MINUTES
SPECIAL COUNCIL MEETING

12:30 P. M. July 17, 1996
Town Hall
Town Council, Town of Cinco Bayou, FL

1. The Mayor called the meeting to order at 12:30 P.M. this date.

Present: Bryan Beard
Jim Kendrick
Carolynn Leach
Joe Skelly
Mayor Randall Drabczuk

Absent: Rene' Chamberlain (Medical appointment)

2. Action Item: Reconsideration of Council Action to Approve the site Improvement Plan for Cinco Baptist Church. The Mayor opened the Special Meeting and explained he called the session for the specific purpose of reconsidering the Site Improvement Plan for the Cinco Baptist Church.

The Mayor then called on the Manager to brief the Council on the procedures regarding Reconsideration. The Manager explained that a motion to Reconsider can be made only by a member who voted with the prevailing side. Further, a Motion to Reconsider can be made by any member who did not vote on the losing side; including one who did not vote at all. Therefore, the Council's newest Member, Bryan Bread, if he desires to do so, may offer a Motion.

Counsel McInnis further explained that it would be proper, if it is the Council's desire, to consider two motions: One Motion to Reconsider the previous action to open the subject for discussion; and another Motion after discussion to take specific action, if such action is desired.

The Manager reported, as previously requested by Councilmember Chamberlain, that she was in support of Reconsideration. She regrets not being present, but is undergoing minor surgery.

Councilman Kendrick's motion to reconsider the Site Plan Improvement was seconded by Councilman Skelly. The Motion was passed on a unanimous vote.

The Mayor called on the Town Engineer, Spence King, to present a brief overview of the Site Plan Improvement as previously submitted by the church.

Mr. King reviewed the Plan and read to the Council a staff analysis that covered the following points: (1) Stormwater management plan conforms to Town of Cinco Bayou standards; (2) Playground area should be fenced; (3) Handicap parking at entrance drive encroaches into the 10 foot landscape setback; and (4) Offstreet parking in the Town right of way is not allowed under Article 8.01.00 of the Land Development Code, Right of Way Protection. Parking along Kidd Street requires backing into Kidd Street and is not recommended. As a minimum, parking in that area should be limited to the 3 senior and 4 handicapped spaces to preclude encroaching into the landscaped area.

Mr. King then reviewed with the Council a drawing of the site in question.

Mr. Roy Terry, Administrator of the Church, explained to the Council that the plan he had presented during the previous Council meeting was fully discussed and all issues were explained. The Council had approved the Plan as submitted.

Councilman Kendrick made a motion to approve the staff recommendation regarding item No. 4 in Mr. King analysis. The motion was seconded by Councilman Skelly. Councilman Kendrick explained, during the discussion, that his motion did not include item No. 3 in the staff report; only item No. 4. Councilman Skelly withdrew his second.

The Mayor invited Mr. King and Mr. Terry to approach the dais and review once again with the Council Mr. King's analysis of the Right of Way issue in question.

Following that discussion, Councilman Skelly seconded the Motion.

The motion was passed on a unanimous vote.

There being no further business, the Mayor adjourned the meeting at 1:05 P.M.

Randall P. Drakczuk
Mayor

Attest:

Elvin C. Bell
Manager/Clerk

6-F

CHOCTAW ENGINEERING, INC.
112 TRUXTON AVENUE
FORT WALTON BEACH, FLORIDA 32547

TELEPHONE: 904-862-6611
FAX: 904-863-8059
E-MAIL: ChoctawEng@aol.com

Mr. Chuck Bell, Town Manager
Town of Cinco Bayou, Florida
10 Yacht Club Drive
Fort Walton Beach, Florida 32547

29 May 1996

RE: Site Improvement plans
Cinco Baptist Church

CEI NO. 89-499

Dear Mr. Bell,

We have completed our review of the referenced plans and have the following comments:

1. Stormwater management plan conforms to Town of Cinco Bayou standards. Rim of catch basin in drainage area "A" has been raised to elevation 11.0 per telecon with design engineer.

