Town of Cinco Bayou, Fl
Regular Council Meeting Minutes
April 11, 1996

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: Rene' Chamberlain
Nancy Frey
Jim Kendrick
Carolynn Leach
Joseph Skelly
Mayor Drabczuk

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

3. Public Hearing: Second reading and adoption of Parks and Recreation Ordinance No. 167 of the Town.

Manager Bell informed the Council that all public notices of Ordinance No. 167 had been duly met and the item was properly before the Council for action.

Attorney McInnis read Ordinance No. 167 by title. Mayor Drabczuk gave a brief opening statement then opened the public hearing. The following persons addressed the Council:
Michael B. Smith, Donald E. Olsen, Bryan L. Dumka, Don Bewley, Bill Frey, Karen Luttrell, Patricia Reeder, Connie Anderson, Jim Bratton, and Jim Dubrock.

After calling for any additional public comments, and hearing none, the Mayor closed the Public Hearing.

Councilman Kendrick made a motion to approve the second reading and to adopt Ordinance No. 167. The motion was seconded by Councilman Skelly. After Council discussion, Mayor Drabczuk called for a vote. The Ordinance was approved 4 to 1 with Councilwoman Chamberlain voting no.

4. Public Comments:

Donald Olsen and Jim Dubrock addressed the Council again concerning the Sea Way Boat Ramp.

5. Action Items:

A. Resolution adopting hours of operation for Boat Ramp. Manager Bell read Resolution 96-04 which addressed the hours of operation for the Boat Ramp. Councilwoman Chamberlain made a motion to adopt Resolution 96-04. The Resolution established the hours for the Sea Way Boat Ramp to be open for public use twenty four (24) hours each day, seven days a week throughout the year. The motion was seconded by Councilwoman Leach. Mayor Drabczuk called for a vote. The motion passed 4 to 1 with Councilwoman Frey voting no.

B. Tree contract RFP: Attorney McInnis explained the document is being properly advertised to meet legal requirements. He then gave a brief outline of the RFP. Following discussion, Councilman Kendrick made a motion to accept the RFP, seconded by Councilwoman Chamberlain. The motion was approved by a unanimous vote.

C. Minutes of March 14, & 28, 1996: Councilman Kendrick made a motion to approve the Minutes of March 14 and March 29, seconded by Councilwoman Frey. She then offered amendments which clarified page 5 of the March 14th Minutes. She stated she would like, "each motion to be restated before voting," changed to, "each motion to be restated by the Mayor prior to voting." Page 5 same paragraph: She would like, "for people to be able to get a copy of the minutes before the meeting," changed to: "for people to get a draft copy of the minutes before the meeting." Motion was approved 4 to 1 with Councilwoman Chamberlain voting no.

D. Financial Report, March 1996. Councilman Kendrick made a motion to approve the Financial Report of March 1996, seconded by Councilwoman Frey. Motion approved unanimously.

Councilman Kendrick left the Council Chamber at 7:20 p.m.

E. Consideration of nuisance abatement proceedings: Councilwoman Leach expressed her concern about council responsibilities regarding code enforcement, vis a vis Town Manager responsibilities for code enforcement. There was discussion on the subject by Counsel, the Manager and Councilwoman Leach.

6. Engineer's Report: Engineer King had no report.

7. Attorney Report: Attorney McInnis had no report.

8. Manager's Report: Manager Bell explained that he had developed a concept for improving the Nature's Trail at Glenwood Park. The concept could be fulfilled by a candidate for Eagle Scout who has met with the Manager. The plan is to develop the Nature's Trail into an educational environment which would include appropriate signage to identify trees and birds. The plan is to make the Park a bird sanctuary and a learning experience for visitors. He said with the Council's approval he would proceed with that project. Councilwoman Chamberlain made a motion to have Manager Bell proceed with that project. A second was offered by Councilwoman Leach. Motion was approved unanimously.

Manager Bell also explained that as a result of negotiations he and Ron Magee had with Gulf Powers officials, the Town had been "Grandfathered in" by Gulf Power to place seasonal decorations on power poles in the Town of Cinco Bayou. Manager Bell said he was pleased to inform the Council about the Grandfather provision because without it, the Town could not have displayed any Christmas decorations this year or in future years.

Councilman Skelly asked Manager Bell to check on street lights that are out around the Town. Manager Bell said he would take care of it.

9. Councilmembers comments/Reports: Councilwoman Frey asked Manager Bell if he would place trash containers at the Sea Way Boat Ramp.

Councilwoman Chamberlain thanked the staff and Manager Bell for a job well done for all the work they did in getting information for the FEMA Team.

10. Unscheduled Items- Public Response

Mr. Jim Bratton addressed the Council again with his concerns about the Boat Ramp and No Wake Zone.

11. Correspondence:

Manager Bell announced that the Florida League of Cities Convention would be held on August 8-10, 1996, at the Boca Raton Resort & Country Club in Boca Raton, Florida.

