

Town of Cinco Bayou, FL  
Regular Council Meeting Minutes  
April 10, 1997

1. Mayor Drabczuk 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:     Bryan Beard  
                  Jim Kendrick  
                  Carolynn Leach  
                  V. E. "Dutch" Payne  
                  Joseph P. Skelly  
                  Mayor Drabczuk

Also present:  Manager Elvin C. Bell, Legal Counsel Jeff McInnis, and Engineer Richard Griswold.

3. Swearing in ceremony for Mr. Joseph P. Skelly. Manager/Clerk Bell administered the oath of office to Mr. Skelly.

3A. Council Approval of Agenda. The Manager mentioned that item 5F was a redundancy and should be deleted. On a motion to approve the agenda as amended, seconded by Councilman Skelly, the vote was unanimous.

4. Consent Calendar. Councilwoman Leach requested item 4B be moved to 5F.

    A. Minutes of March 13, 1997, Council Meeting. On a motion by Councilman Kendrick, seconded by Councilman Skelly, the Minutes were approved by a unanimous vote.

    B. Monthly Finance Report for February 1997. Moved to 5F.

5. Action Items:

    A. Tree Board/Sunshine Law Status. Counsel McInnis explained the Sunshine Law as it pertains to the Tree Board. Following discussion, Councilman Skelly made a motion to appoint Councilwoman Leach to the Tree Board. The motion was seconded by Councilman Payne and it passed by a unanimous vote.

    B. Presentation by Mr. Daleton Patterson, Cinco Baptist Church. Mr. Patterson explained the difficulties the church was having in completing the landscaping project that had been approved by the Council last year. It was agreed that the Manager would supply the church with a copy of the plans.

C. Request for contract from Creel, Bryan & Gallagher. Following discussion, a motion to approve the contract was made by Councilman Kendrick and seconded by Councilman Payne. The motion was defeated on a 3 to 2 vote with Councilmembers Leach, Payne and Skelly opposed.

D. Report on Eglin Parkway maintenance. After the Manager distributed a memorandum on the item, and Council discussion, Councilman Skelly made a motion to accept the Manager's recommendation and have staff meet with DOT and attempt to secure the funds due to the Town. The motion was seconded by Councilwoman Leach. It passed by a unanimous vote.

E. Public Hearing: Second reading and approval of Ordinance No. 173. The Mayor opened the Public Hearing and called on Counsel McInnis to read and explain the Ordinance. Following Counsel's report, the Mayor invited questions and discussion from the audience. Hearing none, the Mayor closed the Public Hearing. A motion by Councilman Kendrick to accept the second reading of the Ordinance was seconded by Councilman Payne. The motion was approved by a unanimous vote. The motion passed by a unanimous vote. A motion to adopt the Ordinance was made by Councilman Skelly, seconded by Councilman Kendrick. It passed by a unanimous vote.

F. Monthly Finance Report for February 1997. Following Council discussion, Councilman Kendrick's motion to approve the report was seconded by Councilman Skelly. After discussion on special hauls to rid the Town of construction debris dumped on streets and rights-of-way, a motion was made by Councilman Payne to have the Manager obtain such a contract for future hauls. The motion was seconded by Councilman Skelly and passed by a unanimous vote.

## 6. Engineer's Report

Mr. Griswold reviewed the hydraulic analysis of the 36 inch culvert under Yacht Club Drive as requested by the Council. Mr. Griswold then reviewed several options for the Council to consider, and recommended Option No. 2 which calls for replacing the present 36 inch pipe system with a new pipe system at an estimated cost of \$23,377.00. Following discussion, and the Manager's recommendation to begin the project as soon as possible, the Council, on a motion by Councilman Skelly to approve Option No. 2, seconded by Councilman Kendrick, voted unanimously to approve the Engineer's recommendation.

7. Attorney's Report. Counsel McInnis reported that he had briefed Councilman Payne on the Sunshine Law.

8. Manager's Report. The Manager explained that the Spring Clean-up Drive will be conducted in the Town on April 18-22. He also reported on progress work to date on Laguna and Francis Parks and expressed his appreciation to Ed Connors, the Town's new Maintenance Supervisor, for the fine work he was doing.

