract with a professional tree service that was voted on in November 9, 1995. The motion was seconded by Councilwoman Leach. After Council discussion the motion was approved unanimously.

Mr. Tom Leach addressed the Council with his concerns. They included: The Town Manager, the Town Maintenance Supervisor, the Manager's cover letter which was attached to Mr. Leach's memo to the Council, the Town Hall printer, and abandoned property.

Mr. McInnis, in responding the Mayor's earlier question regarding insurance for contractors, said the Town of Cinco Bayou requires contractors to meet all State requirements on insurance. Manager Bell said it was his understanding that we require all contractors to have insurance that is required by the State of Florida.

9. Engineer's Report

A. Triangle at Opp, Troy and Garnett. Engineer King passed out blueprints to the Council on different plans that he had prepared in previous years. He pointed out the different options at solving the speeding problems that now exist on Opp. After a long Council discussion, Mayor Drabczuk suggested that they have this as a second item at the workshop meeting along with the Security Contract.

B. Landscape Poles West of K-Mart. After Engineer King spoke about the situation that exists west of K-Mart. Following Council discussion, Mayor Drabczuk suggested that this item also be discussed at the workshop meeting. He directed Engineer King to obtain costs on these two projects. Engineer King said he would like to discuss his contract with the Town since he understands that his contract ran out in 1989. Mr. King said he would like to sign another contract with the Town at the Council's direction Mr. McInnis said he will meet with Mr. King to take care of the matter.

Mayor Drabczuk said before they went to the next item he would like to mention that there used to be a place on the agenda for Attorney Report and he would like to have that back on.

Attorney McInnis reported that he and Manager Bell would like to have an orientation meeting with all the new Councilmembers regarding legal issues for public officials. Attorney McInnis said once a person is sworn in, the Sunshine law prohibits Councilmembers from discussing among themselves any subject that might come before the Council for action. The Sunshine Law, he said, prohibits any two or more Councilmembers from meeting to review and discuss agenda packets. He said they would be receiving a copy of the manual on the Sunshine Law.

10. Manager's Report. Manager Bell explained the intentions of the Cinco Baptist Church to landscape and pave their property. He said \$180,000.00 had been raised by the church for that project, according to the church administrator Mr. Roy Terry. Manager Bell said that Mr. Terry, in the near future, would have their plans to the Town.

Manager Bell reminded everyone of the Cinco Civic Pride clean-up day on April 13, 1996.

Regarding Hurricane Erin, Manager Bell informed the Council the FEMA team that came here following Erin was no longer working for FEMA, and that certain records were missing from FEMA files. As a result, he had requested that the Erin matter be re-negotiated and his request was approved by FEMA.

11. Reports and Comments from Councilmembers. Councilman Skelly made a motion to add correspondence and Attorney Reports back on the agenda. The motion was seconded by Councilman Kendrick. During the discussion, Councilman Kendrick amended the motion to reinstate the consent calendar. Motion was unanimously approved.

Councilman Skelly voiced his concerns about some purchasing procedures. He indicated his strong concern in being more involved about such issues even if it takes a special meeting. He expressed that the Council has always been the governing body in a very active fashion and part of that process is learning where micro management begins and where micromanagement ends. Councilman Skelly said he would like to welcome Mayor Drabczuk, Councilwoman Frey and Councilwoman Leach.

Councilman Kendrick asked about Resolution 96-01 and said the County addressed the area of Cobbs Bayou. Manager Bell said the County was sending him a correct resolution which he would provide the Council.

Councilwoman Frey said she would like to see less money spent on the pilings for the no wake zone signs that would be posted in the Bayou. Manager Bell explained his discussions with County staff regarding the costs and options for posting the bayou.

Councilman Kendrick made a motion to use Robert's Rules of Order. After a second by Councilman Skelly, the motion was approved unanimously.

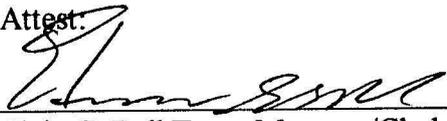
Councilwoman Frey said she would try and serve the people well. She said she would like to have people speak before there is a motion made. She would like each motion to be restated before voting. Councilwoman Frey said she would like for people to be able to get a copy of the minutes before the meeting. She thanked Mr. Bell for moving the podium. She also asked if there had been an update on the slab at the end of the Cinco Bayou Bridge.