12. Mayor's announcements. Mayor Drabczuk reminded everyone of Cinco Civic Pride Day on Saturday April 13, 1996, and the Pot Luck supper on Tuesday April 16, 1996, which will be hosted by Councilwoman and Mr. Frey. Mayor Drabczuk also said he would like to move agenda item "Public Comments" down under "Unscheduled Items." He also wanted to add to the agenda, near the top, "Council Approval of Agenda." Councilman Skelly made a motion to accept the Mayor's recommendation, seconded by Councilman Leach. After Council discussion, the Motion was approved 3 to 1 with Councilwoman Chamberlain voting no.

The Mayor called for any further business, and hearing none, adjourned the meeting at 8:28 P.M.

Randall P. Drabczuk
Mayor

Attest:

Elvin C. Bell Town
Town Manager/Clerk

ORDINANCE NO: 167

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, RELATING TO THE AMENDMENT OF THE TOWN'S CODE OF ORDINANCES, CHAPTER 15, PARKS AND RECREATION; REVISING ARTICLE II IN ITS ENTIRETY TO PROVIDE STANDARDS OF BEHAVIOR AND RULES FOR THE OPERATION OF PUBLIC PARKS; PROVIDING AUTHORITY; PROVIDING A PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR THE REGULATION OF PARK PROPERTY; PROVIDING FOR THE REGULATION OF SANITATION; PROVIDING FOR THE REGULATION OF OPERATION OF VEHICLES AND TRAFFIC; PROVIDING FOR THE REGULATION OF RECREATIONAL ACTIVITIES; PROVIDING FOR THE REGULATION OF BEHAVIOR IN THE PARKS; PROVIDING FOR THE REGULATION OF MERCHANDISING, ADVERTISING AND SIGNS; PROVIDING A PARK OPERATING POLICY; PROVIDING FOR THE REGULATION OF ALCOHOLIC BEVERAGES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 15, Article II of the Code of Ordinances of The Town of Cinco Bayou, Florida is hereby amended in its entirety to read as follows:

ARTICLE II

STANDARDS OF BEHAVIOR AND OPERATION OF PUBLIC PARKS

SECTION 15-26 Authority.

The authority for enactment of this article is Section 166.021, Florida Statutes.

SECTION 15-27 Purpose.

The purpose of this article is to establish procedures by which Town parks are operated, and standards of behavior within the Town parks, and will serve to enhance public administration and the health, safety and welfare of the Town and its citizens.

SECTION 15-28 Definitions

For the purpose of this article the following terms, phrases, words, abbreviations and their derivations shall have the following meaning herein given. When not inconsistent with the context words used in the present

tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning.

(a) *Camping* shall mean sleeping or resting in an attitude of sleep in the nighttime, or purporting to reside, even temporarily, in any such area, or sitting or standing about during times when the Town's Parks, as defined herein, are closed.

(b) *Park* is a park, reservation, playground, beach, boat ramp, recreation center or any other area in the Town, owned or used by the Town and devoted to active or passive recreation.

(c) *Vehicle* is any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages, wheelchairs, and vehicles in the service of the Town parks.

(d) *Alcoholic beverages* are distilled spirits, wines, malt beverages, and all beverages containing one-half of one percent or more alcohol by volume.

(e) *Beer* means all brewed beverages containing malt.

(f) *Wine* means all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, vermouths, and like products.

SECTION 15-29 Park property

No person in a park shall:

(a) Buildings and other property:

(1) *Disfiguration and removal.* Willfully mark, deface,disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, fences, gates, or other structures or equipment, facilities or park property or appurtenances whatsoever,

either real or personal.

(2) *Removal of natural resources.* Dig, or remove any beach sand, whether submerged or not, or any soil, shell, rock, stones, trees, shrubs or plants, downtimber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(3) *Erection of structures.* Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(b) Trees, shrubbery, lawns

(1) *Injury and removal.* Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(2) *Climbing trees, etc.* Climb any tree or wall, stand or sit upon monuments, vases, fountains, railing, fences or gates, or upon any other property not designated or customarily used for such purposes.

(3) *Hitching of animals.* Tie or hitch a horse or other animal to any tree or plant.

(c) *Wild animals, birds, etc.* Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, or coral snakes may be killed on sight.

SECTION 15-30 Sanitation

No person in a park shall:

(a) *Pollution of waters.* Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, canal, bayou, bay, pass, lagoon, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(b) *Refuse and trash.* Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and property disposed of elsewhere.

SECTION 15-31 Operation of vehicles and traffic

No person in a park shall:

(a) *Operation of motor vehicles restriction.* Operate any motor vehicle in, on or over the beaches, public parks or public recreational lands in the Town except where designated or posted for motor vehicle traffic or parking, unless the same shall have been issued a permit by the Town Manager/Clerk or his designee. Any permit issued shall be specifically limited to the minimum access necessary to meet the service requirements of the applicant. This provision shall not apply to public safety or emergency vehicles being operated in the line of duty.

(b) *State motor vehicle laws apply.* Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this or other ordinances.

(c) *Enforcement of traffic regulations.* Fail to obey all traffic officers, park employees and other Town employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of these regulations.

(d) *Obey traffic signs.* Fail to observe carefully all traffic signs indicating speed, direction, caution stopping, or parking, and all others posted for proper control and to safeguard life and property.

(e) *Speed of vehicles.* Ride or drive a vehicle at a rate of speed exceeding ten (10) miles an hour, except upon such roads as the Town may designate, by posted signs, for faster travel.