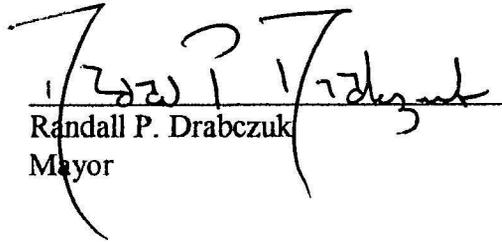
9. Public Comments. There were none.

10. Councilmembers Comments/Reports. There were general comments on pending and future events. No action was taken.

11. Correspondence. The Manager explained that all correspondence had been distributed. The Major, in appreciation of a letter from the Florida League of Cities requesting items for a time capsule, asked the Manager to send the League one of the Town's lapel pins.

12. Mayor's Announcements. The Mayor reminded everyone of next Tuesday's Town Hall Potluck Dinner.

18. Adjourn. The Mayor asked if there was any further business to come before the Council, and hearing none, adjourned the meeting at 8:05 P. M.

  
Randall P. Drabczuk  
Mayor

Attest:



Elvin C. Bell  
Town Manager/Clerk



# CREEL BRYAN & GALLAGHER

CERTIFIED PUBLIC ACCOUNTANTS • A PROFESSIONAL ASSOCIATION

J. STEVE JAY, CPA  
MARJORIE L. CUMMINS, CPA  
GENE G. BARKER, CPA  
JOSEPH W. HENDERSON, CPA  
KEVIN D. BOWYER, CPA

R. BRENTWOOD BRYAN, CPA  
CONSULTANT

March 1, 1997

To the Honorable Mayor and  
Members of the Town Council  
Town of Cinco Bayou  
10 Yacht Club Drive  
Fort Walton beach, Florida 32548

This letter will confirm our understanding of the terms of our engagement to provide monthly accounting services for the Town of Cinco Bayou. The services which we will perform will be as follows:

1. We will review on a monthly basis your internally generated financial statements to verify mathematical accuracy. Based on this review we will make recommendations as to any changes or other recommendations needed in the financial statements.

In providing financial statements to us relative to our engagement, you agree to provide, on a timely basis, fully completed financial statements and that all information provided will be, to the best of your knowledge and belief, complete. You agree to assume full responsibility for presentations made in all financial statements.

Our fee for this engagement will be up to \$50 per month, including all routine monthly services enumerated above. We will also charge separately at our standard hourly rate for consultation, which may be required from time to time.

Our engagement cannot be relied upon to disclose errors, irregularities, or illegal acts, including fraud or defalcations, that may exist. However, we will inform you of any material errors that come to our attention and any irregularities or illegal acts that come to our attention.

To the Honorable Mayor and  
Members of the Town Council  
Town of Cinco Bayou  
March 1, 1997  
Page two

If any portion of this letter is held invalid, it is agreed that such invalidity shall not affect any of the remaining portions.

*Creel Bryan & Gallagher*  
**CREEL, BRYAN & GALLAGHER**  
**Certified Public Accountants**

Authorization and guarantee by:

---

Signature and Title

Date

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, ADOPTING A NEW CHAPTER 19 OF THE CODE OF ORDINANCES OF THE TOWN TO BE ENTITLED OFFENSES AGAINST PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR INTENT; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR PROCEDURE TO REMOVE; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

NOW, THEREFORE, BE IT ORDAINED by the Town of Cinco Bayou, Florida that:

Section 1. A new Chapter 19 of the Code of Ordinances of the Town of Cinco Bayou, Florida is adopted:

## CHAPTER 19 OFFENSES AGAINST PROPERTY

### ARTICLE I. GENERALLY

Secs. 19-1--19-30. Reserved.

### ARTICLE II. GRAFFITI

#### Sec. 19-31. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Graffiti or other inscribed material includes any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any structural component of any building, structure or other facility, regardless of the nature of the material of that structural component.

