TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
12 April 2001

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

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

A quorum was present. Also present were Town Manager/Clerk Nell Webb, Assistant Monika Gillette, Town Attorney Jeff McInnis, Town Engineer Mark Shaeffer, Community Officer Frank Hawley, Rory Cassidy, Waste Management of Northwest Florida, Joe Shearer of Cinco Baptist Church, Hayward Strong of Okaloosa League of Cities, resident Perry Kirsch, plus several residents and guests who attended the swearing in ceremony.

SPECIAL BUSINESS

1. Attorney McInnis swore in newly elected council members Hugh Bainter, Dan Farley and Carol Koch.
2. Mayor Drabczuk presented outgoing Mayor Pro Tem Dutch Payne with a plaque in appreciation for his service on the Town Council. Plaques were also prepared for outgoing Councilmen Jim Kendrick and Joseph Skelly, who were unable to attend the meeting.
3. Mayor Drabczuk presented certificates of appreciation to Rory Cassidy of Waste Management of Northwest Florida and Joe Shearer and guest of Cinco Baptist Church for their volunteer clean up efforts at 90 Yacht Club Drive.

REGULAR BUSINESS

1. Council Approval of Agenda: Mayor Drabczuk asked for acceptance of the agenda. Councilman Farley made a motion to approve the agenda. Councilman Bainter seconded the motion. During discussion Town Manager/Clerk Nell Webb asked that consideration for a PAWS contract be added as an action item. Councilman Farley requested that discussion of the Okaloosa League of Cities representative is added to the agenda as well. With the friendly changes, the motion passed unanimously.

2. Consent Agenda: Mayor Drabczuk asked for acceptance of the consent agenda. Councilman Carroll made a motion to approve the consent agenda. Councilman Farley seconded the motion. The motion passed unanimously.

3. Action Items:

1. Mayor Drabczuk addressed the council saying it was necessary to elect a Mayor Pro Tem who would serve in the capacity of the mayor during his absence. Councilman Koch made a motion to elect Councilman Frucci as Mayor Pro Tem. Councilman Bainter seconded the motion. During discussion Councilman Frucci declined the position stating he felt he served better as a council member. The motion failed due to the rejection. Councilman Farley made a motion to elect Councilman Sara Carroll as Mayor Pro Tem. Councilman Bainter seconded the motion. The motion passed unanimously.

B. Hayward Strong of the Okaloosa League of Cities approached the council to seek support of a referendum imposing a infrastructure surtax or 1 cent sales tax in Okaloosa County. Mr. Strong began his presentation by giving a background on the sales tax initiative. He stressed that the money raised could only be used for capital improvements. He outlined a breakdown of the revenue, which would be distributed to the 9 municipalities in Okaloosa County and the county itself. He stated that the Okaloosa League of Cities would recommend that the smaller cities in the County receive a double portion because of their size. The cities would include Cinco Bayou, Laurel Hill and Shalimar. Councilman Carroll asked if the council approves or does not approve of the initiative would the town still get the money. Mr. Strong said that Cinco Bayou would still get a distribution, but perhaps not at the higher rate. Councilman Frucci questioned if this was fair. Mr. Strong stated that the Okaloosa League of Cities would only make a recommendation, but that Okaloosa County Commissioners would decide on the referendum. Councilman Farley asked why the County would get 60 percent and the municipalities would share 40 percent. Mr. Strong answered that County residents make up 60 percent of the population. Mayor Drabczuk stated that the request from Mr. Strong was two-fold. First to accept the distribution of the funds and second to support the referendum, which would be brought to the voters to approve or disapprove. Councilman Carroll made a motion to approve the Okaloosa League of Cities distribution breakdown and support effort to place a referendum on the ballot for the voters to decide on the infrastructure surtax. Councilman Farley seconded the motion. During discussion Councilman Frucci stated his concern for a tax for the sake of taxes and questioned the handling of the revenue. Councilman Koch also stated her concern saying that this is not the time to add a new tax. The motion passed with three council members casting yea votes (Carroll, Farley and Bainter) and two casting nay votes (Frucci, Koch).

