

TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING MINUTES  
12 JULY 2003

Mayor Norm Frucci called the Regular Council meeting to order at 6:00 P.M. on Thursday, July 12, 2003. Following a silent prayer and the pledge of allegiance, roll call was taken.

Roll Call: Mayor Frucci  
Councilman Koch  
Councilman Bratton  
Councilman Payne  
Councilman DesGranges (absent)  
Councilman Iovieno

A quorum was present. Also present at the meeting were Attorney Jeff McInnis, Engineer Ed Stanford, Town Manager/Clerk Nell Webb, Community Officer Frank Hawley, Assistant Monika Gillette, John Dowd, Robert Donovan, plus Boy Scout Troop 543.

### REGULAR BUSINESS

1. **Council Approval of Agenda and Consent Agenda:** Mayor Frucci asked for acceptance of the agenda with the change of moving "Visitor Requests" in for of action items. Councilman Koch moved to approve the agenda. Councilman Payne seconded the motion. The motion passed unanimously. Mayor Frucci asked for acceptance of the consent agenda. Councilman Payne moved to approve the consent agenda. Councilman Koch seconded the motion. The motion passed unanimously.

### PUBLIC MEETING

Attorney McInnis read Ordinance 199 by title: AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR AN AMENDMENT TO SECTION 3.01, DEFINITIONS; PROVIDING FOR AN AMENDMENT TO POLICY 7.A.4.6. TO AUTHORIZE "LOW INTENSITY PUBLIC FACILITIES" IN THE CONSERVATION FUTURE LAND USE MAP CATEGORY; PROVIDING FOR AN AMENDMENT TO OBJECTIVE 7.A.7. TO REQUIRE THE TOWN TO ENSURE LAND AVAILABILITY FOR "PUBLIC FACILITIES" AND "LOW INTENSITY PUBLIC FACILITIES"; PROVIDING FOR AN AMENDMENT TO SECTION 7.05, DEFINING FUTURE LAND USE MAP CATEGORIES; PROVIDING FOR AN AMENDMENT TO POLICY 11.A.1.1. TO AUTHORIZE THE TOWN TO REQUIRE PROOF OF RESOURCE PERMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. No public input was given. Councilman Koch motioned to approve the first reading of Ordinance 199. Councilman Bratton seconded the motion. The motion passed unanimously. Councilman Payne motioned that the ordinance once approved be forwarded to the Florida Department of Community Affairs. The motion passed unanimously. Mayor Frucci closed the public meeting at 6:10 pm.

## VISITORS

Mr. Robert Donovan of Donovan Construction approached the council and propped a townhouse development for the former Oakland Trainer Park. He stated that they are interested in building 26 town homes approximately 1300 square feet with an oversized one car garage with double parking pads. He stated while he was not requesting approval for the project, rather he was asking the council for their blessing on this type of project. Council members asked questions, but overall favored the project.

Mr. John Dowd, Jr. approached the council on behalf of property owner Jay Odom. He stated that Mr. Odom had written a letter to Mr. McInnis about his property on the corner of Hughes Street and Opp Road regarding the temporary cell tower. Mr. Dowd stated that Mr. Odom considers the tower an eye sore and make the property not desirable for purchase. Mr. Dowd stated that Mr. Odom had contacted an attorney who said that he had a case for inverse condemnation and that he may pursue a suit against Cinco Bayou. Mr. Dowd however did offer several options that could be pursued by the town: pay all fees currently paid to the town to Mr. Odom; make a counter offer; do nothing, which could leave the town open to a suit. Mr. Dowd stated that the town should make a gesture and contact Mr. Odom.

Mayor Frucci stated that Mr. David Loe requested that his item be tabled until the next meeting.

