

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
13 JULY 2000

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

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

ALSO, PRESENT: Attorney Michelle Anchors, Town Manager/Clerk Nell Webb, Engineer Mark Schaeffer, Assistant Monika Gillette, Larry Lorton from Rub A Dub car wash, Attorney Michael Mead, Buster Brown from Townco Distributors, Realtor Michelle Adkins, Nan Wheeler from Smith Gillespie, Deputy Frank Hawley and several residents (see attached list).

REGULAR BUSINESS

1. Council Approval of Agenda: Mayor Drabczuk asked for acceptance of the agenda with two changes. One was to remove the discussion of the Subway Sandwich Shop request for a variance waiver and table it until the Planning and Zoning Meeting on 26 July 2000. In its place a discussion of the Sea Way boat ramp would be added. Councilman Payne made a motion to approve the agenda with the changes. Councilwoman Carroll seconded the motion. The motion passed unanimously.
2. Consent Agenda: Councilman Payne made a motion to approve the consent agenda Councilman Kendrick seconded the motion. The motion passed unanimously.
3. Action Items:
 1. Request by Town Manager/Clerk to have the check for interest received on a certificate of deposit maturing at Compass Bank be cut and deposited to the Money Market account at Vanguard Bank. Councilman Kendrick made a motion to approve the Town Manager/Clerk's request. Councilman Payne seconded the motion. The motion passed unanimously.
 2. Request by Town Manger/Clerk for authorization to attend the Florida League of Cities conference in Fort Lauderdale August 10-12, 2000. Councilman Kendrick made a motion to approve the Town Manager/Clerk's request. Councilman Payne seconded the motion. The motion passed unanimously.
 3. Request by Town Manager/Clerk to designate the Town Manager/Clerk as a code enforcement officer for the Town of Cinco Bayou for the record. Councilman Payne made a motion to approve the Town Manager/Clerk's request. Councilwoman Carroll seconded the motion. The motion passed unanimously.
 4. Sea Way Boat ramp. Councilman Frucci asked that this item be added to the agenda based on comments from Councilman Skelly at the June 8, 2000 regular Town Council meeting. Town Manager/Clerk Nell Webb gave an update on information requested as to status of the boat ramp. She

stated that there is a 25-year contract through the State of Florida for \$19,500 and if the boat ramp were to be closed that all monies would need to be returned. Councilman Frucci brought up the fact that there were some comments about the cost of liability insurance and a lawsuit brought against the Town. Town Manager/Clerk stated that the Town's general liability coverage covers the boat ramp and does not cost the Town additional money. Councilman Frucci stated that there was no validity to the lawsuit and that it was never filed. Eight Cinco Bayou residents raised their hands as present in support of keeping the boat ramp open. Residents Phil Babiak and Hugh Bainter spoke to the council members saying they were opposed to any closing. Hugh Bainter presented the council with an unofficial petition from residents supporting the continuation of the boat ramp. Councilwoman Carroll stated that the main problem with the boat ramp was the lack of parking. Mayor Drabczuk asked Deputy Hawley if he had addressed the problem of boats and trailers parking illegally. Deputy Hawley stated that without more parking the only solution was to give warning and citations to offenders, which he said was being done. Mayor Drabczuk asked if a new ordinance should be drafted to be able to levy fines. Deputy Hawley stated that County Ordinances already were in place and that fines could be levied. Councilman Kendrick made a motion to table the discussion until the September 2000 meeting when Councilman Skelly would be back. Councilman Carroll seconded the motion. With no further discussion the motion passed with two yeas and two nays. The tie was broken with a yea from Mayor Drabczuk.

