

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
11 MAY 2000

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

Present: Mayor Drabczuk
Councilwoman Carroll
Councilman Kendrick (absent)
Councilman Skelly
Councilman Frucci
Councilman Payne

ALSO, PRESENT: Attorney Jeff McInnis, Town Manager/Clerk Nell Webb, Assistant Monika Gillette, Engineer Mark Schaeffer, Mr. Larry Lortou and Deputy Frank Hawley.

REGULAR BUSINESS

1. Council Approval of Agenda: Councilman Payne made a motion to approve the agenda. Councilwoman Carroll seconded the motion. The motion passed unanimously.
2. Consent Agenda: Councilman Payne made a motion to approve the consent agenda. Councilwoman Carroll seconded the motion. The motion passed unanimously.
3. Engineer's Report:
 - a) Report on Rub-A-Dub Car Wash. Town Engineer Mark Schaeffer reported the need for a land use variance for Rub-A-Dub car wash. Currently the town codes do not specify a designation for the proposed self-serve car wash and that it currently would be classified as a filling station, which would be within 1200 feet of an existing filling station, which is under the 1500 feet specified in the current code. The developer would like to request a variance from the Planning and Zoning Board. Town Manager Nell Webb stated that a legal advertisement needed to be run 14 days prior to the Planning and Zoning Board meeting to hear the variance request. Town Manager Nell Webb stated that the earliest the advertisement could run would be Monday or Tuesday, which would put the earliest consideration date on Memorial Day, which is a holiday. Councilman Skelly suggested that there should not be a special meeting called because the following week would be the regularly scheduled Town Council meeting. Councilman Skelly made a motion to set the Planning and Zoning meeting for Thursday, June 8 at 6 pm to precede the next Town Council meeting. Councilman Payne seconded the motion. The motion passed unanimously.
 - b) Report on modifications of the sidewalk curbs for ADA compliance. Engineer Schaeffer reported the sidewalk curb modification costs could range from \$500 to \$1,000 per curb with two curbs per intersection. He stated there were 14 intersections in the Town of Cinco Bayou for a total cost of about \$28,000 with some cost changes due to site preparation. Councilman Skelly asked if grants were available. Engineer Schaeffer stated that perhaps the town could piggyback with the Department of Transportation to do the project. Councilman Frucci asked if any resident had problems with the current curbs. It was stated that no one had heard of any problems. Mayor

Drabczuk asked if there was a deadline for compliance. It was stated that no deadline was known about but that Town Manager Nell Webb would research to find out if a deadline existed and if any grants were available. Councilman Frucci suggested the topic be discussed at the next Florida League of Cities meeting to see what other municipalities were doing to meet this ADA requirement. Engineer Schaeffer noted that his company has a grant writer on staff named Nan Wheeler and that perhaps she could be of some help

4. Attorney's Report: No report.
5. Town Manager's Report (see attached)

Mayor Drabczuk addressed the council stating that they all had received a copy of the town manager's report prior to the Town Council meeting. Town Manager Nell Webb stated she would review items that the council members had questions on. Councilwoman Carroll stated that she appreciated the Town Manager's report. Town Manager Nell Webb said that the Town Manager's report would be added as an attachment to the minutes.

- a. Laguna Landing – A discussion was held regarding Mike Iovieno's request to trim the town's trees that overhang his property. Jeff McInnis, Town Attorney, said that the owner has a right to trim branches that overhang the owner's property. Councilman Skelly asked if we could choose the contractor. The Attorney stated that we could require on-site inspection while the cutting is being done and require proper licensing and permitting of the tree trimming company, but the Town could not dictate which company should be used. Attorney McInnis stated it was the responsibility of the property owner to pay for the tree trimming. Town Manager Nell Webb stated that she would contact Mr. Iovieno to inform him of the town's position on the issue. No action will be taken on the Town Council's part.

- b. Laguna Park – No comments were made.

- c. Sprinkler System Repair Cost – No comments were made.

