

**TOWN OF CINCO BAYOU**  
**REGULAR COUNCIL MEETING MINUTES**  
10 May 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 Koch

A quorum was present. Also present were Town Manager/Clerk Nell Webb, Assistant Monika Gillette, Town Attorney Jeff McInnis, Town Engineer Mark Schaeffer, Community Officer Frank Hawley, Jason Autrey and residents Dutch Payne and Jerry Carroll. .

**REGULAR BUSINESS**

**1. Council Approval of Agenda:** Mayor Drabczuk asked for acceptance of the agenda. Councilman Carroll made a motion to approve the agenda. Councilman Farley seconded the motion. During discussion Mayor Drabczuk stated that Action Item 3B would be postponed until next meeting. With the friendly change, the motion passed unanimously.

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

**3. Action Items:**

1. Attorney McInnis stated that DOT submitted a renewal of an agreement with the Town for Egin Parkway (Highway 85) maintenance. He read by title Resolution 2001-07 "RESOLUTION OF THE TOWN OF CINCO BAYOU, FLORIDA, OKALOOSA COUNTY, APPROVING A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION WHICH DOCUMENTS PROVISIONS FOR THE TOWN TO PROVIDE CERTAIN MAINTENANCE TO ROAD RIGHT-OF-WAYS ALONG THAT PORTION OF STATE ROAD 85 LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF CINCO BAYOU IN RETURN FOR FINANCIAL COMPENSATION BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION." He stated that changes to the original resolution should be made which would read, "The agreement is for one year with two (2) one-year renewals if mutually agreed upon by the Town and the Department." Councilman Carroll made a motion to adopt Resolution 2001-07 with suggested changes. Councilman Farley seconded the motion. During discussion Town Manager/Clerk Webb was asked if there was any change from the last agreement. She stated that the rate we received

went down slightly based on an evaluation of the cost of picking up litter as determined by DOT. The motion passed unanimously.

- B. Councilman Frucci requested that the order of his presentation be switched moving Item C to the end. Mayor Drabczuk granted his request since there was no objection. His first item was a discussion on the Investment Policy of the Town. He stated that any money invested by the Town should be able to be withdrawn without penalty, which was not clear up to this point. He stated that this was accomplished by a written letter submitted to the Town from Compass Bank stating that there would be no penalty for withdrawal from the Town's Certificate of Deposit. He also referred to the Minutes of the regular council meeting of February 13, 1997 which stated that the reserve fund not drop below \$100,000. Mr. Frucci asked Mr. McInnis if this rule was still in effect. Mr. McInnis replied that this council has the ability to change the earlier ruling, but until it does the cap is still in effect.

Councilman Frucci's final topic was the drainage ditch on Yacht Club Drive. He submitted a written motion to all Council Members which read, "I move that the Cinco Bayou Town Manager initiate proceedings to repair the drainage ditch that runs beneath Yacht Club Drive, Cinco Bayou, Florida. The ditch is immediately east of the Moorings. Repair is authorized up to a total of \$15,000 to include necessary preparation and repair. The Town Manager will report the proposed solution to this Council for final approval at the regular June meeting." Councilman Koch seconded the motion. Councilman Frucci suggested a temporary repair to the ditch until a permanent repair could be made. Councilman Bainter asked if this would require a permit. Councilman Frucci stated that it would. Councilman Bainter also asked where the money would come from. Council Frucci said there was enough money under the current budget to cover the cost. Councilman Koch asked since the ditch was already constructed that getting a permit should not take as long. Town Manger/Clerk Nell Webb stated that the Council had challenged Mr. McInnis, Mr. Shaeffer and herself with the finding a solution to the problem. She also said that they met with the County and the City for possible help with fixing the ditch. Mr. McInnis stated that there was still a question of ownership, but that the County after submitting to the Commissioners perhaps would be willing to do "in kind" contribution rather than a monetary contribution. He also stated that it would take a construction easement from the adjacent property owner, Mr. Perry Kirsch. He suggested that the first two steps would be to secure a signed construction easement and then submit a permit to DEP for approval. Mr. Frucci stated that Mr. Kirsch retracted his statement he made at the County Commission meeting when he refused to let county workers on his property and that he was sure that Mr. Kirsch would agree to a construction easement. Mr. McInnis stated he would prepare a construction easement and subsequent maintenance agreement for Mr. Kirsch. He would also prepare a hold harmless agreement from adjacent property owners. Mr. McInnis cautioned the Council that once they assume jurisdiction by repairing the ditch, a case could be made for ownership. Councilman Frucci asked the timetable for completing the repairs and asked if the final approval be made for the June meeting. Ms. Webb and Mark Shaeffer stated that the final approval might not be secured by the June meeting. A friendly amendment to Councilman Frucci's motion was made to change the approval date to July. Mr. Shaeffer said he would continue to negotiate with the County and the City of Fort Walton Beach for possible help with the project. After being asked on the construction timetable by Councilman Frucci, Mr. Shaeffer said that the actual construction should only take 30 days, but that preparing for the construction could take