5. Rub-A-Dub Car Wash. Attorney Michael Mead, on behalf of Larry Lorton, approached the council regarding the variance request from Rub-A-Dub Car Wash. Councilman Kendrick opposed the presentation stating that this presentation should be tabled until the Planning and Zoning special meeting called for on 26 July 2000. Town Manager/Clerk Webb stated that she was advised by Attorney Jeff McInnis to allow the presentation, but stated that no ruling could be made at the Town Council meeting. She and Mayor Drabczuk stated that this presentation was for information purposes only. Attorney Mead presented photos and described the project asset to the Town of Cinco Bayou. Buster Brown, a representative from the car wash manufacturer Townco Distributors, was introduced and addressed environmental concerns brought up during the Planning and Zoning meeting of June 8, 2000. Mr. Brown stated that consumption of water would be 4 gallons per minute versus 10 gallons per minute from a garden hose and that all chemicals used are biodegradable and EPA approved. He also described how each bay has a sandpit and by design of the plumbing all grease and oil would be trapped in a secondary oil separator tank, which would be pumped out by a professional service. Councilman Frucci asked if the equipment had any certification. Mr. Brown replied that certification was left up to the local engineer and that this system has been used in other municipalities with no problems. Councilman Frucci also asked if any other municipality disapproved of the system and Mr. Brown stated none. Councilman Kendrick questioned Mr. Brown on the upkeep of the system if the property was sold. Mr. Brown said that in order to ship chemicals they must be non-hazardous, no matter who the owner is and that the structure would not change regardless of ownership. Mr. Lorton addressed the council and presented a statement from the service company who would pump the oil. Mr. Mead stated that Mr. Lorton and his wife would be making their home in the area and that they will be a part of the community. Michelle Adkins, a Realtor with First Realty of Florida, approached the council as a reference for Mr. Lorton and talked about the current condition of the property of the proposed car wash. During the final discussion, Councilman Kendrick asked Mr. Brown if he would

provide a list of car wash operations in other towns before the July 26, 2000 Planning and Zoning meeting.

4. **Engineer's Report:** - Engineer Mark Schaeffer presented the council with a copy of Fort Walton Beach's Sewer Use Code and stated that in order for Mr. Lorton to receive sewer service he must comply with the city's code. Failure to comply would mean discontinuation of service. Councilman Frucci asked if the City of Fort Walton inspects sewage systems. Engineer Schaeffer stated that if there was a problem there was an inspection team on staff. Councilman Kendrick asked Engineer Schaeffer if Fort Walton Beach will regularly check the system. Engineer Schaeffer stated that by Mr. Lorton agreeing to accept service from Fort Walton Beach that the city has the right to review the service and that any problems in the sewage system could be traced to them and action would be taken at that point.

5. **Attorney's Report:** - Michelle Anchors was present in lieu of Jeff McInnis. No report was given.

6. **Community Officer Report.** Deputy Frank Hawley addressed the council and stated one of the top problems was the drunks and transients within the town limits. He stated that currently Cinco Bayou does not have an open container law and recommended that the city pass an ordinance banning open containers and limiting after hour liquor sales to bring Cinco Bayou in line with other municipalities in Okaloosa County. Councilman Kendrick made a motion to have Attorney McInnis update the Town's alcohol ordinance from the copies presented from Ft. Walton Beach and Okaloosa County. Councilman Payne seconded the motion. With no further discussion the motion passed with three yeas and one nay. Deputy Hawley gave an update on Oakland Trailer Park stating that Mr. Gibson, the manager of the trailer park, was cited for several code violations and that the recreational vehicles and trash have been removed and that improvement is being made. A discussion was held to address past and ongoing problems with the property and ways to deal with them. Attorney Anchors suggested that an ordinance could be written in preparation of the sale of the property. Councilman Kendrick made a motion to have Attorney McInnis draft an ordinance to upgrade the property. Councilman Payne seconded it. With no further discussion the motion passed with three yeas and one nay.

7. **Town Manager's Report:** Attachment to the minutes for the record.