C. Attorney McInnis presented Purchasing Ordinance 186 for its second reading. Councilman Farley made a motion to accept Ordinance 186 based on its second reading. Councilman Koch seconded the motion. During discussion Councilman Koch referred to page 7 which outlines an emergency procedure. She stated that it puts too much responsibility on the Town Manager. She stated she felt that the Town was small enough and that the council could be called on to make emergency decisions. Councilman Carroll stated that meetings could not just be called and that they must be advertised first. Attorney McInnis stated that the language in the ordinance was typical of municipalities and that most have emergency provisions. . Councilman Farley stated that the council hired a qualified town manager and that the emergency purchasing procedure was a reasonable paragraph and that is should be left in. Councilman Frucci explained to the new council members that the change made from the first reading to the second reading was that the limit on getting competitive bids was raised from $5,000 to $10,000 Councilman Bainter asked if the council would decide on purchases under $10,000. Attorney McInnis stated that the Town Manager/Clerk would still

bring the issue to the council, but that a competitive bid with advertising would not be required. The motion passed unanimously.

D. Mayor Drabczuk presented the next item on the agenda. Attorney McInnis stated that he also represents a solid waste disposer and due to a conflict of interest has not reviewed the new contract. Rory Cassidy of Waste Management of Northwest Florida approached the council to present a new interlocal agreement between Cinco Bayou and Okaloosa County for delivery of solid waste. Councilman Koch asked for clarification on pricing. Mr. Cassidy stated there was not a rate increase from Waste Management, but that the county has restructured the billing method. Councilman Farley asked if the change had any impact on what citizens in Cinco Bayou pay each month. Mr. Cassidy stated that the $13 rate each resident pays would not change. Town Manager/Clerk Webb stated that the contract with Waste Management was valid until July 2002 and that the agreement was only with Okaloosa County. Councilman Koch made a motion to approve the interlocal agreement for delivery of municipal solid waste to a designated facility. Councilman Farley seconded the motion. The motion passed unanimously.

E. Town Manager/Clerk Webb stated the need for the council to reevaluate the contract with the Panhandle Animal Welfare Society (PAWS) for animal control within the Town's limits. She gave an update on current problems with a loose pit bull, which Community Officer Hawley stated came from a home that might be training them. She also stated that the Town's codes requires that the town must provide animal control, not necessarily through PAWS, but that it must provide the service. Resident Glen Williams approached the council to register his complaint about stray cats surrounding his property and stated that he would allow traps to be set on his property. Councilman Frucci stated he received a letter from resident Patti Gonzo, who also stated there was a need to renew the PAWS contract. Councilman Frucci made a motion to establish a contract with PAWS for animal control for a yearly limit of $1,500. Councilman Koch seconded the motion. The motion passed unanimously.

F. Councilman Farley addressed the council stating that it was his understanding that the Council would vote on the representative to the Okaloosa County League of Cities (OKLOC). Mayor Drabczuk stated that in the past who ever was willing to volunteer was appointed to the position. Councilman Koch stated that the choice should be made by the council. Town Manager/Clerk Webb asked the council if they wanted a resolution to clarify appointment. Attorney McInnis said that a resolution was not necessarily needed. Mayor Pro Tem Carroll stated that she has been an active member of OKLOC and has attended every meeting. Councilman Frucci made a motion to have Mayor Pro Tem Carroll represent the Town at the OKLOC. Councilman Farley seconded the motion. The motion passed unanimously. Councilman Farley made a motion that the council is able to solicit council members to represent the Town for various organizations such as the League of Cities. Councilman Koch seconded the motion. The motion passed unanimously.

4. Engineer's Report. Town Engineer Mark Schaeffer gave an update on Hughes Street. He stated that based on the fact that the sewer system is maintained by the city of Fort Walton Beach and that the street is a boundary between the two cities, he had approached the City of Fort Walton Beach to share the cost of paving. He stated that Fort Walton Beach City Manager Reid Silverboard had said that since the road lies totally in Cinco Bayou's city

limits that they would not financially help in repaving. Mr. Schaeffer also stated that some sewer repair may be needed. Councilman Frucci questioned if the total street lies within the town's boundaries. He said that he learned from a former town manager that 24' belong to the City of Fort Walton Beach. Town Manager/Clerk Webb stated that she researched the ownership and that she found no proof that any belonged to the City of Fort Walton Beach. Mr. McInnis suggested that perhaps the town pay for repaving to residential standards and ask Mr. Jay Odom, the owner of the two adjacent properties, or the City of Fort Walton Beach to pay the difference for commercial use. Councilman Carroll made a motion to have Mr. Schaeffer prepare two cost studies for repaving of Hughes Street for both residential and commercial use. Councilman Farley seconded the motion. During discussion, Town Manager/Clerk Webb reminded the council that the cost for the service would go above the cost budgeted for engineering services for this fiscal year. Mr. Shaeffer estimated the extra cost would be approximately $1000 and Mr. McInnis estimated his cost would be between $500-$750. The motion passed unanimously.