(f) *Operation confined to roads.* Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically

designated as temporary parking areas by the Town.

(g) *Parking.*

(1) *Designated areas.* Park a vehicle in other than an established or designated parking area within any Park or on the highways, streets or roads within one hundred feet of the entrance of any such Park, and such use shall be in accordance with the posted directions there at and with the instructions of any Town designated attendant who may be present.

(2) *Full-parking.* Full-park on the road or driveway at any time. In order to enjoy some special natural scenic feature, vehicles may be parked with the two (2) left wheels near the right edge of the paving for not more than ten (10) minutes. No stopping or parking is permitted even briefly on the left-hand side of any road or driveway.

(3) *Double-parking.* Double-park any vehicle on any road or parkway unless directed by a Town official.

(h) *Bicycles.*

(1) *Confined to roads.* Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(2) *Operation.* Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(3) *Designated racks.* Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(4) *Immobile.* Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

SECTION 15-32 Recreational activities

No person in a park shall:

(a) *Bathing and swimming.*

(1) *Designated areas.* Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may hereafter be adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Town upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(2) *Certain hours.* Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between the hours of 8:00 a.m. and 8:00 p.m., or as otherwise posted.

(3) *Structure on beach.* Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two (2) sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

(b) *Boating.*

(1) *Designated areas.* Bring into or operate any boat, raft, or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Town. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(2) *Prohibition during closing hours.* Launch, dock, or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on, or remain on or in, any boat during the said closed hours of the park.

(3) *Prohibition of repair or maintenance.* Perform boat or engine repair or maintenance except in emergency situations.

(c) *Picnic areas and use.*

(1) *Regulated.* Picnic or lunch in a place other than those designated for that purpose.

(2) *Availability.* Violate the regulation that use of the individual gazebos or pavilions, together with tables and benches follows generally the rule of "First come, first served."

(3) *Nonexclusive.* Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(4) *Duty of picnicker.* Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(d) *Camping.* No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon or the like.

(e) *Games.* Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and soccer is prohibited. Rollerskating shall be confined to those areas specifically designated for such pastime.

SECTION 15-33 Behavior

No person in a park shall:

(a) *Fireworks and explosives.* Have brought, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable materials, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or

compound would be dangerous from any of the foregoing standpoints.

(b) *Domestic animals.* Have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in This Area." Any person bringing a domestic animal into a Park shall be responsible for the collection and proper disposal of any feces defecated by such animal while in the Park. Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than four (4) feet in length. This section shall not apply to any dog trained to aid disabled or handicapped persons, when any such dog is actually being used to assist any such person.

(c) *Fires.* Build or attempt to build a fire or ignite or light any gas substance or other material, except in such areas designated for fires. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(d) *Closed areas.* Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(e) *Loitering and boisterousness.* Sleep or protractedly lounge on the seats, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(f) *Interference with permittees.* Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

(g) *Possession or use of glass or ceramic containers prohibited.* No person shall possess or use any glass or ceramic container at, in or on the beaches, parks or public recreational lands in the Town.

SECTION 15-34 Merchandising, advertising and signs

No person in a park shall:

(a) *Vending and peddling.* Solicit for any purpose, expose

or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire action by and under the authority and regulation of the Town.

(b) *Signs.* Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever in a park or on any public lands or highways or roads adjacent to a park.

SECTION 15-35 Park operating policy

(a) *Hours.* Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year from 8:00 a.m. to 8:00 p.m. or as otherwise established by resolution of the Town Council. The opening and closing hours for each individual park shall be posted therein for public information.

(b) *Closed areas.* Any section or part of any park may be declared closed to the public by the Town Manager/Clerk at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Town Manager/Clerk, or his designee, shall find reasonably necessary.

(c) *Permit.* A permit shall be obtained from the Town before participating in a group activity composed of twenty (20) or more persons, not including the activity of loading or unloading boats or recreational vehicles, pursuant to the following:

(1) *Application.* A person seeking issuance of a permit hereunder shall file an application with the Town. The application shall state:

a) The name and address of the applicant;

b) The name and address of the person, persons, corporation or association sponsoring the activity, if any;

c) The day and hours for which the permit is desired;

d) The park or portion thereof for which such permit is desired;

e) An estimate of the anticipated attendance;

f) Any other information which the Town Manager/Clerk shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder;

g) All applicants desiring to obtain a permit for exclusive use of any portion of a park, will be required to pay a non-refundable fee of forty dollars ($40.00) at the time of issuance.

(2) *Standards for issuance.* The Town shall issue a permit hereunder when the Town Manager/Clerk, or his designee, finds:

a) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

b) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

c) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

d) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Town;

e) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(3) *Appeal.* If a permit is denied, within three (3) days after receipt of an application, the Town Manager/Clerk, or his designee, shall apprise an applicant, in writing, of the reasons for refusing a permit. Any aggrieved person shall have the right to appeal, in writing, within three (3) days to the Town Council, which shall consider the application under the standards set forth in subsection (2) hereof, and sustain or overrule the Town Manager's, or designee's, decision within fourteen (14) days. The decision of the Council shall be final.

