

**TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
09 AUGUST 2001**

Mayor Drabczuk called the recessed Special Council meeting of 8 August 2001 to order and adjourned it at 6:00 pm moving discussion of the Capital Improvement List to Item 3 C on the agenda. The regular Town Council meeting was called 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 (absent)
Councilman Carroll
Councilman Farley
Councilman Frucci
Councilman Koch

A quorum was present. Also present were Town Manager/Clerk Nell Webb, Assistant Monika Gillette, Attorney Jeffrey McInnis, Engineer Ed Stanford, and Community Officer Frank Hawley.

REGULAR BUSINESS

1. Council Approval of Agenda: With the addition of Item 3C (the discussion of the Capital Improvement List) Mayor Drabczuk asked for acceptance of the agenda. Councilman Farley made a motion to accept the agenda with the change. It was seconded by Councilman Carroll. The motion passed unanimously.

2. Consent Agenda: Mayor Drabczuk asked for acceptance of the consent agenda. Councilman Koch made a motion to approve the consent agenda. Councilman Carroll seconded the motion. The motion passed unanimously. During discussion Councilman Frucci asked if the council was to approve the Tree Committee meetings. Mrs. Webb stated they were only approving the receipt of the minutes. Councilman Koch stated that she only missed the July 5 Vision Meeting, but the minutes showed her absent.

ACTION ITEMS

A. Attorney Anchors read Resolution 2001-09 by title, which stated: A RESOLUTION OF THE TOWN OF CINCO BAYOU, FLORIDA, OKALOOSA COUNTY, ADOPTING THE REVISED OPERATING BUDGET FOR THE TOWN OF CINCO BAYOU, FLORIDA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001. Councilman Farley made a motion to adopt Resolution 2001-09. Councilman Carroll seconded the motion. The motion passed unanimously.

B. Mrs. Webb stated that the Tree/Beautification Committee submitted several requests:

1. Trim dead limbs on trees in Laguna Park before a bad storm event and limbs along Yacht Club/Glenwood Park

2. Remove 4 pine trees near the water. (*root systems are being damaged due to closeness to salt water – they are feared to become a hazard and liability for the town*) (*Laguna Landing management is willing to contribute financial assistance towards planting bushes in the area.*)

Councilman Carroll made a motion to accept the Tree/Beautification Committee's recommendation. Councilman Farley seconded the motion. During discussion, Councilmen Carroll and Koch stated they would want a professional opinion before removing any tree in the second request, but agreed with the first request. Councilman Frucci asked if the pine trees were long needle or short needle and depending on the variety would dictate if they needed to be removed or not. Councilman Farley stated that they looked like long needle pine and that they have survived a number of storms. He also said that replacing them with bushes was not a sufficient remediation. Councilman Koch suggested that perhaps the erosion around the roots could be repacked. Councilman Carroll agreed stating that the trees should try to be saved. The motion failed with all Councilmen casting nay votes. A second motion was made by Councilman Carroll approving the request to trim dead limbs on trees in Laguna Park before a bad storm event and limbs along Yacht Club/Glenwood Park. Councilman Frucci seconded the motion. During discussion Councilman Farley stated that the request would depend on budget constraints. A friendly change to the motion was made allowing for budget consideration. The motion passed unanimously.

- C. Mayor Drabczuk updated the audience on the Special Council Meeting of August 8, 2001 stating that the purpose of the meeting was to revise Cinco Bayou's Capital Improvement List. Councilman Farley asked for clarification of the meeting. Councilman Carroll said that Okaloosa County Commissioners had reduced the length the tax would be collected from 5 years to 4 years and this was an opportunity to update the list the council had recently adopted, but if no list was adopted then the old list would be used. Councilmen Koch and Frucci both voiced their objection to the County spending \$100,000 to promote passage of the tax. Councilman Koch felt that by submitting a list it would show the citizens of Cinco Bayou that she and Councilman Frucci supported the tax. Councilman Frucci asked for the state statute that required a list to be submitted and reiterated his concern that the list would be used by Pennies for Progress for promotion of the tax. Mrs. Webb stated that the original list was submitted along with an interlocal agreement with the county, which outlined the disbursement rate. Mrs. Webb stated that in order to have money dispersed, a record of how it would be spent needed to be on file with the state. Attorney McInnis stated that historically a list needed to be published which designated the intended use of the money and that the town was bound by this list. He also said that the county is obligated to publish a legal advertisement before the referendum. Councilman Farley stated that it was his understanding that a list needed to be submitted for legal reasons and it would be short sighted to not submit the new list. Attorney McInnis suggested that the list could be adopted for statutory advertisement, but not necessarily for the benefit of Pennies for Progress. Councilman Farley made a motion to submit the revised list to all agencies required to meet legal and informational requirements. The motion was seconded by Councilman Carroll. Councilmen Carroll and Farley voted to approve the motion. Councilmen Koch and Frucci voted to defeat the motion. Mayor Drabczuk broke the tie with a yea vote, which passed the motion.