- d. Budget Analysis – Councilwoman Carroll questioned the budget variances and stated her concerns over the differences in what has been paid out versus what has been budgeted. Town Manager Nell Webb stated she also had concerns and that is why she presented the reports to the council members. Town Manager Nell Webb suggested that a workshop be held to review the variances before the beginning of the next year's budget. Councilman Frucci asked if the next year's budget could be prepared before the current budget be reviewed. It was stated that the new budget could not be prepared until the current budget's variances are investigated. Councilman Skelly asked why the budget was out of line. Town Manager Nell Webb stated that some of the variances might be due to monies being credited to the wrong account. Councilwoman Carroll suggested that rather than schedule a budget workshop, Town Manager Nell Webb should research the variances further and prepare a complete report for the Council at the next meeting.

e. Comments on 1st Phase of Town Clean-up. Town Manager Nell Webb stated that the first area of clean-up for the town was the mobile home park on Yacht Club Drive. Town Manager Nell Webb said that she and Officer Frank Hawley have been working together to research town and county ordinances governing the mobile home park and that Town Manager Nell Webb would prepare a report for the council to keep them updated on the problem. Currently, the mobile home park owner is planning to use two recreational vehicles for rentals, which is against town ordinances. Also, attempts have been made to have the owner clean up trash in the area.

f. Other – Town Manager Nell Webb discussed the 50th Anniversary party for the Town and requested that a decision be made to pick a date for the event. Councilman Skelly made a motion to set the date for Saturday, July 8, 2000 at the Town Hall. Councilman Payne seconded the motion. The motion passed unanimously. The time and budget request of the event will be left up to the Anniversary Committee. Mayor Drabczuk reminded all council members to turn in their recommendation for committee members as soon as possible.

Newsletter – Town Manager Nell Webb stated that Monika Gillette was preparing a newsletter for town residents. She stated that there was a May 15 deadline for council members to submit articles and ideas for the newsletter.

FLOC Dinner – Town Manager Nell Webb reminded the Council Members of the FLOC dinner, which will be held on June 9, 2000 in Panama City.

Other Comments – Councilwoman Carroll stated she had concerns with the part time employee Town Manager Nell Webb would be using. Based on her experience as an auditor, she felt that the person should be classified as an employee and therefore have taxes paid by the Town. She asked that the auditors make a written recommendation.

6. Public Requests/Comments – No comments were made.

7. Council-member Reports/Comments:

a) Councilman Frucci – Asked if the water could be turned on at Frances Park. He stated that the grass is dying and that visitors, especially the handicapped children who play there, have no way to wash their hands. Town Manager Nell Webb stated that the Maintenance Supervisor, Bill Munkus, has already checked on repairing the sprinkler system so that the water can be turned on and is waiting on a bid from the company. Councilman Frucci offered the name of his landscaping company if they wanted another bid. Councilwoman Carroll stated that this issue has been addressed before and it was suggested that the town tap into Mr. Sullivan's well, which he had previously agreed to. Town Manager Nell Webb stated that she would call Mr. Sullivan and follow up on the situation.

b) Councilwoman Carroll – Stated that two wave runners were beached at Francis Park and she worried that the beach will be lost due to erosion. She said that she asked the owners to remove the wave runners and they anchored them to the no wake zone sign. Councilwoman Carroll also asked

if parking was allowed on Kidd Street. It was discussed that since Kidd Street is a right of way, no parking was allowed. She requested a sign be erected to let drivers know that parking is not allowed. Town Manager Nell Webb stated she would check on it.

c) Councilman Payne – Stated that on May 30th representatives from area municipalities through the Florida League of Cities were meeting to discuss the possible one-cent sales tax increase. He stated that the representatives would work as one voice in support of the tax increase and would propose possible projects to the County Commissioners. He asked fellow council members to make a list of capital improvements for the Town of Cinco Bayou. Councilman Frucci asked how much money would be available overall and Councilman Payne handed him a document to review. Councilman Frucci told the audience that \$20 million is projected over a five-year period.

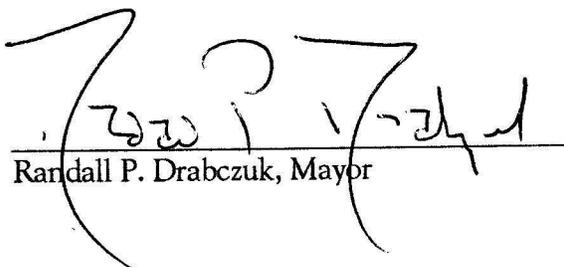
d) Councilman Skelly – Questioned the town's attorney about the deposition he and other council members will be giving. Attorney McInnis stated that the discovery depositions are procedural and that each person required to give a deposition would have conference ahead of time. Councilman Skelly commended Town Manager Nell Webb on the Town Manager's report and said he appreciated that he is kept abreast in a concise, clear report.