(4) *Effect of permit.* A permittee shall be bound by all park rules and regulations and all applicable ordinances fully, as though the same were inserted in said permits.

(5) *Liability of permittee.* The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(6) *Revocation.* The Town Manager/Clerk shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

SECTION 15-36 Alcoholic beverage prohibitions and exceptions

(1) No person in a park shall:

(a) Have brought or possessed alcoholic beverages, nor shall any person consume alcoholic beverages at any time.

(b) Have entered or be under the influence of alcoholic beverages.

(2) Alcoholic beverage prohibition exception - Sea Way Boat Ramp

(a) Any person utilizing the Sea Way Boat Ramp is allowed to transport unopened alcoholic beverage containers through the boat ramp area to and from a boat or vehicle.

(b) Disposing of empty beer and wine containers properly, in trash receptacles provided by the Town, is permitted.

SECTION 15-37 Enforcement.

(a) *Ejectment.* Town employees designated by the Town Manager/Clerk shall have the authority to eject from the park any person acting in violation of this Article.

(b) *Seizure of property.* Town employees designated by the Town Manager/Clerk shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this Article.

SECTION 15-38 Penalty.

Any person violating the provisions of this Article is guilty of an offense, and shall be punished by a fine not exceeding five hundred dollars ($500.00), or imprisonment for a period not exceeding sixty (60) days, or by both such fine and imprisonment. Each day any violation of any provision of this Article continues shall constitute a separate offense.

Sections 15-39 through 15-50. Reserved.

SECTION 2. SEVERABILITY. Each separate provision of this Ordinance is deemed independent of all other provisions herein so that, if any portion or provision of this Ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

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 upon its adoption by the Town Council and signature of the Mayor.

ADOPTED this day of , 1996.

BY: _____
Randall P. Drabczuk
Mayor

ATTEST:

BY: _____
Elvin C. Bell
Town Manager/Clerk

cinco\parks.ord

5B

THE TOWN OF CINCO BAYOU, FLORIDA

REQUEST FOR PROPOSALS

CONTINUING CONTRACT FOR PROFESSIONAL TREE SERVICE

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

April 5, 1996

A.

PUBLIC NOTICE
THE TOWN OF CINCO BAYOU, FLORIDA
PUBLIC ANNOUNCEMENT FOR
PROFESSIONAL TREE SERVICES

1. The TOWN OF CINCO BAYOU, FLORIDA will consider the selection of a professional tree service for the providing of services to the township under an annual continuing contract with a renewal provision for four additional one-year terms. Services shall include on a routine and/or emergency basis, as a minimum, routine tree maintenance (watering and fertilizing), tree trimming, tree and stump removal, and removal of all debris from such services.

2. Business entities interested in providing professional tree services to the Town of Cinco Bayou are hereby notified of the requirement to submit sealed proposals for such services to be received no later than 2:00 p.m. CST, May 9, 1996 at the Town Hall, 10 Yacht Club Drive, Fort Walton Beach, Florida 32548. Late responses will not be accepted or considered.

3. Instructions for submission requirements and completion of responses may be obtained free of charge at the Cinco Bayou Town Hall, 10 Yacht Club Drive, Fort Walton Beach, Florida. Phone: (904) 244-2712.

4. The Town of Cinco Bayou, Florida reserves the right to reject any one or all of the proposals, to waive any informality in any such submissions, and to select and negotiate a contract with a proposer in the best interest of the Town of Cinco Bayou, Florida. Additionally, the Town of Cinco Bayou reserves the right, in its sole discretion, to cancel this Request for Proposals and/or its review of submissions when it determines such action is in the best interest of the Town of Cinco Bayou.

5. Requests for Proposals offered must be valid for a period of sixty (60) days from the submission deadline.

RANDALL P. DRABCZUK
MAYOR

B. **SUBMISSION REQUIREMENTS:**

1. Written proposals (including 12 copies) must be submitted in a sealed package clearly marked as "Response to Request for Proposals for Continuing Contract for Professional Tree Service".

2. Proposals should be submitted to:

Randall P. Drabczuk
Mayor
Town of Cinco Bayou
10 Yacht Club Drive
Fort Walton Beach, FL 32548

3. All proposals must be received by 2:00 p.m., CST, on May 9, 1996 at the Town of Cinco Bayou, Town Hall, 10 Yacht Club Drive, Fort Walton Beach, FL 32548.

C. **ELIGIBILITY REQUIREMENTS OF PROPOSERS:**

1. Proposer must hold an appropriate occupational license in Okaloosa County, Florida and be insured as required by the Town. Successful firm will be required to obtain, from the Town, an occupational license to do business within the Cinco Bayou Town limits at a cost of $50.00.

2. Proposer or its owner/principal must have a minimum of three (3) years experience in the tree service field.

3. Proposer must have its principal place of business or a field office at which necessary tree service equipment and fulltime personnel are regularly maintained within Twenty-Five (25) miles of the Cinco Bayou, Florida town limits to permit rapid response, and be willing to respond twenty-four hours a day to meet emergency requirements.

D. **PROPOSALS SHALL INCLUDE:**

1. General information concerning the firm offering the proposal, to include principal place of business, availability for rapid response and method/means available for notification of the requirement to respond for service, staffing, and equipment available to meet service requests.