months. Councilman Frucci stated that he hoped that the repairs could be done by October 1, 2001. Councilman Farley asked what the source of the water was that flowed into the ditch. Mr. Shaeffer stated that it was storm water runoff from Cinco Bayou and Fort Walton Beach. Councilman Farley asked if water was running in the ditch currently. Mr. Shaeffer stated that there had not been much rain lately and that tidal flow was pushing water into the ditch. Councilman Farley asked if it was possible to dam the ditch at Glenwood Park. Mr. Shaeffer said that the peak discharge rate may flood the properties around the park. Councilman Farley also asked what the difference was between a ditch and a river. Mr. McInnis stated that typically a ditch is manmade and that the Yacht Club ditch was created by developers of the Moorings Town Homes by diverting the natural ditch and that it was originally granted to Okaloosa County. Councilman Farley pointed out that the ditch was on the property when it was purchased by Mr. Kirsch and questioned if it was the Town's responsibility. Councilman Frucci stated that the original complaint was submitted by the owners of the Moorings and that the property owners are tax payers and if property values go down because the repair is not made it hurts the Town. Mr. McInnis stated that the Moorings have had other problems not related to the ditch. The motion passed 4-1 with Councilman Carroll casting a nay vote.

- C. Mrs. Webb submitted a request proclaiming May as Civility Month. Councilman Carroll made a motion to adopt a Pledge of Civility in the month of May, 2001. Councilman Farley seconded the motion which passed unanimously.
- D. Councilman Farley also asked if his presentation could be reverse from what was submitted on the agenda. His request was accepted as there was no opposition. Councilman Farley submitted a motion that stated, "I move that the Town of Cinco Bayou establish a working group to discuss funding, ordinance review, zoning and any matters related to improving the Town of Cinco Bayou. The working group would prepare proposals for the Council's approval and meet bi-weekly on a regular basis. The working group would be composed of the Town Manager, a clerk to take minutes, Council Members, Mayor and any interested resident." Councilman Bainter seconded the motion so it could be discussed. Councilman Bainter questioned Councilman Farley about attendance. Councilman Farley stated that members would participate if they could. Mayor Drabczuk pointed out that no voting would take place at those meetings. He also stated that previous councils had tried to hold vision meetings, but there was no follow through and challenged this council to continue once they start. Councilman Farley stated that through this forum he hoped that the council could hold free discussion and still comply with the Sunshine Law. Councilman Frucci suggested having several different workshops for each topic. Mr. McInnis suggested that one ad could be run to cover all meetings but that it would be necessary to set meeting times and topics which would run in the ad. Councilman Farley retracted his motion saying that he would bring a motion to the Council at the next meeting with times and topics. Mr. McInnis said that the meetings would need to have structure and organization.

Councilman Farley submitted a sign ordinance from another municipality, but said that he would incorporate it with a topic during one of the workshop meetings.

- 4. Engineer's Report. Before giving his report, Mr. Shaeffer introduced Jason Autrey, a member of the Jones-Edmunds staff. To add to the discussion on the Yacht Club ditch earlier in the meeting, Mr. Shaeffer wanted to stress that the repairs proposed for the ditch would not

eliminate the build up of soil at the mouth. He also said that permitting might be complex and that it might take some time. He added that the first step is having the ditch surveyed to find the original cross section. He also said that repairing the ditch would not add stability to the Moorings. Councilman Frucci remarked that repairing the ditch would just keep it from eroding further. Mr. Shaeffer updated the Council on the paving of Hughes Street. He reported upgrading it for commercial traffic would add \$10,000-\$12,000 to the cost for a total of approximately \$22,000. Mayor Drabczuk asked if the repaving was needed right now or in what time frame could it be repaved. Mr. Shaeffer said that the repaving would need to be address in two to three years. Councilman Frucci suggested waiting until the One-Cent Sales Tax referendum in November since money was allocated to streets. Councilman Farley suggested checking with Jay Odom of Uptown Station to see if he would be willing to share in the cost. Councilman Carroll made a motion to have Town Manager/Clerk Webb write a letter to Mr. Odom asking for his financial assistance in the repaving with a notation that the Council may consider putting a weight restriction on Hughes Street. Councilman Farley seconded the motion, which passed unanimously.

