TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
13 SEPTEMBER 2001

Mayor Drabczuk called the regular Town Council meeting 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
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 Mark Shaeffer, Al Borchik, Sally Borchik, and residents Rai DesGranges, Rod DesGranges, Jerry Carroll and Perry Kirsch.

PUBLIC HEARING

Attorney McInnis read by title Ordinance No. 188 adopting the levying of an ad valorem property tax millage rate of 2.30 mills. Councilman Frucci made a motion to approve Ordinance No. 188 as read. Councilman Farley seconded the motion. After discussion, the motion passed unanimously.

Attorney McInnis ready by title Resolution 2001-01 adopting the general operating budget for fiscal year 2001-02. Councilman Carroll made a motion to approve Resolution 2002-01 as read. Councilman Koch seconded the motion. After discussion, the motion passed with four yeas and one nay, cast by Councilman Frucci.

REGULAR BUSINESS

1. Council Approval of Agenda Mayor Drabczuk asked for acceptance of the agenda breaking out the Public Hearing and adding item H, a discussion of FRDAP grants. Councilman Farley made a motion to accept the agenda with the change. It was seconded by Councilman Koch. The motion passed unanimously.

2. Consent Agenda: Mayor Drabczuk asked for acceptance of the consent agenda. Councilman Carroll made a motion to approve the consent agenda. Councilman Farley seconded the motion. Both Councilman Carroll and Koch asked for changes to the August 20th Vision Meeting minutes. With the changes, the motion passed unanimously.

ACTION ITEMS

A. Town Manager/Clerk Webb stated that the FRDAP contracts for Laguna and Glenwood Parks were sent to Attorney McInnis for review. Attorney McInnis stated that he had reviewed the contract and it was in order. He did caution the council that the grant has special audit requirements and the projects needed to be managed properly. Councilman Carroll made a motion to execute the FRDAP contract for Glenwood Park. Councilman Farley seconded the motion. The motion passed unanimously.

Councilman Farley made a motion to execute the FRDAP contract for Laguna Park. Councilman Carroll seconded the motion. The motion passed unanimously.

B. Councilman Farley stated that an email was forwarded to him with another council members thoughts and he was instructed not to respond. He stated that he felt this was a violation of the Sunshine Law. Attorney McInnis stated that it was not a violation, but return communication was in violation. He suggested that Town Manager/Clerk Webb be instructed who would and would not like to get unsolicited emails from council members. Councilman Farley, Councilman Carroll and Councilman Koch stated they did not want to receive forwarded emails. Councilman Frucci would still like to receive emails and Councilman Bainter abstained.

C. Councilman Koch stated that she did not like Cinco Bayou workers mowing on Sundays. She made a motion that no mowing be done on Sunday as long as it does not violate any contracts. Councilman Farley seconded the motion. Town Manager/Clerk Webb stated that the current contract with J & R Landscaping does not stipulate when work is to be done, but would check on flexibility of the company. Councilman Farley made a motion to table discussion until next meeting. Councilman Frucci seconded the motion. The motion passed unanimously. Town Manager/Clerk Webb asked for clarification from Councilman Koch and was informed that no mowing was to be done on Sunday in Francis Park and Win Davis Park, but it was okay on Saturday. Also mowing could be done in Laguna Park and the rest of the Town on Sunday or Saturday.

D. Town Manager/Clerk Webb made the Council aware of the possibility of Cinco Bayou's participation in a parade for Armed Forces Appreciation Day. No motion for participation was made.

E. Town Manager/Clerk Webb asked that the October picnic be changed to October 23 because of the election on October 16. All agreed with the change.

F. A discussion of FRDAP grants was added to the agenda. Councilmen Frucci and Koch stated that they felt that the town should see the results of the first grants before moving ahead with others and not to apply for grant money for Francis Park. Town Manager/Clerk Webb stated that a lot of work would still need to be done on Glenwood Park even with the money from the first grant. Councilman Koch agreed that more work would need to be done on Glenwood, but that Francis Park did not necessarily need a grant. Councilman Koch made a motion to apply for grant money through the FRDAP grant program for Phase II of Glenwood Park. Councilman Frucci seconded the motion. The motion passed with Councilman Farley casting a nay vote.

4. Engineer's Report: Mark Shaeffer stated that the survey of the ditch was complete and currently they are profiling the ditch and sizing the ditch cross section. Mr. Perry Kirsch addressed the council and stated that the filter fabric behind the seawall on the Bayou side joining the two properties was deteriorating. He offered his assistance and said that he would allow the town to tie into his seawall. Engineer Shaeffer said Mr. Kirsch's permit for building a seawall and dock would only take a couple of days if all paperwork is correctly submitted. Councilman Frucci asked for time frame on ditch repair. Engineer Shaeffer stated that a dredge and fill permit would be ready by the next Council meeting and that the repairs should be completed within 3 to 6 months.

5. Attorney's Report. None given.

6. Community Officer's Report. None given.

7. Town Manager's Report.

   A. Town Manager/Clerk Webb reviewed Vision Meeting of September 6 and stated that she had prepared a legal notice soliciting for bids for a grant consultant. Councilman Farley made a motion to ratify publishing the legal advertisement and to continue pursuing a CDBG grant. Councilman Koch seconded the motion. The motion passed unanimously.

   B. Town Manager/Clerk Webb submitted her calendar with meeting dates for August.

8. Public Requests/Comments: Mr. Perry Kirsch of 55 Yacht Club Drive addressed the council and stated he wanted to continue the conversation on the seawall and dock permit he is applying for. He asked for reassurance that he not be charged for the Net Environmental Benefit fee. Engineer Shaeffer stated that the materials Mr. Kirsch was using were all environmentally friendly and would offset the fee. Mr. Shaeffer again asked for a complete permit application for him to review.

9. Council Member's Comments/Reports:

   Councilman Farley complimented Mr. Kirsch on improvements. He also stated that he thought that the Council only approved $15,000 to repair the ditch. Councilman Frucci stated that $10,000 was added at a budget meeting.

   Councilman Bainter stated that he thought action was being taken on Hughes Street repaving and that he would push to get that done in the coming year.

   Councilman Carroll asked Town Manager/Clerk Webb about the evaluation of the trees in Laguna Park. Mrs. Webb answered that it will be done in the new fiscal budget year.

10. Mayor's Report – Before adjourning Town Manager/Clerk Webb stated the need for two meetings for the FRDAP application for Glenwood Phase II. One was with a civic or home owners association and one with the council. The meeting was set for September 19 and would be advertised that Council members would be in attendance at both meetings.

11. **Adjourn** – There being no further business, the meeting adjourned at 7:52 p.m.

ATTEST:

Monika Gillette

Monika Gillette
Asst. Town Manager/Clerk

Mayor Randall P. Drabczuk