2. Description of the experience of the firm in providing professional tree services and references from at least three (3) previous customers (should include business or governmental agency customers if any).

3. Evidence of proper business license and appropriate insurance coverage for the firm. Insurance coverages must

include at a miniumum, General Comprehensive Liability and Worker's Compensation as required by Florida law.

4. Disclosure as to any litigation or claims involving the firm, within the last five (5) years to include the disposition of same.

5. Provide a proposed fee schedule for services to be rendered. (Assumptions: assume a requirement to provide watering in dry conditions, fertilizing and other maintenance of 4 Bradford Pears, 36 Wax Myrtle and 2 Laurel Oak trees planted in the right-of-ways of the Town during the initial term of the contract and any renewals; assume a requirement to provide tree trimming and stump removal upon request of the Town; assume the requirement to remove all debris as a part of the services provided; assume, further, the requirement for rapid response, during and after normal business hours, to meet the need for emergency services). Proposed fee schedule must include rates to be charged during each of the four optional one (1) year contract renewal terms (i.e. fee schedule must cover a five year period). Provide usual and customary contract forms with proposed fee schedule for consideration.

6. Indicate an agreement to enter into an annual continuing contract, with an annual renewal clause for four (4) additional one-year terms, and with the requirement for 24 hour rapid response to meet emergency requirements.

7. The Proposal must be signed by a duly authorized officer or the owner of the submitting firm.

8. Any costs of submitting proposals under this request shall be the responsibility of the submitting firm.

E. **STATEMENT OF PROPOSAL EVALUATION:**

1. Proposals will be opened and considered during the regularly scheduled public meeting of the Cinco Bayou Town Council on May 9, 1996.

2. The Town of Cinco Bayou will seek to negotiate a contract with the successful respondent. Failure to agree on contract terms will negate the respondent's selection by the Town Council.

3. A fully executed sworn statement concerning Public Entity Crimes (sample attached) is required by Florida Statutes, Section 287.133(3)(a) and will be required before a contract is executed.

THE BOCA RATON RESORT & CLUB
The Elegant Place To Play.

501 E. Camino Real, P.O. Box 5025,
Boca Raton, FL 33431-0825, 407-395-3000.

Mark Your Calendar

for the Florida League of Cities Annual Convention

August 8-10, 1996
Boca Raton Resort and Club

Details to follow . . .

Boca guests "commute" between the Cloister/Tower and the Beach Club aboard our private yacht – the classic teak-and-brass-fitted "Mizner's Dream."

PLACE STAMP HERE

Elvin C. Bell, Mangr
Town of CINCO BAYOU
10 Yacht Club Drive
Ft. Walton Beach, FL 32548-4436

RECEIVED 3-18-96

25M 3/92

RECEIVED 3-26-96

Specific Release to Gulf Power Company

Gulf Power Company shall permit the City of _____, Florida to place seasonal decorations on Gulf Power Company poles. In consideration for this permission, the City of _____, Florida agrees to hold Gulf Power Company harmless. This release of liability includes all actions in tort or contract and includes all rights of subrogation under workers' compensation law. The City of _____, Florida, agrees to hold Gulf Power Company, its employees, officers, and authorized agents, harmless and agrees to indemnify Gulf Power Company against all actions by third parties, arising from any such attachment within the City of _____, Florida.

The City of _____, Florida, agrees to comply with the terms of attachment to Gulf Power Company equipment as described in Attachment "A" to this specific release.

It is understood by the City of _____, Florida, that all limits of liability (municipal) are waived as to Gulf Power Company's right to indemnification for damage arising from such attachments from actions by third parties. The specific terms and duration of attachment are included by reference to this release and are made a part of this release.

In witness, we have set our hands this _____ day of _____, _____.

_____	_____
Witness	City Clerk
_____	
Witness	
_____	_____
Witness	City Manager
_____	
Witness	

STATE OF _____

COUNTY OF _____

Before me personally appeared _____ as City Clerk and _____ as City Manager on behalf of _____, Florida, and who are personally known to me and who did not take an oath.

NOTARY PUBLIC

_____

_____
(Print or type full name)

My commission expires: _____

Serial Number: _____

RECEIVED 3-26-96

Attachment "A"

Terms of Attachment

1) Adherence to all OSHA, NEC, NESC, and City of _____, Florida regulations applicable to such activities and personal conduct.

2) Gulf Power Company engineering will approve all proposed pole attachment locations before any attachments are made.

3) All poles that are to be attached to will be located on Gulf Power Company map(s).