## ACTION ITEMS

1. Councilman Koch motioned to approve the Reaffirmation of Agreement of Conveyance and Interlocal Agreement for Services between the Town of Cinco Bayou and the City of Fort Walton Beach for technical changes only not changing the original agreement. Councilman Iovieno seconded the motion. The motion passed unanimously.
2. Attorney McInnis explained that the council had previously approved payment to Attorney Theriaque in the amount of \$5000 and that his fee was more than the original approval amount. Councilman Payne motioned to approve payment to Attorney Theriaque in the amount of \$5,363.77. Councilman Bratton seconded the motion. A roll call vote was taken:

Councilman Koch	yes
Councilman Bratton	yes
Councilman Payne	yes
Councilman Iovieno	yes

The motion passed unanimously.

3. Attorney McInnis further requested that the council consider additional funding to keep Attorney Theriaque on retainer to help complete the comprehensive plan update. Councilman Bratton motioned to retain Attorney Theriaque for a fee up to \$5,000. Councilman Koch seconded the motion. A roll call vote was taken:

Councilman Koch	yes
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Councilman Bratton	yes
Councilman Payne	yes
Councilman Iovieno	yes

The motion passed unanimously

4. Ms. Webb gave a briefing on Florida Highway Products proposal to crack seal and overlay Kidd Street, Lucille Street and Sea Way in lieu of paving. She stated that the second stop to micro surfacing the roads would cost approximately \$16,000 and should be done in the cooler months. Councilman Bratton motioned to authorize Florida Highway Products to crack seal Francis Park, Lucille Street, Sea Way Drive, Kidd Street, and flair on Yacht Club Drive for the amount of \$2,000. Councilman Payne seconded the motion. A roll call vote was taken:

Councilman Koch	yes
Councilman Bratton	yes
Councilman Payne	yes
Councilman Iovieno	yes

The motion passed unanimously

5. Councilman Koch motioned for approval of payment in the amount of \$600.00 to Cara Fernandez for sewer tap fees and authorization for Attorney McInnis to prepare a Waiver to Hold Harmless. Councilman Bratton seconded the motion. A roll call vote was taken:

Councilman Koch	yes
Councilman Bratton	yes
Councilman Payne	yes
Councilman Iovieno	yes

The motion passed unanimously

6. Councilman Payne gave an overview from the Okaloosa County League of Cities effort to clean up area waterways and asked for a resolution of support. Councilman Payne motioned to support the resolution of the City of Fort Walton Beach and prepare a similar resolution to be presented at the next council meeting. Councilman Iovieno seconded the motion. The motion passed unanimously.

## **DISCUSSION ITEMS**

1. Ms. Webb referenced a letter from Compass Bank proposing that the bank and the town switch properties and relocate the boat launch. During discussion it was decided that more information would be needed. Councilman Payne moved to table the matter. Councilman Bratton seconded the motion. The motion passed unanimously.
2. Councilman Bratton suggested modifying the contract with Decks N Such to use synthetic decking on the revamping of the boat launch. He estimated it may cost \$3,500 more. Councilman Bratton made a motion to get a proposal from Decks N Such to use synthetic decking for the boat launch improvements. Councilman Iovieno seconded the motion. The motion passed unanimously.

## Reports

1. **Engineer's Report:** Engineer Ed Stanford stated that he would hold a meeting on the Laguna and Glenwood park projects on Tuesday and that the project should begin within one week and complete within 60 days.
2. **Attorney's Report:** none given
3. **Community Officer's Report:** Deputy Hawley stated it had been a quiet month but that there were several properties that were run down and that he would be taking pictures of them and writing letters.
4. **Town Manager's Report** – Mrs. Webb submitted a written report.
5. **Public Comments/Requests:** None.

**Council Member's Comments/Reports:** Councilman Koch stated that the trees on Opp Road were coming in nicely and thanked Keith Williams for his efforts. She also stated she would be attending the workshop with Senator Clary. Councilman Payne stated that Crestview was in the running for a new Veterans Nursing Home and stated that the town should support their effort.

**Mayor's Report** – Mayor Frucci reminded the council of the upcoming budget workshops..

**Adjourn** – There being no further business, the meeting adjourned at 7:32 pm.

ATTEST:



  
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Norm Frucci, Mayor

  
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Nell Webb, CMC  
Town Manager/Clerk