2. Playground area should be fenced.

3. Handicap parking at entrance drive encroaches into the 10 foot landscape setback.

4. Offstreet parking in the town right of way is not allowed under Article 8.01.00, of the Land Development Code, Right of Way Protection. Parking along Kidd Street requires backing into Kidd street and is not recommended. As a minimum, parking in that area should be limited to the 3 senior and 4 handicapped spaces to preclude encroaching into the landscaped area.

Our fee for this review is $110.00. Should you have further questions in this regard, please call our office.

Sincerely,

Choctaw Engineering, Inc.

George S. King

George S. King, P.E.
President
Florida Reg. No. 38696

C:\CITIES\CINCO\BAPSITE.WPD

12-C

June 6, 1996

Mayor Randy Drabczuk
Town of Cinco Bayou
10 Yacht Club Drive
Ft. Walton Beach, FL 32548

Re: Drainage ditch adjacent to 53 Yacht Club Drive
The Moorings Townhomes

Dear Mayor Drabczuk,

On July 6, 1994, after Tropical Storm ALBERTO, a petition signed by all nine property owners in The Moorings Townhomes was presented to the Town of Cinco Bayou to repair the erosion that has taken place from the drainage ditch.

On July 14, 1994 Resolution 94-06 was adopted wherein the Town of Cinco Bayou requested the support of Okaloosa County in resolving the problem and repairing any damage caused to private property.

On August 9, 1994, David Heinrich, Okaloosa County Public Works Director, informed Chris Holley, Okaloosa County Manager, that the ditch is located entirely within the municipal boundaries of Cinco Bayou and further stated that Cinco Bayou has had clear jurisdictional responsibility since March, 1983 and the maintenance responsibility of the drainage ditch rests solely with the Town of Cinco Bayou, by reason of the Functional Classification Code on that portion of Yacht Club Drive that is classified as a city urban collector.

In 1995 we experienced the devastation wrought by Hurricane ERIN and Hurricane OPAL and the ditch has deteriorated further and much more rapidly than in the past. I have enclosed photos showing the amount of damage just since the hurricanes of 1995.

On February 25, 1996 the Town of Cinco Bayou received a letter from George King, President of Choctaw Engineering, Inc. stating "they have been cognizant of this problem since 1989 and have inspected, designed, and put out for bid, repairs for this system on more than one occasion." He further stated "that he inspected the ditch in October, 1995 and again on February 25, 1996 and found nothing that would cause him to believe the existing conditions were caused solely as a result of Hurricane OPAL and it is his opinion that the areas of concern may have deteriorated further as a result of Hurricane OPAL, but the present condition would have existed with or without this storm."

This letter from Choctaw Engineering, Inc. in effect voided the assistance that FEMA was prepared to fund. The owners of the nine properties in the Moorings Townhomes feel that the Town of Cinco Bayou and Choctaw Engineering, Inc. did a huge disservice to the property owners of The Moorings Townhomes. It is about time that the Town of Cinco Bayou stop passing the buck and live up to their legal and moral responsibilities regarding this drainage ditch.

We respectfully request that the drainage ditch be repaired with a lasting solution and the damage to private property that has occurred after each of the three storms be repaired. Please advise.

Sincerely,

Terry McDevitt, Resident Manager
53 Yacht Club Drive, #7
Ft. Walton Beach, FL 32548
Phone 244-4358
Fax 244-4346

THE ECONOMIC DEVELOPMENT COUNCIL
OF OKALOOSA COUNTY, FLORIDA

P.O. BOX 4097 • FORT WALTON BEACH, FLORIDA 32549 • (904) 651-7374 • FAX (904) 651-7378

RECEIVED 6-10-96

FYI

June 5, 1996

Elvin C. Bell, Town Manager/Clerk
City of Cinco Bayou
10 Yacht Club Drive
Fort Walton Beach, FL 32548

Dear Mr. Bell,

Please accept this letter as the formal request from the Economic Development Council of Okaloosa County for continued funding by the City of Cinco Bayou for fiscal year 1996-97.

Mr. Bell, the EDC continues to be an extremely aggressive and well focused program with the creation of new jobs and the retention of existing jobs our single target. We clearly understand the necessity of having quality employment opportunities available for our residents and we believe our programs have been successful in this area. We also understand that job creation is an ongoing process and it is for this reason we are returning to the City of Cinco Bayou for support.

