

AGENDA

November 14, 1996  
6 P.M., Town Hall

Council Meeting  
Town of Cinco Bayou, FL

THE MAYOR AND COUNCILMEMBERS WELCOME YOU TO THIS MEETING

1. Mayor calls the meeting to order. Stand for silent prayer and Pledge of Allegiance.
2. Roll call of Councilmembers
  - Bryan Beard
  - Rene' Chamberlain
  - Jim Kendrick
  - Carolynn Leach
  - Joseph Skelly
  - Mayor Drabczuk
3. Council Approval of Agenda
4. Consent Calendar:
  - A. Minutes of September 10, 1996, Council Meeting
  - B. Minutes of September 17, 1996, Special Council Meeting
  - C. Financial Statement for October 1996
5. Action Items:
  - A. Consider Proposals from Tree Contractors
  - B. Investment Policy
  - C. Consider Proposals from Engineering Firms
6. Engineer's Report
7. Attorney's Report
8. Manager's Report
9. Public Comments. Please limit individual presentations to three minutes.
10. Councilmembers Comments/Reports
11. Correspondence
12. Mayor's Announcements
13. Adjourn

Town of Cinco Bayou, FL  
Regular Council Meeting Minutes  
November 14, 1996

1. Mayor Drabczuk called the meeting to order at 6:00 P.M. this date. Following silent prayer and the pledge of allegiance to the flag, roll call was taken.

2. Present: Bryan Beard  
Jim Kendrick  
Carolynn Leach  
Joseph Skelly  
Mayor Randall Drabczuk

Absent: Rene' Chamberlain

Also Present: Town Manager Elvin C. Bell, Secretary Faye Payne and Counsel Jeff McInnis

3. Council Approval of Agenda

On a motion to approve the agenda by Councilman Kendrick, seconded by Councilwoman Leach, the Agenda listing showing a typographical error of September 10, 1996, instead of October 10, 1996, for the last Regular Council Minutes was noted. The motion was approved by a unanimous vote.

4. Consent Calendar

On a motion by Councilman Skelly, seconded by Councilman Beard, the Consent Calendar, listing Minutes of October 10, 1996, Minutes of September 17, 1996, and the Financial Statement for October 1996, was approved by a unanimous vote.

5. Action Items

A. Consider Proposals from Tree Contractors

The Manager explained that, consistent with policy, the Town advertised for proposals but no bids were received. Counsel McInnis then reviewed options for the Council; re-

advertise or attempt to negotiate a contract with a tree contractor. Counsel recommended that the Council close the bid process.

On a motion by Councilman Skelly to close the bid process, seconded by Councilman Beard, the Council voted unanimously to approve the motion. On a second motion, offered by Councilman Skelly, seconded by Councilwoman Leach, the Manager was asked to attempt to negotiate a contract with Fritz Tree Service. Negotiations to consist of two phases; (1) Tree service contract with the Town, and, (2) Emergency services for tree service during disasters. The motion passed on a unanimous vote.

#### B. Investment Policy

The Manager explained the Investment Policy he wrote and recommended to the Council for adoption had been reviewed, with approval, by the following firms and/or individuals: Barnett Bank, Compass Bank, Ready Bank, the Town's Accounting Firm, and the Town Attorney. Following discussion, a motion to approve was made by Councilman Skelly, followed by a second from Councilman Kendrick. The motion was approved by a unanimous vote.

#### C. Consider Proposals from Engineering Firms

The Manager reviewed his analysis of the proposals and ranked the firms as follows: First, Smith & Gillespie; Second, Baskerville-Donovan; Third, Genesis Group. The Manager recommended that he be instructed to negotiate a contract with Smith & Gillespie, and, if that effort fails, go to the next bidder in order until a contract is negotiated. Councilman Skelly moved to accept the Manager's recommendation. The motion was seconded by Councilman Kendrick. It passed unanimously.

#### 6. Engineer's Report

The Manager reviewed a few problem areas in the Town that need to be addressed by the new Engineer when one is selected by the Council. The problem areas include Luverne Street between Ready Bank and the church, and Hughes Street east of Eglin Parkway. During discussion on the inlet repair on Hughes, truck traffic on Hughes and restriping Hughes Street were major concerns voiced by the Manager. Councilman Kendrick offered a motion to ask the Manager to discuss with the State Department of Transportation the possibility of posting No Truck Traffic signage. The signage would be aimed at prohibiting trucks from making turns off Eglin Parkway onto Hughes. The motion was seconded by Councilwoman Leach and it passed by a unanimous vote.

## 7. Attorney's Report

Counsel reported that he and the Manager were working on an issue raised by Gulf Power regarding its demand for the Town to sign a Hold Harmless Agreement prior to the hanging of Christmas decorations from Gulf Power poles. Following discussion, a motion was made by Councilman Skelly to authorize \$1,000.00 in insurance premium fees for the Mayor and the Manager to attempt to arrange insurance indemnification for the Christmas Season. The motion was seconded by Councilwoman Leach. It passed on a unanimous vote.