A. **Grants.** Nan Wheeler, an associate with Smith and Gillespie, was introduced as an expert on preparing grants. She stated there were four issues for Cinco Bayou to consider:

1. **Sidewalks --** Ms. Wheeler stated that sidewalks were an issue for MPO. She said that there is a long waiting list, but it was advisable to get on the list. She stated that the availability of money varies by district.
2. **Parks --** Ms. Wheeler stated that FRDAP was the way to go for grant funding for parks. She stated that consideration would be given applications that choose priorities set by the state such as bicycle and walking trails. She stated she was authorized to offer her services free of charge to complete the application process for the Town of Cinco Bayou.
3. **CDBG Grants --** Mrs. Wheeler stated that she did not recommend CDBG grants for the Town of Cinco Bayou since they are based on income and poverty levels. For an alternative, she said an Economic Development Grant might be beneficial.

4. Coastal Management – Ms. Wheeler stated that grants of \$25,000 are available for a Coastal Vision Plan which could help the town prepare a plan for managing the waterfront.

Councilwoman Carroll made a motion to apply for the FRDAP grants. Councilman Payne seconded the motion. The motion passed unanimously. Mayor Drabczuk asked that Ms. Wheeler work with the Town Manager/Clerk and report back to the council.

B. Current Fiscal Budget – Town Manager Clerk Webb referenced previously given materials and asked for comments. Councilman Kendrick made the request for comfortable chairs instead of the metal folding chairs. Town Manager/Clerk Webb requested a new phone system, half of which is to be paid for this fiscal year and the remaining half next fiscal year. Councilman Payne made a motion to accept the request. Councilwoman Carroll seconded the motion. It passed unanimously. Councilman Frucci agreed to review the proposed system and offer his input. Town Manager/Clerk Webb asked for clarification of the Town's participation in paying for employee's insurance deductibles. According the Town Manager/Clerk Webb, no written documentation is available, but past administrations paid the employee's deductible and out of pocket costs. Councilman Kendrick made a motion to discuss the issue at the July 19, 2000 Budget Workshop. Councilman Payne seconded the motion. It passed unanimously.

C. Town Manager/Clerk Webb stated that the next Budget Workshop was scheduled for July 19, 2000.

8. Public Requests/Comments – Resident Penny Austin approached the Council and asked the financial status of the city and the amount of the budget. Town Manager/Clerk Webb stated that the city currently has \$150,000 in savings and that the budget was approximately \$230,000 per year.

9. Council Members Reports/Comments

Councilman Kendrick asked what the plans were for the property next door.

Councilwoman Carroll stated that the pot hole was still on Lucille Street.

Councilman Payne thanked council members who attended the Anniversary celebration and thanked everyone who helped out.

Councilman Frucci thanked Councilman Payne for his effort during the Anniversary celebration.

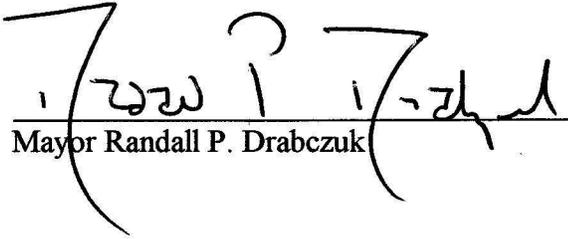
10. Correspondence

- A. Letter from City of Fort Walton Beach seeking support of a Resolution relating to the proposed Okaloosa County referendum to decide whether to levy a 1 cent local infrastructure surtax to fund local infrastructure needs and providing for an effective date. No action was taken.

11. Mayor's Comments/Announcements – Mayor Drabczuk thanked Councilman Payne and everyone who helped during the Anniversary Celebration. Mayor Drabczuk stated that there would be no additional picnic this month and that picnics will resume again on the third Tuesday of the month commencing in August.