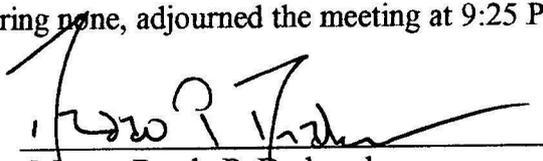
Councilwoman Leach thanked everyone for their support during her Campaign. She then voiced her concerns about how the Town looked. She noted the bent street sign at Eglin and Yacht Club Drive; the sign at Francis Park that needed to be straighten; the fence at Laguna Park; poles on Kidd Street; and the problems at Nature's Garden.

12. Mayor's announcements. Mayor Drabczuk said Rene' Chamberlain would be the representative for the League of Cities. He also reminded everyone of the pot luck supper on Tuesday, March 18th, and the Cinco Civic Pride day on April 13th.

The Mayor called for any further business, and hearing none, adjourned the meeting at 9:25 P.M.

Attest.


Elvin C. Bell Town Manager/Clerk


Mayor Randy P. Drabczuk

March 14, 1994 - Council Meeting

1. Irene Baskley
2. Joan Archer Brantford Ontario Canada.
3. Adelia Hobbs
4. Sally & Al Bullock
5. Bill Frey
6. CAROLE BOND & WAYNE BOND
7. SPENCE KING
8. DARRELL D. CHINN
9. Les Fritz, Fritz Tree Service.
10. G K FRITZ " " "
11. H. BROWN BROS & ASSOC, LA, INC.
12. CARY R BLEICHER
13. DONALD E. OLSEN
14. Tommy Hale
15. Gert De Moor
16. ~~LOW LEACH~~
17. SARA CARROLL
18. Jerry Castoll
19. Pat Reddy
20. MATT DIBBLE
21. CHUCK LAGINESS 😊
22. PAT Dineen

RESOLUTION 96-03

A RESOLUTION OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA, DECLARING THE CANDIDATE FOR THE OFFICE OF TOWN MAYOR TO BE DULY ELECTED AS THERE IS NO OPPOSITION.

WHEREAS, the Town of Cinco Bayou General Election scheduled for Tuesday, March 12, 1996 ; and,

WHEREAS, this General Election is to fill the position of Mayor, and

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

1. **RANDY P. DRABCZUK**, candidate for the office of Mayor is declared to be duly elected for a period of two (2) years beginning March 14, 1996.

Adopted this 14th day of March, 1996.

Approved:

Mayor

Attest:

Town Manager/Clerk

Original document is skewed

ORDINANCE NO. 96-07

AN ORDINANCE OF OKALOOSA COUNTY CREATING RESTRICTED AREAS ON CERTAIN WATERS IDENTIFIED AS COBB'S BAYOU NEAR FORT WALTON BEACH; DEFINING "RESTRICTED AREAS", "NO WAKE", AND "IDLE SPEED", REQUIRING THE POSTING OF SIGNS; REQUIRING STATE AND FEDERAL PERMITS; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING AN EFFECTIVE DATE AND REPEALING ALL ORDINANCES OR PROVISIONS THEREOF IN CONFLICT HEREWITH.

WHEREAS, the Board of County Commissioners has been petitioned by Resolution 96-01 from the Town of Cinco Bayou to establish certain restricted areas of the waterways of Okaloosa County, and

WHEREAS, it is necessary to protect the public safety, due to vessel traffic congestion, obstructed visibility, and the likelihood of boating accidents, and

WHEREAS, the Department of Environmental Protection of the State of Florida is empowered by Statute to issue regulations specific to restrictions and the posting thereof on waters not in the Florida Intercoastal Waterway, and

WHEREAS, the Department of Environmental Protection of the State of Florida requires its approval of all postings of restricted waterway activity upon waters not in the Florida Intercoastal Waterway, and

WHEREAS, after thoroughly reviewing the evidence presented, Okaloosa County seeks to conform to the attendant above described requirements and in order to provide enforceable restrictions;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:

SECTION 1. Definitions. "Restricted Areas" are areas on waterways where the speed of vessels is limited to "Idle Speed/No Wake". "Vessel Wake" is the movement of waves created by the motion of the vessel. It is the track or path that the vessel leaves behind it.

SECTION 2. Restricted Areas. The following waterways within Okaloosa County are hereby designated "Restricted Areas":

(a) A portion within that certain body of water known as Cobb's Bayou, near Fort Walton Beach Florida, more accurately described in "Exhibit A", attached hereto and made a part hereof.