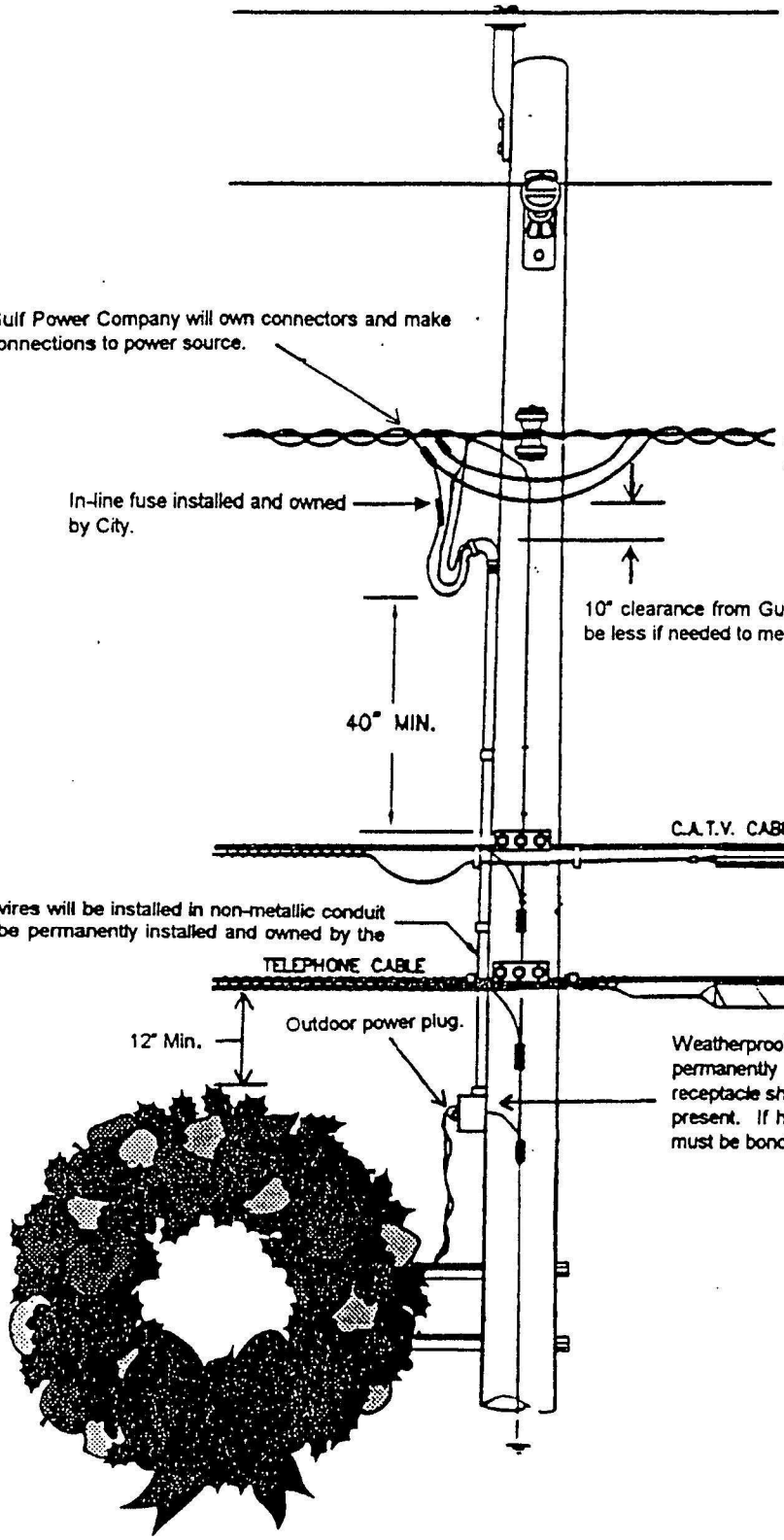
4) Compliance to attached Specification Plate is to be coordinated with the local Gulf Power Company representative.

5) Duration of holiday attachments is from November 1st to January 31st except electrical facilities such as outlet box, service wires and conduit which will remain in place year round.

6) Gulf Power Company reserves the right to terminate and/or revise this agreement at any time after a 15 day written notice is given.

RECEIVED 3-26-96

HOLIDAY ATTACHMENT RECEPTACLE INSTALLATION



Note:

1. Only Qualified electrical workers are allowed to work in the 40 inch clearance space to install city electrical facilities.

2. Lowest part of decoration is to be a minimum of 15'-6" over roads, streets, parking lots, or alleys and 9'-6" when over areas and ways subjected to pedestrians or restricted traffic only.

3. Electrical facilities (receptacle, service wires, conduit and etc.) will remain in place year round and only decorations will be subject to removal per Attachment "A" part 5 of the Hold Harmless Agreement.

DATE	GULF POWER COMPANY	PLATE
ENG DRN		C-12

TOWN OF CINCO BAYOU

10 YACHT CLUB DRIVE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548-4436
904-244-2712
FAX 904-244-9188

Mayor:
RANDALL P. DRABCZUK

Council Members:
RENÉ CHAMBERLAIN
NANCY FREY
JIM KENDRICK
CAROLYNN H. LEACH
JOSEPH P. SKELLY

Town Manager/Clerk:
ELVIN C. BELL

Town Attorney:
C. JEFFREY McINNIS

April 5, 1996

Ms. Shirley Collins
Bureau Chief, Recovery and Mitigation
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100

Re: Letter of Commendation

Dear Ms. Collins:

Occasionally one encounters government officials who demonstrate through action and deed a personal commitment to excellence, professionalism and thoroughness. When such an encounter occurs it should be acknowledged as an example for others to follow.