11. Adjourn – There being no further business, the meeting adjourned at 7:58 PM

Attest:



Mayor Randall P. Drabczuk



Nell Webb, Town Manager/Clerk

**TOWN MANAGER'S REPORT
TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
13 JULY 2000**

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

SEAWAY BOAT RAMP:

- 1) The boat ramp was completed in July 1984. It was funded with grant funds from the Florida Boating Improvement Program through the Department of Natural Resources. The original contract amount was for \$15,060.00. An amendment to the contract in the amount of \$4,440.00 was approved in September 1983 which brought the total amount of funds to \$19,500.00. The contract term is 25 years. Town of Cinco Bayou Resolution 83-2 states that:

“The Town agrees that the project when completed will be operated and maintained as a public recreational boating facility in satisfactory condition for twenty-five (25) years from the date of project completion. The TOWN further agrees to return to the DEPARTMENT all funds tendered for the project in the event the project becomes utilized for other than boating related purposes during this period.”

To refund this amount of money would be a great burden on the taxpayers of the Town of Cinco Bayou. It is the responsibility of the Town to maintain the boat ramp. I spoke with Mr. Al Borchik in reference to the maintenance at the time he was Town Manager. He referred me to Mr. Landcaster, (the person who constructed the ramp). Mr. Lancaster used to inspect the ramp in the spring and fall for safety and repairs not visible by the Maintenance person. I have asked him to inspect it for me and give me a quote on future inspections. He will have this information for me by Budget Workshop. I also inquired to Mr. Borchik about the lawsuit that was mentioned at the last Council meeting. Mr. Borchik agreed there was a lawsuit filed, but was dropped because the person filing the suit had a history of filing suits to get what he could get. Per Mr. Borchik, the Town never paid any money for a lawsuit on the boat ramp. There is no documentation in the files that indicates any payment of a lawsuit. The ramp is covered under our Liability blanket policy. It doesn't cost the Town any extra for the coverage. The Town has paid very little maintenance on the boat ramp over the years and hasn't paid anything for the last three years. I have instructed Bill to check the ramp at least once a week when he makes his rounds.

GRANTS:

Mrs. Betty Jordan with Jordan & Associates has sent information on Grants per the Council's request at the last Council meeting. Also Nan Wheeler with Smith and Gillespie Engineering will be at the Town Council meeting to talk about grants.

SUBWAY SANDWICH SHOP:

- 1) Mr. Jerry McCormick will be at the Council Meeting to ask for a waiver of variance for the third awning with signage due his feeling he was misled by the former Town Manager.

OKALOOSA COUNTY PUBLIC LIBRARY:

- 1) It will be my suggestion that the Council consider considering a line item on the budget to pay for individual memberships to the library of the citizen's choice in lieu membership in the Cooperative. The fee would be approximately \$35.00 each. This could be publicized in the

Newsletter and even in the newspaper. It would be a lot more cost effective. Cinco Bayou residents do not have a lot of young children like some of the other communities and probably would not utilize the membership as readily as some of the larger communities.

BUDGET ANALYSIS:

The current 99/2000-budget review has been completed and line item changes have been done. The budget is in balance and anticipated to be at year-end. The first draft of the proposed budget for fiscal year 2000/2001 is ready and included in your packet. The first budget workshop is Wednesday, July 12, and the second workshop will be Wednesday, July 19th.

COMMENTS ON PHASE #1 OF TOWN CLEANUP:

The first letter referencing code violations has been sent to the Owner and the Manager of Oakland Trailer Park. We have received acknowledgement of receipt of this letter and responded with a second letter faxed and sent out today July 10, 2000. Citations will be issued with fines if the violations are not brought in compliance with Town of Cinco Bayou code.

ADA COMPLIANCE FOR CURBING:

Betty Jordan is still searching for possible funds and so is Nan Wheeler.

GLENWOOD PARK:

I have contacted the Okaloosa Health Department and requested they check the water quality in the Park. They said they would but it would take a little time to get to it. I have not heard from them as of this date. They requested I give them at least three weeks. I will follow up with them next week.

TREE TRIMMING:

The trees have been trimmed on Yacht Club Drive and the streets by Kmart. We have asked for a proposal on trees in Frances Park.

FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE:

The Florida League of Cities Annual Conference is August 10-12th. I would like to be considered to attend this conference. The cost will be approximately \$900.00 if I fly. If I drive, it will be more due to the mileage. There is enough in this year's budget to accommodate this expense.

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:	Non Wheeler		
Address:	1207 Sandhurst Drive Tallahassee, Fla 32312		
Phone:	850-386-3343	Email:	NonWheeler@MindSpring.com

Name:	Lum Payne		
Address:			
Phone:		Email:	

Name:	Phil Babiak		
Address:	53 York Club Dr #4		
Phone:	244-4649	Email:	L.BABIAK@AOL.COM

Name:	Deanna Frucci		
Address:	254 Kidd St Fwb		
Phone:	850 243 2211	Email:	frucci@walton@home.com

Name:	Jenny Alston		
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Phone:	243-8027	Email:	psalston@compuserve.com

Name:	Norman Powell		
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Name:	Cane Hock		
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Phone:	664 0698	Email:	Nana 22@home.com

Name:	Jack Hillman		
Address:	250 Dixie St		
Phone:	243 4017	Email:	Grandpa Jack@home.com

Name:	HUGG BAINTER		
Address:	268 Kidd St		
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REGULAR TOWN MEETING SIGN IN SHEET

Name:	Michelle Adkins		
Address:	148 Monahan Dr		
Phone:	862-7809	Email:	

Name:	Betty Harwick		
Address:	250 Kidd St.		
Phone:	664-5712	Email:	

Name:	Jim Bratter		
Address:	288 Kidd St		
Phone:	244-2453	Email:	

Name:			
Address:			
Phone:		Email:	

Name:			
Address:			
Phone:		Email:	

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UNOFFICIAL PETITION SEAWAY BOAT RAMP

July 11, 2000

The following taxpayers of Cinco Bayou petition for the Seaway Boatramp to remain open. These persons would NOT support the election or reelection of any person to the Cinco Bayou Town Council who support its closure.

1. *Hyd. L. Baint*
2. *DAVID L. YATES*
3. *Jay A. Steater*
4. *Roberta Steater*
5. *Betty Lappath*
6. *Jack Williams*
7. *Karne Koen*
8. *Penny Abton*
9. *James A. Aulton*
10. *Norman Trucci*
11. *Ara Strouge*
12. *Mrs & Mrs Norman Powell*
13. ↓ ↓
14. *Eugene Broxson*
15. *Ardena Broxson*
16. *Madeleine Wise*
17. *Deanna Trucci*
18. *Kathleen Yates*
19. *Quinn Bainter*

UNOFFICIAL PETITION SEAWAY BOAT RAMP

July 11, 2000

20. *William A. Sullivan*
21. *[Signature]*
22. *Lip A. [Signature]*
23. WALTER EBEL } see atch e-mail
24. Delores EBEL }
25. VIVIAN ROWLAND
26. KEN ROWLAND
27. HOWARD J. KELLEY *Howard J. Kelley*
29. *[Signature]*
30. *[Signature]*
- 31.
- 32.
- 33.
- 34.
- 35.
- 36.
- 37.
- 38.
- 39.
- 40.

Atch:
E-mail, ebelwebel@aol.com

Subject: Re: Boat Ramp

Date: Thu, 13 Jul 2000 10:39:28 EDT

From: EbelWebel@aol.com

To: frucciftwalton@home.com

To Norman Frucci : From Walt & Delores Ebel: Subject Seaway Boat Ramp

We understand that there is a plan to close the Seaway Ramp .We appose such a plan. We own a boat an use that ramp regularly. There for we support the continued operation of the Seaway Ramp by the Town of Cinco Bayou . We willnot support any member of the Town Council who votes to close this boat ramp, it is an important asset to our community please convey our feeling to the Town Council

Walt &Delores Ebel 274 Kidd ST.

32548