SECTION 3. Penalty. Violations of this Ordinance shall be prosecuted and punished as provided in Section 327.73, Florida Statutes (1992).

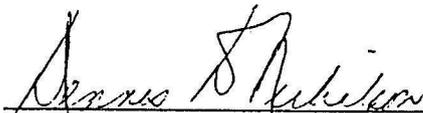
SECTION 4. Regulatory Markers. Regulatory markers shall be posted in accordance with the provisions of all local, Federal, or State laws, rules, or regulations, applicable thereto.

SECTION 5. Effective Date. This ordinance shall take effect upon receipt of official acknowledgment from the Department of State of the State of Florida that it has been filed and does hereby appeal all Ordinances or provisions thereof in conflict herewith.

DULY PASSED AND ADOPTED in regular session on this the 20th day of February 1996.

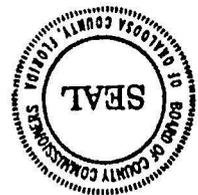
OKALOOSA COUNTY, a political
Subdivision of the State of
Florida

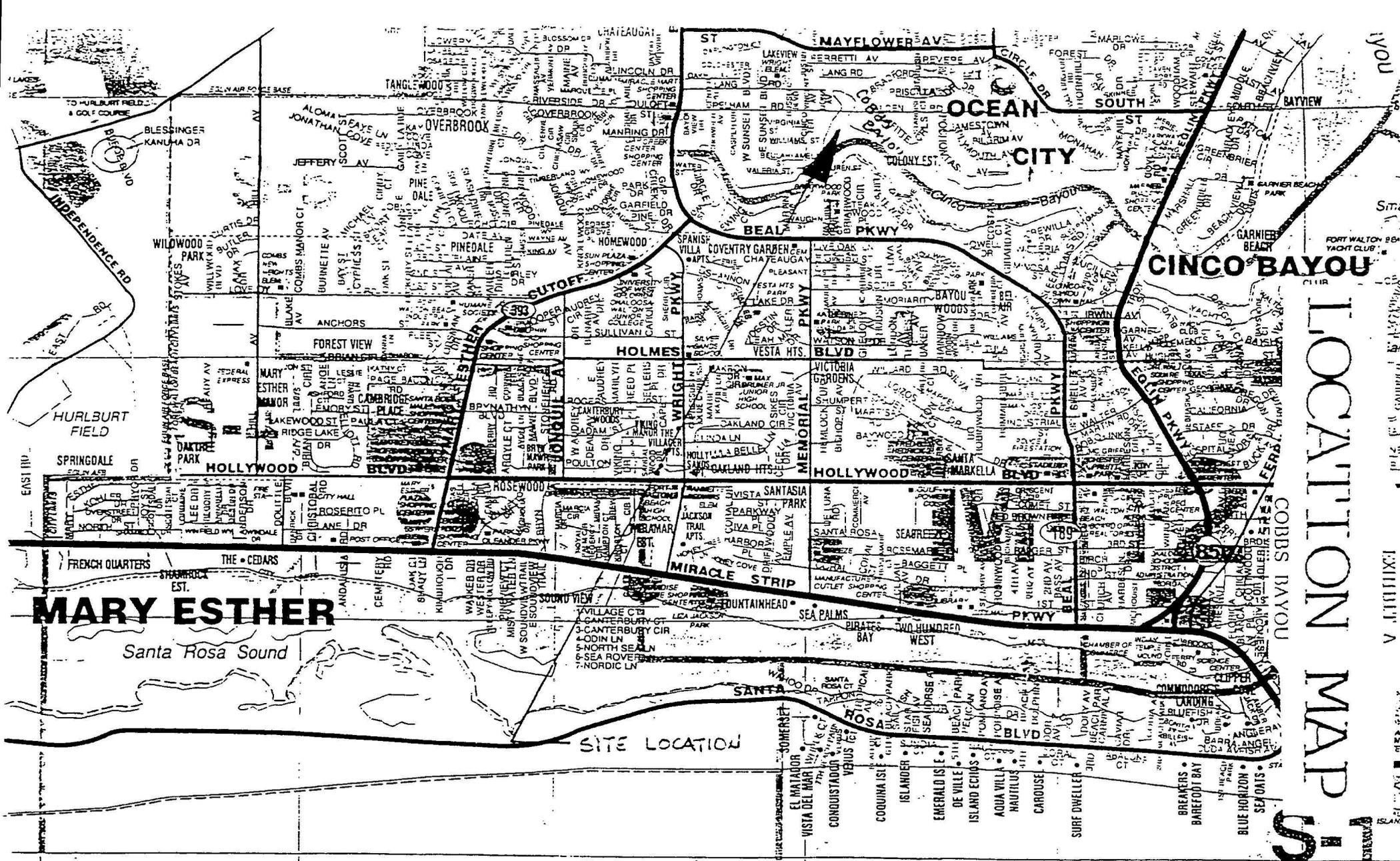
BY:


DENNIS D. NICHOLSON, CHAIRMAN
OKALOOSA COUNTY
BOARD OF COMMISSIONERS

ATTEST:


NEWMAN C. BRACKIN
CLERK
OF CIRCUIT COURT





LOCATION MAP

Gulf of Mexico

R 24 W - R 23 W

TO: Mayor and Town Council Members
FROM: Elvin C. Bell, Town Manager/Clerk
DATE: March 11, 1996
IN RE: Concerns of Mr. Tom Leach

Please find attached a Citizen Concern Form which has been submitted for delivery to you, by Mr. Tom Leach. Out of courtesy to Mr. Leach, I am including this in your agenda package at his request. I am concerned, however, that the contents of his communication regarding a Town employee's performance is more appropriately addressed at my administrative level, not at the Council's level. I have consulted with the Town Attorney, Mr. McInnis, regarding the appropriateness of Mr. Leach complaining directly to the Council about an employee. I am advised by Mr. McInnis that complaints regarding employees should be made to me as Town Manager/Clerk. He further advises that the ordinances of the Town require the Town Manager/Clerk to be responsible to the Town Council for the proper administration of the Town in all areas assigned to him by the Town Council. Specifically, Section 2-27(1) requires that the Town Manager/Clerk be responsible for personnel matters involving Town employees. This would seem to include the responsibility for day to day management of the Town's employees.

If Mr. Leach is complaining to you about my handling of his concerns, then that would appear to be a proper issue for him to address with the Council. I would ask, however, that complaints regarding other Town employees continue to be handled at the Town Manager/Clerk level consistent with past practices.

I would ask that you clarify for me any understanding that you may have contrary to the Town Attorney's advice.

TOWN OF CINCO BAYOU
10 Yacht Club Dr., Ft. Walton Beach, Florida
904-244-2712 FAX 904-244-9188

INCIDENT/COMPLAINT/CONCERN FORM

Please use a separate form for each incident/complaint/concern.

Print or type.

Your name Tom Leach
Address 254 Kidd St.
Telephone (Home) 664-6559 (Office) _____

Describe the incident/complaint/concern you want to report.

Date: 3/1/96 - I have spoken previously to Mr. Bell about my perceptions and observations that the town maintenance man is getting what I call "windshield time!" To be specific, in Jan. while I was inspecting the property adjacent to Cinco Bayou bridge after collecting documents from the
(Use back of paper or additional paper if you need more space).

If your incident/complaint/concern relates to property, please give the property address or a description where the property is located.

Please list the name, address and telephone number of anyone who is aware of the incident/complaint/concern and may assist in its resolution.

DO NOT WRITE IN THE SPACE BELOW

Date received _____
Start date for information gathering _____
Date issue was resolved _____
Date grievant was notified _____

tax assessor's office for an investor. When I parked my car in the adjacent lot, I noticed the Cinco Bayou maintenance truck at the Chevron station. This was not the first time I had seen the truck parked there. I had less than ten minutes work and noticed when I finished the truck was still at the station. I decided to wait it out to see when he left. Exactly 25 minutes later, he finally left. Incidentally, not back to the town hall but to the doughnut shop. I reported the incident to Mr. Bell and he assured me (1) that the maintenance man was observing the trash receptacle in the park as they were trying to catch whomever was using it. In other words, Mr. Bell had assigned him that task. (2) that he would talk with the maintenance man.

Note: can't see the receptacle from the Chevron station

Today 1 Mar 96 as I was returning home Mary Ester, I saw the maintenance man pull out of the town hall parking lot. Yesterday I left two concerns with the secretary on the parking pole that was down in Francis Park and the poles that seem to have disappeared this past week guarding the trees in the lot West of K-Mart. Since both were small projects I thought I'd check to see if the maintenance man was headed that way. Instead he drove right by them, cut across the K-Mart lot and over to Hughes and then East until he ended up at the filling station. Fifteen minutes later he headed back across Eglin, down to Lucille, skipping the park and back to the town hall. This is what people in the construction underclass call "WINDSHIELD TIME". You look busy, but get nothing accomplished.