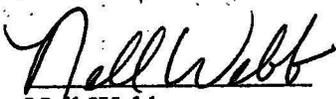
5. Attorney's Report. No report given.
6. Community Officer's Report. Deputy Hawley reported on Pride Week Cleanup. Councilman Frucci asked what would happen when the contract with the Sheriff's department ended saying that he had heard from several residents who were extremely happy with Deputy Hawley and that they would want the program continued.
7. Town Manager's Report.
  - A. Mrs. Webb thanked Deputy Hawley for his efforts in coordinating prison labor to take down the fence running along the property line and cleaning up around the shed.
  - B. Mrs. Webb said that the FRDAP grant was approved up to this point and that it is awaiting the Governor Bush's signature.
  - C. Mrs. Webb requested approval for a stockade fence to be erected around the storage shed. She said the fence would be 8' tall and run from the corner of the building to the front of the shed. She said they have received several quotes and would like to accept the bid from Shalimar Fence. Councilman Koch asked where the money would come from. Councilman Carroll asked if the project should wait until the November One-Cent Sales Tax referendum. Mayor Drabczuk said that this project should be completed now since we are asking residents to clean up their property and that money from the sales tax could take a while to receive. Councilman Carroll stated that the fenced in area should not become another hiding place for junk. Councilman Carroll made a motion to approve erecting an 8' fence around the storage shed to be completed by Shalimar Fence for a cost of \$1,480. Councilman Farley seconded the motion, which passed unanimously.
  - D. Mrs. Webb referenced a letter from Jim Bratton regarding tires in the water at Larkin Townhomes and that the problem had been resolved. She asked the Council if they had any questions. None were asked.
  - E. Mrs. Webb reviewed days she would be out of the office in the coming weeks.

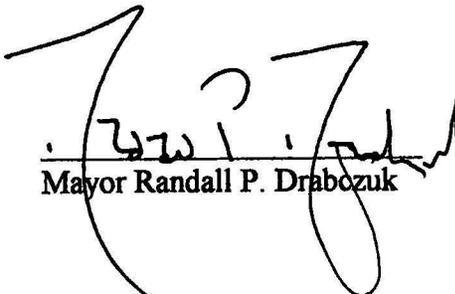
8. Public Requests/Comments: None given.
9. Council Member's Comments/Reports:

Councilman Carroll stated that she would be presenting a wreath on Memorial Day at Beal Memorial Cemetery. She invited other Council members to join her at the ceremony. She announced that the Okaloosa League of Cities would be meeting on June 7, 2001 at noon at Cinco Bayou Town Hall. Also, she thanked Deputy Hawley for putting "no parking" signs by Francis Park.

10. Mayor's Report – Mayor Drabczuk also thanked Deputy Hawley for his clean up efforts during Pride Week. He also reminded all in attendance of the referendum vote on May 15, 2001 and that the picnic had been moved to May 22, 2001.
11. **Adjourn** – There being no further business, the meeting adjourned at 7:30 p.m.

ATTEST:

  
Nell Webb  
Town Manager/Clerk

  
Mayor Randall P. Drabczuk

# REGULAR TOWN MEETING SIGN IN SHEET

Name:	JASON AUREY (JONES, EDWARDS & ASSOCIATES, INC.)		
Address:	910 AIRPORT ROAD, SUITE A-3		
Phone:	837-7860	Email:	JAUREY@JEA.NET

Name:	DUTCH PAYNE		
Address:			
Phone:		Email:	

Name:	Jerry Carroll		
Address:			
Phone:		Email:	

Name:			
Address:			
Phone:		Email:	

Name:			
Address:			
Phone:		Email:	

Name:			
Address:			
Phone:		Email:	

Name:			
Address:			
Phone:		Email:	

Name:			
Address:			
Phone:		Email:	

Name:			
Address:			
Phone:		Email:	

TOWN OF CINCO BAYOU

General Ledger

For the Period From May 1, 2001 to May 31, 2001

Filter Criteria includes: 1) IDs from 01.101220 to 01.101220. Report order is by ID. Report is printed with Truncated Transaction Descriptions and in Detail Format.