I refer to highly exceptional people on your staff who I have had the pleasure to work with during the past few months; Ms. Lisa Steckler and Mr. Cliff Varnadore. I also want to single out Mr. David Shapiro, a FEMA employee from the Atlanta regional office. He, too, is a remarkable problem solver.

The Town of Cinco Bayou was struck hard by Hurricane Erin and then hit even harder by Opal. A few months ago, when I was trying to retain my sanity while there was devastation throughout our community, I telephoned your office to talk with the liaison I had been working with for a few weeks. I was informed that my new contact would be Ms. Steckler. She immediately came on the line and asked how she could help.

What a refreshing first impression she made with me. She wanted to know how she could help. I had been accustomed to hearing someone ask, "What's the problem now."

During the past few months I have telephoned and corresponded with Ms. Steckler on a multitude of Erin and Opal issues. During each of those communications she has acted with the highest standards of professional conduct, demonstrated a remarkable problem solving skill, and had the patience and forbearance to listen intently to each issue. Her organizational ability manifested itself many times because I never had to revisit the background on an issue with her. She is mature beyond her years, a dedicated public servant, a joy to work with, a true asset to your organization, and a credible and reliable representative of the State of Florida.

It is with sincere pleasure that I commend Ms. Lisa Steckler to you.

Mr. Cliff Varnadore, also a member of your staff, is another person I have had the pleasure to work with during the past few months. He is cut from the same cloth as Ms. Steckler. He arrives on scene with every resource needed to analyze and manage problems. His time management skills and decision making ability are remarkable. He would be an asset to any organization. Ms. Collins, you are fortunate to have Mr. Varnadore on your team. Even when he denies something I want, his demeanor, communicative skills and rationale all blend together in such a compatible mix that he makes a person feel like he has won an issue even when he knows he lost. Now that takes some talent.

Mr. Varnadore is a credit to your Department and the State of Florida.

It was my pleasure last Tuesday to spend six hours with Mr. David Shapiro and his team. The Atlanta FEMA office could not have a better professional representative than Mr. Shapiro. He ably demonstrated the skills I like to see in a government official. He will always be welcomed in the Town of Cinco Bayou.

Ms. Collins, I realize that people in our respective lines of work have to put up with some folks who spend their time looking for things that are bad. About every third call or letter is an incoming barrage of bad news.

It pleases me, therefore, to write you a letter of good news; good news about deserving people such as Ms. Lisa Steckler, Mr. Cliff Varnadore and Mr. David Shapiro.

Please share with them my thoughts and tell them, as I have before, "thank you."

Very truly yours,

Elvin C. Bell
Town Manager

c: Mayor and Councilmembers

RECEIVED
32696

Car phone users high-wreck risk

ROCHESTER, N.Y. — Aaarggh! I'm going to have to hang up, boss. I've just run into the back of a truck.

People with a cellular phone in the car run a 34 percent higher risk of having an accident, researchers said Monday. The danger mounts when they use the phone a lot or while doing something else, such as lighting a cigarette or drinking coffee.

Most often, it seems, motorists engrossed in a phone conversation run red lights and get into collisions at busy intersections. But even on the open highway, a car-phone call can take people's minds off their driving.

TO THE:

County Commissioners
County Sheriff
City Chiefs of Police
All Federal, State, & Local Officials

This news article sends you all a message that you can expect a 34 percent increase in traffic accidents.

Let's not wait until the horse is out of the barn before we lock the door.

Let's get an ordinance passed now, that states you MUST PARK your vehicle when using the phone! (this includes county & city owned maintenance units).

A $50 fine would be appropriate for using the phone while your vehicle is in motion.

Respectfully submitted,

E A Donze

E. A. Donze
54 Tenth Street
Shalimar, Fl. 32579

651-4148

Happy motoring!

ORDINANCE NO. 96-09

AN ORDINANCE OF OKALOOSA COUNTY CREATING RESTRICTED AREAS ON CERTAIN WATERS IDENTIFIED AS A PORTION OF FIVE MILE BAYOU NEAR THE TOWN OF CINCO BAYOU;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.

Original document is skewed

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 Five Mile Bayou, near the Town of Cinco Bayou, 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 5th day of March, 1996.

OKALOOSA COUNTY, a political Subdivision of the State of Florida

BY: Dennis D. Nicholson

DENNIS D. NICHOLSON, CHAIRMAN
OKALOOSA COUNTY
BOARD OF COMMISSIONERS

ATTEST:

NEWMAN C. BRACKIN
CLERK
OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA SEAL

Department of Environmental Protection

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

September 13, 1995

Mr. Steven E. Mixon, P. E.
Public Works Engineer
Okaloosa County
101 East James Lee Boulevard
Crestview, Florida 34536

RE: File Number: 9507-1146-110BS
Location: Bal Harbor

Dear Mr. Mixon:

The Florida Marine Patrol has approved your request for the placement of Uniform Waterway Marker(s) in Bal Harbor, within Okaloosa County.