Since I have already brought this to the town manager's attention I would ask that my observations this time be sent directly to the town council.

My concern is there is much to be done in Cinco Bayou. Our town as a whole is filled with eye sores that (1) could be helped considerably by good maintenance (2) that seem to be taking a back seat to WINDSHIELD TIME.

I would urge an agenda item to review the list of property owners that have been contacted about code violations and bring all the citizens in attendance up to date of what specifically is being done legally and our specific maintenance schedule concerning the town's responsibilities.

Last night, observing the Fort Walton Beach town council on TV, ~~and~~ I couldn't help but notice how specific the city manager and each of the town council members were in their discussion. I would urge our members to get down to the real facts and look into seeing if we really have enough work for a full time maintenance man. Surely if there is enough, Mr. Bell can easily account for the maintenance man's schedule and verify his work.

Lastly, and again I have approached Mr. Bell about this subject and that is the item in the budget I noticed where our town gas consumption for vehicles had gone up. Mr. Bell stated he

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does fill up his personal car when using it for public use. I would suggest to the council this type of use of the taxpayers money is far beyond normal management practices. No one I know would begrudge Mr. Bell of being paid for actual mileage as most companies and the government do. Secondly I was told by Mr. Bell he had tires replaced on his car at the direction of the Mayor when they were damaged during the hurricane clean up. Likewise I find this (1) not a normal management approach and (2) I thought this town was directed by the council and not the mayor independently. If I am wrong in that observation I would urge the council for the benefit of all citizens to clarify the basis of our Cinco Bayou Government at the next council meeting.

Concerned

Tom Leach

The pole in Francis park has been down 3-days!
The poles adjacent to K-mart - 6-days!

Town Mayor
Town of Cinco Bayou
10 Yacht Club Drive
Fort Walton Beach, Florida 32548

25 February 1996

CEI Project No. 89-499

Re: Evaluation of Opp Boulevard and Yacht Club Drive Drainage systems.

Dear Mayor:

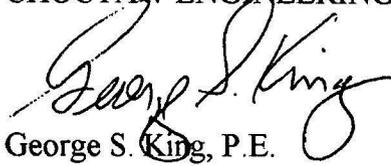
We have completed our evaluation of the referenced areas regarding possible effects Hurricane Opal may have had on these drainage systems and offer the following:

1. We have been cognizant of these areas since 1989. We have inspected, designed and put out for bid, repairs for these systems on more than one occasion, as is reflected in the town managers review.
2. Per the town managers request, we completed a surficial inspection of the town infrastructure during the month of October 1995, shortly after the Hurricane event. In that report, we reported no evidence of further damage. We also furnished a video of our inspection.
3. On 25 February 1996, we again conducted an inspection of the referenced areas and found nothing that would cause us to believe the existing conditions were caused solely as a result of Hurricane Opal.
4. It is our opinion that both areas of concern may have deteriorated further as a result of Hurricane Opal, but that the present condition would have existed with or without this storm.

Should you have further questions in this regard, please call our office at 862-6611.

Sincerely,

CHOCTAW ENGINEERING, INC.



George S. King, P.E.

President

c: Council Members
Town Manager

222-96

Mental Health Association of Okaloosa/Walton County

February 19, 1996

POST OFFICE BOX 505
FORT WALTON BEACH, FLORIDA 32549

Cinco Bayou Town Council
and
Mr. Elvin Bell, Town Manager
Town of Cinco Bayou
96 Yacht Club Drive
Fort Walton Beach FL 32548

EB

Dear Council Members,

The Mental Health Association looks to you as the best example of responsible community government. Each year, through Project Cheer, you plan and then act to assist all of the people you represent, especially those friends and neighbors who are diagnosed with a mental illness and who are hospitalized over the Christmas holidays.

Your seventy-five dollar gift provided seven new flannel shirts or nightgowns to those persons who may not have the opportunity to select new clothing for themselves. Your financial gift is a form of your own portable energy--allowing it to go where you cannot go; lifting burdens you cannot touch directly.

Thank you for your gracious and responsible support. You make Project Cheer possible!

We appreciate you,

Virginia Glynn Barr

Virginia Glynn Barr, ACSW

Executive Director