Account ID Account Description	Date	Referenc	Jrnl	Trans Description	Debit Amt	Credit Amt	Balance
01.101220	5/1/01			Beginning Balance			19,826.31
VANGUARD BANK	5/3/01	13881	PRJ	BILLY J. MUNKUS		730.87	
	5/3/01	13882	PRJ	URSEL BEHNKEN		115.30	
	5/3/01	13883	PRJ	MONIKA GILLETTE		489.71	
	5/3/01	13884	PRJ	AGNES J. WEBB		974.33	
	5/3/01	13885	CDJ	VANGUARD BANK		1,296.76	
	5/3/01	13886	CDJ	JONES EDMUNDS &		783.14	
	5/3/01	13887	CDJ	GATLIN LUMBER & S		8.89	
	5/7/01	073994	CRJ	OKALOOSA COUNTY	215.99		
	5/7/01	458072	CRJ	STATE OF FLORIDA	1,965.23		
	5/10/01	13888	CDJ	RANDALL DRABCZU		100.00	
	5/10/01	13889	CDJ	NORM FRUCCI		50.00	
	5/10/01	13890	CDJ	SARA CARROLL		50.00	
	5/10/01	13891	CDJ	DAN FARLEY		50.00	
	5/10/01	13892	CDJ	HUGH BAINTER		50.00	
	5/10/01	13893	CDJ	CAROL KOCH		50.00	
	5/10/01	13894	CDJ	PRIVATE MINI STOR		155.00	
	5/10/01	13895	CDJ	DAILY NEWS OF NOR		35.81	
	5/10/01	13896	CDJ	THE TROPHY CENTE		43.20	
	5/10/01	13897	CDJ	SPRINT		187.05	
	5/10/01	13898	CDJ	BANKCARD CENTER		342.61	
	5/10/01	13899	CDJ	BANKCARD CENTER		377.81	
	5/17/01	13900	PRJ	AGNES J. WEBB		974.33	
	5/17/01	13901	PRJ	BILLY J. MUNKUS		730.87	
	5/17/01	13902	PRJ	URSEL BEHNKEN		219.72	
	5/17/01	13903	PRJ	MONIKA GILLETTE		480.04	
	5/17/01	13904	CDJ	CHEVRON PRODUCT		7.84	
	5/17/01	13905	CDJ	OFFICEMAX #980		35.98	
	5/17/01	13906	CDJ	AT & T BUSINESS SE		20.38	
	5/17/01	13907	CDJ	ADVANCED LAWN C		85.00	
	5/17/01	13908	CDJ	ANCHORS, FOSTER,		646.00	
	5/17/01	13909	CDJ	ELIZABETH SUMBLI		35.00	
	5/17/01	13910	CDJ	MONIKA GILLETTE		63.65	
	5/17/01	13911	CDJ	WEST FLORIDA TREE		430.00	
	5/17/01	13912	CDJ	CITY OF FT. WALTO		28.59	
	5/21/01	3759087	CRJ	SPRINT -FLORIDA, IN	550.05		
	5/21/01	38633	CRJ	OK CTY TAX COLLE	505.82		
	5/21/01	38481	CRJ	OKALOOSA CTY TAX	239.48		
	5/21/01	38544	CRJ	OKALOOSA COUNTY	22.12		
	5/24/01	13913	CDJ	COMPUTER MASTER		342.45	
	5/24/01	13914	CDJ	THE TROPHY CENTE		11.80	
	5/24/01	13915	CDJ	METROPOLITAN LIF		72.03	
	5/24/01	13916	CDJ	BLUE CROSS/BLUE S		778.50	
	5/24/01	13917	CDJ	AT&T WIRELESS		41.38	
	5/24/01	13918	CDJ	KILLINGSWORTH PE		54.00	
	5/24/01	13919	CDJ	GULF POWER COMP		825.35	
	5/24/01	13920	CDJ	PRIVATE MINI STOR		140.00	
	5/24/01	13921	CDJ	ENDUROTECH OF N		6,896.57	
	5/24/01	13922	CDJ	ENDUROTECH AND E		14,970.06	
	5/24/01	13923	CDJ	SHALIMAR INDUSTR		1,480.00	
	5/24/01	SHUTTE	GEN	TRANSFER FOR SHU	20,000.00		
	5/30/01	074361	CRJ	OKALOOSA COUNTY	235.55		
	5/30/01	CASH	CRJ	BILL MUNKUS	15.08		
	5/30/01	20102024	CRJ	NEWMAN C. BRACKI	60.37		
	5/30/01	CASH	CRJ	JOHN BARTLETT	35.00		
	5/30/01	GAS TA	GEN	LOCAL OPT GAS TAX	764.35		
	5/30/01	1/2 CENT	GEN	1/2 CENT SALES TAX	2,369.63		
	5/31/01	13924	PRJ	AGNES J. WEBB		974.33	
	5/31/01	13927	PRJ	URSEL BEHNKEN		258.39	
	5/31/01	13925	PRJ	BILLY J. MUNKUS		730.87	
	5/31/01	13926	PRJ	MONIKA GILLETTE		422.03	
	5/31/01	INTERES	GEN	INTEREST INCOME	20.45		
				Current Period Change	26,999.12	37,645.64	-10,646.52
	5/31/01			Ending Balance			9,179.79