## **Sec. 19-32. Intent**

Graffiti on public and private property is a blighting factor which not only depreciates the value of property, but also the value of adjacent and surrounding communities. The Town Council finds and declares that graffiti or related inscribed material is obnoxious and constitutes a public nuisance. It is the Council's further intent to provide for the prohibition of the placement of graffiti on public and private property to the extent such prohibition is permitted by state law and to further prohibit persons from allowing graffiti to remain and thus foster the perpetuation of blight upon the community. The Town Council also finds and determines that the removal of graffiti can easily be accomplished by property owners of the Town within fifteen (15) calendar days.

## **Sec. 19-33. Prohibited acts.**

(a) It shall be unlawful for any person to paint, mark, chalk or otherwise apply graffiti or other inscribed material on publicly or privately owned buildings, structures, vehicles, equipment, places or other similar locations or things within the Town.

(b) It shall be unlawful for the owner of any private property to permit graffiti or other inscribed material to remain so as to be capable of being viewed by a person utilizing any public right-of-way within the Town, such as but not limited to a road, parkway or alley, provided the Town has given the property owner written notice to remove the graffiti within a period of fifteen (15) calendar days and the graffiti or other inscribed material has not been removed within such fifteen-day period. If the fifteen-day period has expired, the Town may remove the graffiti with the consent of the owner and at the owner's expense. If the owner refuses to remove the graffiti after the fifteen-day period, the graffiti shall constitute a public nuisance and may be abated pursuant to Article II of Chapter 26 of this Code.

## **Sec. 19-34. Procedure to remove.**

Whenever the Town Manager determines that graffiti or other inscribed material is so located on public or private property as to be capable of being viewed by a person utilizing any public right-of-way and the owner of the property consents to the removal of the graffiti by the Town, the Town shall be authorized to provide for the removal of the graffiti. If the Town provides for the removal of graffiti, it shall not

authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located. Prior to the removal of the graffiti, the Town shall obtain written consent of the owner, and the owner shall execute an appropriate release prepared by the Town attorney. The owner of private property from which graffiti is removed shall be fully responsible for reimbursement to the Town for all costs of removal of the graffiti.

**Sec. 19-35 Penalty.**

Any person convicted of violating the provisions of Section 19-33 (a) of this Chapter shall be punished as provided in Section 1-7 of Chapter I of this Code.

**Secs. 19-36--19-40. Reserved**

**Section 2. 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 or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

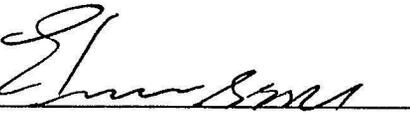
**Section 3. Repeal of Conflicting Ordinances and Resolutions.** All Ordinances and Resolutions of the governing body in conflict herewith are hereby repealed.

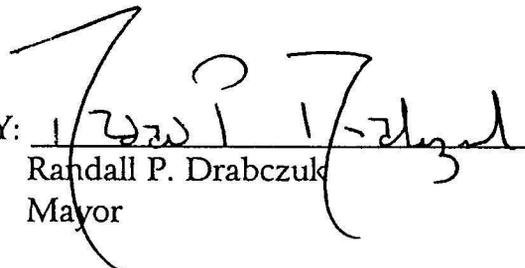
**Section 4. Effective Date.** This Ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED this        day of April, 1997

THE TOWN OF CINCO BAYOU, FLORIDA

ATTEST:

BY:   
Elvin C. Bell as  
Town Manager/Clerk (Seal)

BY:   
Randall P. Drabczuk  
Mayor



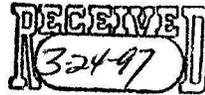
**President**  
Jim Naugle  
Mayor, Fort Lauderdale

**First Vice President**  
Samuel J. Ferreri  
Mayor, Greenacres

**Second Vice President**  
David Rigsby  
Mayor, DeLand



Florida League of Cities, Inc.  
201 West Park Avenue  
Post Office Box 1757  
Tallahassee, FL 32302-1757  
Telephone (904) 222-9684  
Suncom 278-5331  
FAX (904) 222-3806



March 21, 1997

Dear Fellow Mayor:

As you probably know by now, the Florida League of Cities is constructing a new headquarters building in Tallahassee. We are very excited about this project and expect to occupy the building late this year!