Fiscal year 1995-96 has seen the EDC complete numerous **job creation projects** while, at the same time, responding to the challenges created by **Hurricane Opal**. Our quick response **Emergency Bridge Loan** program put well over $1,000,000 into local business restoration and had a direct impact on **1,200 local jobs**. Our Okaloosa **Defense Support Initiative** proved highly effective in our area's stance to keep our military installations in place and our leadership is now establishing an **ongoing program** to further strengthen our defense partnership.

This past year also saw our EDC lead the way in the region and state with the creation of the North Florida Manufacturing Technology Center **(NFMTC)**. This outreach program provides direct **management**, **marketing**, **operating** and **training** assistance to all area firms, greatly enhancing our business **retention** and **expansion**. We also had another banner year in attracting financial assistance. To date, the EDC has attracted $2,400,000 in grants for our communities and businesses. We also led the way in developing the privately funded package which brought **low-cost airline service** to Okaloosa County.

Mr. Bell, the Economic Development Council requests an appropriation of $500.00 for the 1996-97 fiscal year. This is the same amount as was funded last year.

The Economic Development Council of Okaloosa County has enjoyed its very important relationship with the City of Cinco Bayou. We look forward to appearing before the City Council during your budget-making process and sharing with you the specific reports we know are essential to retain your support. We thank you for the City's ongoing support and look forward to continuing our work for and with you.

Sincerely,

Richard Manley
President

David Goetsch
President-Elect

cc: Mayor Randy Drabezak
City Council

FYI

June 11, 1996

TO: Mayor and Councilmembers
SUBJECT: Tax Exempt Status For Churches
FROM: Chuck Bell

In addition to the question asked by Councilmember Leach on tax exempt status for Cinco Baptist Church, others in the community have recently asked the same question.

To assist you in responding to your constituents when they ask questions on this subject, the attached brief is offered for your guidance.

53/96

Anchors, Foster, Mc Innis & Keefe, P. A.

Attorneys at Law

909 Mar Walt Drive, Suite 1014

Ft. Walton Beach, Florida 32547-6711

C. LeDon Anchors
W. Scott Foster*
C. Jeffrey McInnis
Lawrence Keefe
Harmon O. Massey, Jr.**

*Also Admitted in Alabama
**Also Admitted in Mississippi

Area Code 904
Telephone 863-4064
Fax 862-1138

5-28-96 Meeting

May 30, 1996

Town of Cinco Bayou
Attn: Elvin C. Bell
Town Manager/Clerk
10 Yacht Club Drive
Fort Walton Beach, FL 32548

In Re: Tax Exemption for Houses of Public Worship

Dear Chuck,

Pursuant to your request I have researched applicable Florida law dealing with the exemption from ad valorem taxation for churches. It is my understanding that Councilmember Leach has asked you to look into why Cinco Baptist Church is not required to pay ad valorem taxes and Town taxes.

Pursuant to the authority of Chapter 196 of the Florida Statutes, it is the general policy of this state that all real and personal property in the state, and all personal property belonging to persons residing in the state, is subject to taxation. The law goes on, however, to provide specific exemptions from ad valorem taxation. Authority is provided to the local Property Appraiser in making such determinations for exempt status under the law.

In accordance with Chapter 196, churches using properties which they own for places of public worship and for other religious purposes can apply for exemption from ad valorem taxation. In discussions with the Property Appraiser's office, it is my understanding that the Cinco Baptist Church has been approved for an exemption of their real properties, which are not rented to third parties thereby generating profit or income, located within the Town of Cinco Bayou from ad valorem taxation. There is a potential that a church property could be required to pay a special district flat tax such as a Fire District or Water District. However, that is not the case in Cinco Bayou because our fire services are provided through the Ocean City-Wright Fire Control District who themselves levy ad valorem taxes.

I hope that this information will be helpful to Councilmember Leach as she responds to her constituent's questions regarding the taxation of the church's property.

If you have any further questions, please do not hesitate to give me a call.

Sincerely,

ANCHORS, FOSTER, McINNIS & KEEFE, P.A.

C. JEFFREY McINNIS