8. Correspondence (attached)– Councilman Skelly made a motion to accept all proclamations in one motion. Councilman Frucci seconded the motion. The motion passed unanimously.

Councilman Skelly asked about the Library Co-op and if the issue could be revisited. Town Manager Nell Webb stated she would research for more information and present her findings at the next council meeting.

9. Mayor's Comments/Announcements – Mayor Drabczuk announced that he would be out of town and that Councilman Payne would sit as Mayor until May 22nd, 2000.

10. Adjournment: There being no further business, the meeting adjourned at 6:58pm.



Randall P. Drabczuk, Mayor

Attest:



Nell Webb, Town Manager/Clerk

**TOWN MANAGER'S REPORT
TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
11 MAY 2000**

This is a summary of actions taken by the Town Manager since the last Regular Council Meeting.

ADMINISTRATION:

I have hired Monika Gillette as my assistant. Monika will not be working a full schedule until July due to previous commitments. She also will be out the month of June. Realizing these inconveniences I have made arrangements for coverage without causing the Town to suffer. Monika is extremely talented and very professional. She is quick to learn and has required very little training. She is completely honest and of the highest moral character. I feel her abilities to benefit the Town outweigh the inconveniences. She is currently being paid hourly, well within the budget allowed for her position. I have also spoken with Attorney McInnis in reference to hiring Ursel Behnken as temporary labor to be available on an as needed basis. Ms. Behnken has seven and half years of municipal experience. I feel she would be able to answer questions in a more intelligent manner than a temporary would from a Service Agency. With her municipal knowledge she will be able to perform duties like filing that someone from a Temporary Service would not be able to do. I feel the Town will be getting more for its money with Ursel. There are some filing issues that need to be addressed to get us ready for the next fiscal year and this is one of her fields of expertise. She, like Monika, is totally honest and of high moral character. She will be responsible to the IRS for reporting her income and paying taxes on income received from the Town of Cinco Bayou. Ms. Behnken will be paid hourly at a rate comparable to the rate that has been paid to Kelly Services. I have spoken with the Town Auditors and the Florida League of Cities. The Auditors have no problems with her and she will be covered under our workers compensation insurance through the Florida League of Cities. I ask your support on these decisions.

I also would like you to know that Bill has been a great help to me. As you know, I have been by myself almost from the start of my employment. He has a world of knowledge and has helped me locate files etc. that would have otherwise taken up a lot of my time. He reads the minutes and has educated himself on the general operations of the Town. Please let him know you appreciate him when you see him around Town.

LAGUNA LANDING:

- 1.) On April 21st Bill and I met with Mr. Mike Iovieno. Mr. Iovieno has requested that he be allowed to trim some trees that overhang his deck. I have pictures of the trees in question that will be available at the Council meeting. Due to the sensitivity of the trees, I felt it necessary to inform the Council of this request. I have spoken to Attorney McInnis in regards to the legal responsibility of the Town. One of the limbs is hanging over the deck at eye level. My question was "if someone walked into the limb and became injured, who would be responsible"? I have heard comments that "the developer built the building knowing the trees were there". My response to that

comment is yes he did but the Town allowed him to build knowing the trees were there and the limbs would overhang his property. Attorney McInnis will have an answer for us at the Council meeting

- 2.) Mr. Iovieno asked if Laguna Landing would be allowed to share our dumpster in Laguna Park for a fee. My decision on this request is No. I feel this would create a real inconvenience to our maintenance department. This is the only dumpster the Town has available. I feel Laguna Landing should be responsible for its own dumpster. If we allow them to use ours, our maintenance department will end up cleaning up their mess, plus there will not be enough room for the Town's litter and theirs - not to mention the offensive odor from food stuff.
- 3.) The question was presented to me about cleaning the corner by the bridge on the Laguna Landing side. Deputy Hawley has spoken with the realtor and they have indicated that the developer may have the landscaping company bush-wack the undergrowth around the small palm trees there. Then they would sod it if we could help keep it maintained. (mowing etc.) I think this would not only help complete the beautiful landscaping of Laguna Landing, but would help make the Town look better as well. I have spoken with Bill and he doesn't feel it would require too much maintenance to keep it up.