We are preparing a time capsule that will be sealed in the new building and we are going to fill the capsule with items that will appropriately commemorate Florida's cities. Accordingly, we are encouraging you to send the League a "lapel pin" (or some other very small item) from your city to be placed in this capsule.

If you would like to participate in this historical event, by having your city included in the Florida League of Cities' time capsule, please send your item to:

Linda J. Bridges  
Florida League of Cities  
Post Office Box 1757  
Tallahassee, FL 32302

Sincerely,

Jim Naugle  
President  
Mayor, City of Fort Lauderdale

**At-Large:** William Evers, Mayor, Bradenton • Mary Johnson, Commissioner, Orange County • Alexander Penelas, Commissioner, Metro-Dade County • Eric Smith, Councilman, Jacksonville • Ilene Lieberman, Mayor, Lauderhill • **District Directors:** A. O. Campbell, Mayor Pro Tem, DeFuniak Springs • Brenda Hendricks, Mayor, Parker • Glenel Bowden, Councilman, Lake City • Jack Hayman, Sr., Mayor, Edgewater • Vacancy • William Copeland, Mayor, Archer • Paula DeLaney, Commissioner, Gainesville • John Land, Mayor, Apopka • Robert Breaux, Mayor, Maitland • Sadye Gibbs Martin, Commissioner, Plant City • Frank R. Satchel, Jr., Mayor, Mulberry • Jean Halvorsen, Commissioner, Largo • Walter Stubbs, Mayor, Treasure Island • Rocky Randels, Mayor Pro Tem, Cape Canaveral • David Schechter, Mayor, Satellite Beach • Kevin Henderson, Commissioner, Stuart • Nora Patterson, Commissioner, Sarasota • Richard Bashaw, Councilmember, Ft. Myers • Steven Abrams, Councilman, Boca Raton • Jeff Koons, Commissioner, West Palm Beach • Gale M. English, Mayor, Mangonia Park • Carmela Starace, Councilwoman, Royal Palm Beach • Norman Abramowitz, Mayor, Tamarac • Alex Fekete, Mayor, Pembroke Pines • Sam Goldsmith, Vice Mayor, Coconut Creek • Thomas Hasis, Commissioner, Lighthouse Point • Robert Marks, Vice Mayor, Parkland • Dan Pearl, Commissioner, Sunrise • Ruth Campbell, Councilman, Homestead • John Kurzman, Councilman, North Miami Beach • Helen Miller, Commissioner, Opa-Locka • **10 Largest Cities:** E. Denise Lee, Councilperson, Jacksonville • J. L. Plummer, Jr., Commissioner, Miami • Dick Greco, Mayor, Tampa • Lesile Curran, Councilperson, St. Petersburg • Raul Martinez, Mayor, Hialeah • Carlton Moore, Commissioner, Ft. Lauderdale • Glenda Hood, Mayor, Orlando • Ron Weaver, Mayor, Tallahassee • Mara Giuliani, Mayor, Hollywood • Rita J. Garvey, Mayor, Clearwater • **Past Presidents:** Larry L. Schultz, Councilman, Rockledge • Clarence E. Anthony, Mayor, South Bay • **FCCMA:** David Farber, Royal Palm Beach • Michael Sittig, Executive Director • Harry Morrison, Jr., General Counsel

James M. Bratton  
288 Kidd St. NE  
Ft. Walton Beach, FL 32548

Town Manager, Town Mayor, Town Council  
Town of Cinco Bayou  
10 NE Yacht Club Dr.  
Ft. Walton Beach, FL 32548

Greetings,

19 March, 97

I write this letter so that management and elected representatives will consider an idea that will have a positive impact on Cinco Bayou. In a nutshell, the idea is to bury utility transmission lines underground.

The first benefit of this program would be to eliminate the susceptibility of these transmission lines to hurricane and storm damage. How many refrigerators full of food will this save? We will be able to watch television reports during the storm.

The second benefit will be a dramatic improvement in the visual landscape of the town. Take a drive over to the Overbrook neighborhood of Ft. Walton Beach, and I think you'll agree, the difference is stunning. I think it was Ansel Adams who said he was going to stop taking pictures because of telephone lines.