Mr. Shaeffer updated the council on his research on the drainage ditch on Yacht Club Drive. . He said that a survey had been done and that the ditch for the most part was within the easement. He said of the survey flags that had been planted all but one was outside the water. Mayor Drabczuk stated that although the council was looking at possible solutions to correct the problems with the drainage ditch, the town was not claiming ownership. Mr. Shaeffer outlined four different solutions to fix the ditch and also a suggestion from DEP to pond up Glenwood Park. Councilman Koch made a motion for the Cinco Bayou council to take the lead in coming up with a solution to the drainage problem and approach Okaloosa County and the City of Fort Walton Beach for financial help. Councilman Carroll seconded the motion. During discussion Mr. McInnis stated that it was appropriate for the town to take the lead and to research the cost, but added that the Town was not prepared to claim ownership. He suggested Mr. Shaeffer make his recommendation on the best choice for fixing the ditch and bring the solution to the table. Councilman Bainter asked if the ownership issue would be cleared up. Mr. McInnis suggested money be spent on the solution to correcting the problem rather than a legal battle over ownership. The motion passed unanimously.

5. Attorney's Report. No report given.

6. Community Officer's Report. Community Officer Hawley reported that he just returned from a code enforcement seminar. He also stated that three dumpsters would be in place during Pride Week and that he would distribute a flyer to advertise the clean up effort.

7. Town Manager's Report.

   A. Mrs. Webb updated the council on a mandate to provide an action plan for converting town records to compact disk. She stated that the first step to be taken was to inventory what records were in storage, something that had never been done. She said she would have assistant Ursel Behnken start the first week of May to inventory and discard records. She stated that Mrs. Behnken would spend 10 hours per week on the records. Councilman Carroll made a motion to authorize the Town Manager/Clerk to have her assistant begin to inventory town records. Councilman Frucci seconded the motion. During discussion Councilman Farley stated his concern about the cost. Mrs. Webb stated she is not sure

how long the project would take. Councilman Frucci suggested to work backwards and cap the spending at $400. Councilman Farley suggested that the inventory go back 5 years. Councilman Carroll accepted the friendly amendment to the motion to go back 5 years and to cap spending at $400. Councilman Farley also commented that putting records on compact disk was not a secure form of record keeping since the disks can be damaged. Mrs. Webb confirmed this and stated that the only safe archival system was microfilm. Future action will be decided after initial inventory has begun.

B. Mrs. Webb informed the council that the Cox Cable franchise agreement is up for renewal this fall and stated that the first reading of the franchise agreement would be in June and the second reading in July. She asked the council if they wanted to increase Cox Cable's franchise fees. Councilman Frucci made a motion to not increase the franchise fees. Councilman Bainter seconded the motion. The motion passed unanimously. Mr. McInnis said he would prepare the new agreement.

C. Mrs. Webb stated that she needed approval to pay an invoice from the election's office that was above the amount budgeted. She said the bill was more than anticipated because the last election did not piggy-back on a national election. Councilman Frucci made a motion to approve the invoice for the Okaloosa County Elections Office. Councilman Koch seconded the motion. The motion passed unanimously

D. Mrs. Webb announced that the May picnic needed to be changed because of a referendum vote being held at Town Hall on May 15. The council decided to hold the picnic one week later on May 22. Mrs. Webb also announced that there was a need for a special meeting to develop a capital improvement list. The council decided on Thursday, April 26, 2001.

8. Public Requests/Comments: Mr. Perry Kirsch approached the council and thanked the Town Manager/Clerk and Engineer for their efforts on repairing the ditch adjacent to his house. He disputed the engineer's claim that the survey flags were not in water saying that during a normal tide 80 percent of the flags are in water. He also said he forfeited part of his land, which would be turned back into saltwater marsh. Town Manager/Clerk Webb was asked if the permit the Town obtained to clean the ditch could be modified to repair the ditch. Mrs. Webb stated that a new permit would be needed in order to do any repairs and that permit could not be applied for until the type of repair is chosen.

9. Council Member's Comments/Reports:

Councilman Koch referenced a letter she received which stated that Councilman Frucci repaid $25 for tree trimming and asked for clarification. Town Manager/Clerk Webb stated it was not the dollar amount, but that Councilman Frucci approved of spending additional money without authorization. Mrs. Webb also stated that it was Councilman Frucci's choice to reimburse the town and that it was not required. Mayor Drabczuk also stated that it was against procedure for any council member to approve spending no matter what the dollar amount.