LAGUNA PARK:

- 1.) I have spoken with Mr. Larry McDonald with the City of Ft. Walton Beach regarding the lift-station power pole at the park. Apparently there was never a promise from Ft. Walton Beach that the pole would be moved. Rather it was said that it could be moved, but there would be cost involved. I have enclosed a copy of a cost estimate from Ft. Walton Beach Public Works Wastewater Collections. I don't see this cost happening this fiscal year, however, they are willing to work with us in creating some sort of beautification around the lift station such as shrubs of some sort. If this is something that the Council would like to budget for next year, I would suggest we tolerate the pole as is until such time it can be moved.

GLENWOOD PARK:

- 1.) As most of you may have noticed, the gate and fence have been damaged. There were some kids in the park and one backed into it upon leaving. She left the scene but returned. There was a report made by law enforcement and her parents were called. They have agreed to pay for the damages. I have requested Shalimar Fence and Gate Company to do the repairs and will send the bill to the parents upon receipt of the bill. The repairs to the damaged fence and gate will cost \$200.00.
- 2.) Upon visiting the park with Deputy Hawley escorting me, I have requested that Gulf Power put a security light at the entrance of the Park. I feel this will be a deterrent to help keep the kids and vagrants from frequenting the park after hours. The cost will be \$10.00 a month.

- 3) The suggestion was made to me that we consider changing the park hours to be open from sunup to sundown. The Audubon Society likes to do their bird watching in the park. Realizing this park is great for bird watching – I feel it would be better if the Audubon Society would come by the office the day before they plan their bird watches to check out a key to the park gate. They would be required to sign for the key as well as leaving their phone number. This would allow the Town Management to be informed when groups or even individual bird watchers would be in the park during off-hours. There is always a chance they may walk up on a vagrant asleep on the boardwalk in the early morning hours and they need to be made aware of this

SPRINKLER SYSTEM REPAIR COST:

- 1) Bill has made a tour of the Town with Mr. Wise from Wise Sprinkler & Lawn Service. He has requested Mr. Wise give us separate bids for the different sections of Town that need sprinkler system repairs. If the cost is within the budget we will then prioritize the sections to start repairs where they are needed the most. Due to the workload of all sprinkler and lawn care services at this time of year, we were unable to have figures ready for this Council Meeting. We anticipate having them for the Council Meeting in June.

BUDGET ANALYSIS:

I have enclosed a copy of how the budget stands as of April 30th without any line item changes. I have not gotten all the line item change suggestions completed at this time. Upon reviewing the setup of the budget for Cinco Bayou, it appears that some accounts are combined and will take longer than I allowed this month to sort out. It also appears some entries may have been put into the wrong accounts therefore giving the appearance an account may be out of budget when it actually may be in budget. The Council may wish to have a special called meeting in June to go over the line item change suggestions. Either June 1st or June 22nd.

COMMENTS ON PHASE #1 OF TOWN CLEANUP:

- 1.) Deputy Hawley and I have taken a tour of the Town and spotted several areas that need immediate attention. We plan to take one section of Town at a time starting with the Oakwood trailer park. I have pictures that will be available to you at the Council meeting to see just how bad things are there. The health department has cited them several times. This will be a long process and cleanup will not happen over night, but at least we have a plan of where to start.

If you the Council would rather not have this kind of report every month, please let me know. The purpose of it is to keep you informed and try to save a little time in the meetings. I have enclosed a calendar for May and June to advise you of happenings, meetings etc. that I will be involved in to make you aware of the times I may be out of the office.

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Manager's Report
11 May 2000

Please be advised if you plan to attend the NWFLC Summer Dinner in Panama City on the 9th of June and have not made your reservations, the deadline date is May 16th

The Council needs to decide on a date to have the anniversary party. One suggestion that might be considered is July 18th at the regular Town picnic. This date is after the anniversary date but the date of July 3rd falls on a Monday and most people will not want it to interfere with their 4th of July plans.

Monika is putting together a Newsletter. If you would like to contribute something, the cut off date is May 15th.

I would like to request that a cut-off date for agenda items be in the office no later than Wednesday noon the week before the regular Council meeting. (the first Wednesday of the month) This will allow us time to get legals published if necessary. I realize there may be exceptions and we are flexible, but this will give us some guidelines to go by

If you have any suggestions, questions, or comments on this report please feel free to let me know.

REGULAR TOWN MEETING SIGN IN SHEET

Name:	FRANK HAWLEY		
Address:	sheriff's office		
Phone:	651-7400	Email:	

Name:	LARRY LORTON		
Address:	777 Br 1 Parkway FWB.		
Phone:	385-2317	Email:	

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