Permit number 95-110 has been issued to Okaloosa County Board of County Commissioners and is subject to the following conditions:

1. Permit number 95-110 is contingent upon the consent of, and if necessary, the issuance of appropriate permits by the Department of Environmental Protection, Submerged Lands and Environmental Resources Program Office, 3804 Coconut Palm Drive, Tampa, Florida 33619; the United States Coast Guard at 909 S. E. 1st Avenue, Miami, Florida 33131; and the United States Department of Army Corps of Engineers at Post Office Box 4970, Jacksonville, Florida 32232; authorizing the placement of structures for the support of the uniform waterway marker(s).

2. This permit requires Okaloosa County Board of County Commissioners to place four (4) uniform waterway marker(s) with the inscription of "Idle Speed No Wake" and "Resume Normal Safe Operation" exactly as indicated on the attached marker list. Each marker shall be consistent with the Florida Uniform Waterway Marker System format as shown on the attached diagram.

3. All uniform waterway marker(s) must be either: **BUOYS** 36" above the mean high water mark; or **SIGNS** a minimum of three (3) feet high and three (3) feet wide. Permit number 95-110 must be displayed on each uniform marker(s) at any location where it is readily visible; the back of the marker(s) is authorized for this purpose. Okaloosa County ordinance number 95-07 must be displayed in the lower right corner of the face of each marker(s). These numbers must be displayed in black block characters measuring at least one (1) inch in height.

4. The placement of all uniform waterway marker(s) shall be completed within a reasonable time after receipt of this permit. If the information for any marker(s) varies from the originally permitted marker list, Okaloosa County Board of County Commissioners must immediately provide this office with the corrected information. Such changes will require that this permit be amended.

5. All uniform waterway marker(s) authorized under this permit must be maintained in proper condition at all times. Okaloosa County Board of County Commissioners must immediately report and correct any discrepancies of any marker(s) to this office by calling during normal working hours at 904-488-5600, extension 36, or by facsimile at 904-487-4590.

6. Permit number 95-110 does not authorize the invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other state, federal, or local laws and regulations.

7. By accepting permit number 95-110 and placement of the uniform waterway marker(s), Okaloosa County Board of County Commissioners does hereby, to the extent authorized by law, agree and promise to hold harmless the State of Florida, its employees, agents or successors, from fault with respect to any claim or claims arising from alleged negligence in the placement, maintenance, operation, and removal of any and all marker(s) placed by Okaloosa County Board of County Commissioners pursuant to this permit. Okaloosa County Board of County Commissioners further agrees to indemnify the State of Florida for any and all legal fees and costs incurred in defense of any suit brought against the State as a result of alleged negligence by Okaloosa County Board of County Commissioners in the placement, maintenance, operation, or removal of the uniform waterway marker(s).

8. Okaloosa County must provide for the enforcement of its ordinance which establishes the approved boat speed restricted area zone. The Florida Marine Patrol will enforce these restrictions if an officer is present and observes a violation. However, this agency will not assume primary responsibility for the enforcement of Okaloosa County's ordinance.

9. Violation of any provision of the permit shall result in the revocation of the authorization to place uniform waterway markers in, on, or above the waters of this state.

If you have any questions, please contact Tara Alford at 904-488-5600, extension 36.

Sincerely,

Mike Tucker

Captain Mike Tucker *for*
Major James H. Green
Office of Waterway Management
Division of Law Enforcement

JHG/tra
Attachment
cc: Mr. Richard Harrison, USCG
Ms. Marie Burns, USDOA
Ms. Shirley Stokes, USDOA
Ms. Susan Radford, DEP
Lieutenant Colonel Frank Feliciano, FMP
Major J. K. Thompson, FMP
Captain Tommy Bishop, FMP
09\NONICW\BALHAR2.LTR

NOTICE OF RIGHTS

A party to this proceeding has the right to request review of this order by the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, in accordance with section 3, Chapter 93-213, Laws of Florida. To initiate such a review, your request must be filed within twenty (20) days of the date of this order with any member of the Land and Water Adjudicatory Commission at the Capitol, Tallahassee, Florida 32399-0001, or with the Secretary of the Commission at the Carlton Building, Room 213, Tallahassee, Florida 32399-8047. A copy of the request must also be served on both the Department of Environmental Protection, Agency Clerk, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399, and on any person named in this order, within 20 days from the date of this order if the request for review is to be effective.

TOWN OF CINCO BAYOU

10 YACHT CLUB DRIVE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548-4436
904-244-2712
FAX 904-244-9188

Mayor:
RANDALL P. DRABCZUK

Council Members:
RENÉ CHAMBERLAIN
NANCY FREY
JIM KENDRICK
CAROLYNN H. LEACH
JOSEPH P. SKELLY

Town Manager/Clerk:
ELVIN C. BELL

Town Attorney:
C. JEFFREY McINNIS

March 28, 1996

Mr. Gregory Gilmore
Manager, K-Mart
200 Irwin Ave SE
Ft Walton Beach, FL 32548

Dear Mr. Gilmore:

I certainly enjoyed our recent visit in your store. I want to express again my sincere welcome to you as you join our business community.

Your kind donation of flowers to the Town of Cinco Bayou is especially appreciated. The flowers have been planted in the garden in front of Town Hall so everyone can see them. The plants add a major enhancement to our beautification of Town Hall.

Please let me know if I can be of help to you and K-Mart. Again, welcome to our Town.

Very truly yours,

Elvin C. Bell
Town Manager