Councilman Farley referenced two letters from council members with two different perceptions/misperceptions of current town finances. He said he would like a workshop to learn more about the Town's budget. Mrs. Webb said that the Town's files were always available for inspection and that all records were open to the public.

Councilman Carroll stated that she is stepping down from the EDC Advisory Board and a new representative needed to be appointed. Both Councilman Farley and Bainter agreed to attend the next meeting.

Councilman Bainter stated that it was an honor and privilege to be on the Town Council.

Councilman Frucci made no comment at this time.

10. Mayor's Report – Mayor Drabczuk welcomed the new council members and reminded everyone of the picnic on April 17, 2001.

11. **Adjourn** – There being no further business, the meeting adjourned at 8:47 p.m.

ATTEST:

Nell Webb
Town Manager/Clerk

Mayor Randall P. Drabczuk

MANAGER'S REPORT
APRIL 12, 2001

1. **Hughes Street** - Met with John Hofstad, of FWB Public Works and Mark Shaeffer, & Councilman Frucci on March 14th. Mr. Hofstad suggested we write a letter to Reid Silverboard with the city of Ft. Walton Beach for assistance in repairing the street. We also sent a letter to Jay Odom. We got a response from Reid Silverboard stating the street was entirely within our Town limits and declined any assistance in the repair. We cannot move forward with this project until the City of FWB inspects and repairs their utilities that are within the roadway. One option at this point would be to temporarily close that portion of the street to truck traffic.

2. **Drainage Ditch** – Mark has done some preliminary work on possible solutions to correct the erosion problem. We are not convenience that the ditch is the property of the Town. However we would like the Council's blessings on taking the lead to come to a working agreement with the County and the City of FWB and possibly Jay Odom and the Homeowners Association at the Moorings as a joint effort in sharing the expense in the repairs. To go to court to legally determine who owns the ditch would be huge expense in legal fees. We have obtained and joint application from DEP and the Army Corps of Engineers. We need to have the direction of the Council to proceed with these efforts with the knowledge that there will be additional engineering fees and possible additional legal fees for this research to get started.

3. **Action Plan for Converting Records to Compac Disk** – The first phase of doing this would be to take an inventory of all the records stored at the storage unit and at Town Hall. I have scheduled Ursel to start with one year at a time to determine what can be destroyed and what must be kept. ie: Minutes are permanent records with archival values. Some of our minutes in the early years are hand written on onion skin paper and note pad paper. They will have to be copied on the copier before they can be scanned. It takes approximately 5 minutes per page to scan into the computer and burn onto a CD. Ursel will begin spending approximately 10 hours a week the first week in May going through records to determine what has to destroyed and to put them order to be scanned. This will take a undetermined amount

of time. Our scanner and CD burner were not designed to do great numbers. They are not commercial grade. The Bureau of Records recommends microfiche as the best form of condensing records. It has been around for nearly a hundred years and the technology to read it is expected to be around many more years. CD rom will not be around that many more years and technology will be to advanced to read them. Microfiche can be expensive, but could probably worked into to future budgets. I will need direction from the Council as to what direction I need to go from this point.

4. **SPECIAL MEETING FOR CAPITAL IMPROVEMENTS LIST**

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Town of Cinco Bayou Date: 4-12-01

REGULAR TOWN MEETING SIGN IN SHEET

Name:	Frank Hawley		
Address:	Community Officer		
Phone:	654-7400	Email:	

Name:	Rory Cassedy		
Address:	Waste Management		
Phone:	301-2804	Email:	RCassedy@WM.com

Name:	Leonard H. Strong Sr		
Address:	101 Kinsey Ct Valparaiso		
Phone:	678-2654	Email:	

Name:	Jerry Carroll		
Address:	12F Lucille		
Phone:	243-4329	Email:	

Name:	Kim & Dutch Payne		
Address:	134 Opp		
Phone:	244-7494	Email:	

Name:	Sam J. Williams		
Address:	258 Kidd St		
Phone:	2434017	Email:	

Name:	Perm Kusch		
Address:	55 Yacht Club.		
Phone:	796 2401	Email:	

Name:	Cyndi Farley		
Address:	12 Lucile St #B		
Phone:	244-9342	Email:	

Name:	Mellen Hartley		
Address:	113 Opp Blvd.		
Phone:		Email:	

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Town of Cinco Bayou Date: _____

REGULAR TOWN MEETING SIGN IN SHEET

Name:	Glen Williams		
Address:	108 OPP Blvd		
Phone:	243-3519	Email:	W9VQC@Aol.com

Name:			
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