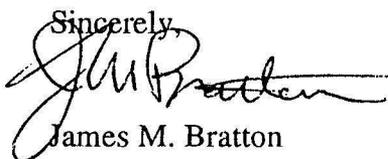
To accomplish this goal would require a heretofore unheard-of expenditure by the citizens. It will only be done if there is an unwavering long-term commitment on the part of the constituency and the government.

I propose that we initiate a feasibility study to understand the costs and schedule involved in such an undertaking. I hereby volunteer to chair a committee to gather the facts and draft a feasibility study. I expect this study to take several months. The only cost to the town will be for postage. (One of the important steps, I believe, will be to conduct a survey of the townspeople. I would like to send out addressed, stamped surveys, so that we get a maximum number returned.)

Most of the postage requirements will be after information is gathered from utility companies, governmental agencies, etc.

I look forward to discussing this matter with each of you.

Sincerely,



James M. Bratton

Town of Cinco Bayou, FL  
Workshop Meeting, Town Council  
May 3, 1997

The Mayor called the meeting to order at 9:00 A.M.

Councilmembers Present: Bryan Beard  
Carolynn Leach  
Dutch Payne  
Joe Skelly  
Mayor Randall Drabczuk

Absent: Jim Kendrick

Staff Present: Manager Elvin C. Bell, Counsel Jeff McInnis and Maintenance  
Supervisor Ed Connors

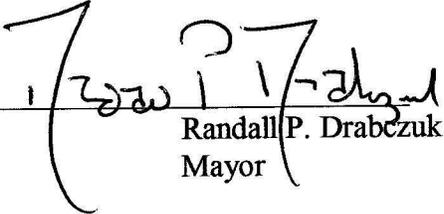
1. The Mayor opened the meeting by announcing that the purpose of the Workshop Session was to develop short and long range goals for the Town. He reviewed the guidelines that would be followed for the meeting and urged the residents that were present and the Councilmembers to actively participate in the discussion.

2. During the discussion, Councilmembers and residents expressed their opinions on various categories and issues that the Town should address, and the Mayor wrote those statements on easels so all could see what was being discussed.

The Council discussed the merits of the planning list that had been written on the easels, and agreed through consensus that various suggested items would be placed under the following priority headings: (1) Public Safety; (2) Quality of Life; (3) Urban Planning, and (4) Government Operations. The Council then discussed time-frames for short and long range planning and agreed the time-frames would be generally fixed at 1-3 years for short-range goals, 3-10 years for medium-range goals, and 10-20 years for long-range goals.

It was also agreed by consensus that the next Workshop would include orientation presentations from Counsel and the Manager on Comprehensive Planning, Town Ordinances and the Millage rates.

3. The Mayor asked for any additional comments, and hearing none, adjourned the session at 11:28 A.M.

   
Randall P. Drabczuk  
Mayor

Attest: \_\_\_\_\_  
Elvin C. Bell  
Manager/Clerk

May 5, 1997

TO: Mayor and Councilmembers  
SUBJECT: Planning Categories Discussed at May 3, 1997, Council Workshop (As Requested,  
The Following Information Was Copied From Notes on Easels)  
FROM: ECB

Category No. 1:

URBAN PLANNING

Utility Up-Grades  
Zoning  
Infrastructure  
Realistic Growth  
Boat Launch  
Growth Projections  
Comprehensive Plan  
Traffic  
New Ordinances  
Waste

Category 2:

PUBLIC SAFETY

Security  
Safety  
Traffic/Parking  
Code Enforcement  
Vagrant Problems  
Neighborhood Watch  
Law Enforcement  
Disaster Programs

Category 3:

**QUALITY OF LIFE**

Environment  
Beautification  
Parks  
Signage  
Citizen Activity  
Visual Setting  
Noise  
Service To Residents

Category 4:

**GOVERNMENT OPERATIONS**

Commercial Participation  
Citizen Participation  
Administration  
Budget  
Revenue Projection  
New Ordinances  
Intra-City Communications  
Inter-City Communications  
Motivation  
Grant Procurement

**TIME-FRAMES**

1-3 YEARS (SHORT-RANGE)

3-10 YEARS (INTERMEDIATE-RANGE)

10-20 YEARS (LONG-RANGE)