4. **Engineer's Report:** Ed Stanford updated the council on progress on the Yacht Club Ditch. He said that a survey had been completed. When asked, Mr. Stanford stated that design of the ditch would take approximately three weeks and once DEP approved the project total construction would take 60-90 days. Councilman Frucci asked Mr. Stanford if they would work with DEP in the design stage. Mr. Stanford stated that DEP would be contacted early in the process. Councilman Frucci stated that any sensitivity with the DEP and the adjacent homeowner, Mr. Kirsch, was finished and that the ditch is a totally separate issue. He added that Mr. Kirsch is not a player in the issue and has no animosity. He also said that it was the Moorings that originally requested the ditch be repaired. Mr. Stanford stated that his dealing with DEP will only be for design and permitting. Mr. Stanford also stated that a letter had been sent to the City of Fort Walton Beach regarding their request for an open cut to install a water line on Yacht Club Drive. Mayor Drabczuk stated that the cuts that were made on Opp Blvd. were sinking. Mrs. Webb said that a letter was written and that the repairs were planned when Yacht Club Drive was repaired.

5. **Attorney's Report.** None given.

6. **Community Officer's Report.** Deputy Hawley stated that he had met with the Sheriff's department's environmental officer to review junk car ordinances. He said that there were cars scheduled to be towed by the end of the week. He also updated the council on a fence being erected by Diamondhead Constructors behind their business as well as the clean up on the lot behind the shopping center. Councilman Frucci asked about the clean up at the trailer park. Deputy Hawley said he sent a letter to Mr. Gibson saying that it would need to be cleaned and that a resident was cleaning up in lieu of rent as owners are pulling out. He said that the remainder of the trailers should be out by January.

7. **Town Manager's Report.**

1. Mrs. Webb updated the Council on the question asked about the origination of Larkin Street. The owner, Mr. Milton, said that the street name was requested by 911 Emergency Response and he paid for the signs to be installed. Councilman Frucci stated that for the record it should be noted that it is a private drive. Attorney McInnis stated that unless a deed or right of way was given to the town, the town has no responsibility. Mrs. Webb agreed to send a letter to Mr. Milton confirming that Larkin Street is a private drive.

2. Mrs. Webb stated that the \$100,000 certificate of deposit had matured at Compass Bank. She said she transferred the CD to Vanguard Bank at a higher interest rate of 4.4% with a 4.5% APR and deposited the accrued interest in the money market account.

3. Councilman Frucci asked what the pipes were by Laguna Landing. Mrs. Webb stated that they were waterlines being installed by DOT, which would run under the water rather than under the bridge.

4. Mayor Drabczuk asked about the buoy that was to be refurbished. Mrs. Webb stated that Mr. Lancaster has taken the loose buoy and is repairing it.

5. Mrs. Webb submitted her calendar with meeting dates for August.

8. **Public Requests/Comments:** None given.

9. Council Member's Comments/Reports:

Councilman Koch asked what was being done while the maintenance man was away and stated that an interim solution should be made.

Councilman Farley stated he received a complaint from residents on Opp Boulevard concerned with the standing water and mosquitoes. He suggested putting pellets in the water to curb breeding of mosquitoes. He also asked Mrs. Webb when work would begin with the FRDAP grants. Mrs. Webb said that the contracts would be received in 30-60 days and then work could begin. Councilman Farley asked if work would be done over the winter to which Mrs. Webb affirmed.

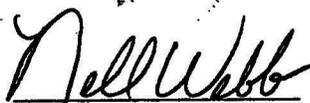
Councilman Frucci asked for a clarification on the election fees that the Town paid. He also asked if the Town charged the county for using the space.

Councilman Carroll asked that Compass Bank be contacted about mowing the lot next to the boat ramp. She also invited all council members to the League of Cities board of directors meeting on September 6 at noon and the quarterly dinner meeting on September 20 at the Eglin Officer's Club. She said that area representatives would be at the meeting to present the FRDAP grant checks.

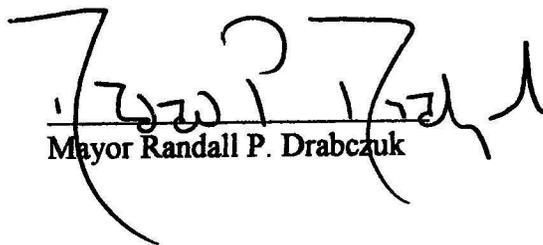
10. Mayor's Report – The Mayor announced the upcoming Vision meeting on Thursday, August 16 and a special workshop meeting on Monday, August 20 requested by Councilman Frucci. He also announced that the Town picnic was on Tuesday, August 21.

11. Adjourn – There being no further business, the meeting adjourned at 6:52 p.m.

ATTEST:



Nell Webb
Town Manager/Clerk



Mayor Randall P. Drabczuk