## 8. Manager's Report

The Manager distributed a letter he had received from Mr. James M. Bratton regarding the No Wake Zone signage. The Council asked the Manager to forward the letter to the County with an appropriate cover letter, with a copy to Mr. Bratton.

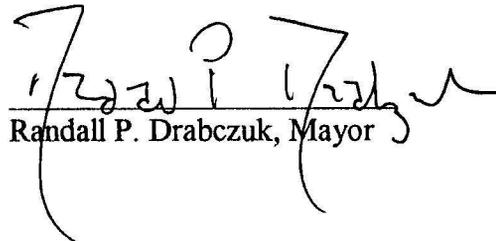
## 9. Public Comments. None

10. Councilmember Comments. (1) Councilman Beard asked for a status report on the air compressor at Serigraphia. The Manager reported that, according to the owners, the air compressor is in the process of being moved but the new site on the firm's northeast corner has to be re-built. The owners had assured the Manager the work would be completed next week. The Councilman then asked about No Parking signage on Kidd Street. Counsel McInnis responded that he would have a report at the next meeting. (2) Councilman Kendrick asked the Manager for a status report on EWS service. The Manager reported there was no change in the six month time-frame for a response from the City of Ft Walton Beach, as previously reported to the Council. (3) Councilwoman Leach reported on her review of CellularOne telephone bills at Town Hall and said it appears there should be a cheaper way to conduct cell phone communications. Following Council discussion, the Council agreed with the Manager to continue the present Management procedure on cell phone usage that had been initiated by the previous Mayor.

11. Correspondence. The Manager reminded the Council of material distributed.

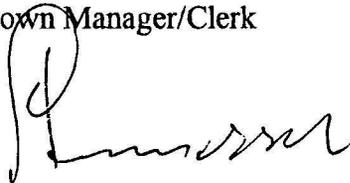
12. Mayor's Announcement. The Mayor mentioned that he had to work on Veteran's Day and did not represent the Town at the Memorial Service which was held at the Beal Memorial Cemetery. During discussion it was agreed that in the future if the Manager could not attend the Memorial functions he would advise the Mayor who would attend or appoint a representative to attend.

13. Adjourn. The Mayor reminded those in attendance of the Thanksgiving potluck dinner in town Hall on November 19, 1996, at 6:30 P.M. He then asked if there was any further business to come before the Council, and hearing none, adjourned the meeting at 7:28 P.M.

  
Randall P. Drabczuk, Mayor

Attest:

Elvin C. Bell  
Town Manager/Clerk



November 7, 1996

TO: Mayor and Councilmembers  
SUBJECT: Analysis of Proposals from Engineering Firms  
FROM: Elvin C. Bell

An analysis was conducted on the proposals submitted by the following engineering firms:

1. CRA Engineering, Inc., from Tallahassee
2. Genesis Group, Inc., from Chipley
3. Smith & Gillespie Engineers, Inc., from Destin
4. Carlan Consulting Group, Inc., from Pensacola
5. Baskerville-Donovan, Inc., from Pensacola

Findings:

Each proposal met or exceeded requirements contained in the RFP.

The Council, as the appointing authority, would be adequately serviced by any of the five presenters. Each, I think, would do a professional job.

Recommendation:

Based on responses from a random sampling of references noted, timely response to telephone calls, proximity to the Town of Cinco Bayou, and its work history with the Town, Smith & Gillespie Engineers, Inc., at 1234 Airport Road, Destin, is recommended for the appointment. Suggest you ask me to negotiate a fee structure with Smith & Gillespie that conforms to budget constraints. If that efforts fails, suggest an attempt be made to negotiate a fee structure with Baskerville-Donovan, Inc.

November 14, 1996

TO: Mayor and Councilmembers  
SUBJECT: INVESTMENT POLICY  
FROM: Elvin C. Bell, Town Manager

THE TOWN OF CINCO BAYOU, FLORIDA  
INVESTMENT POLICY

1.0 Policy

It is the policy of the Town of Cinco Bayou, Florida to: (1) Invest funds in a manner which will provide the highest investment return; (2) Ensure maximum security; (3) Meet the daily cash flow demands; and, (4) Conform to statutes governing the investment of such funds.

2.0 Scope

This policy pertains to investment funds.

3.0 Statutory Authority

The investment of local government surplus funds is administrated under Florida Statute Chapter 166.261, and amended under Chapter 21 Part IV, Sections 218.40 through 218.45.

4.0 Organization

The organization of the investment functions of the Town shall consist of the Mayor and Town Council, the Town Manager, and the Town's designated Certified Public Accounting Firm. The responsibilities of these groups are as follows:

#### 4.1 The Mayor and Town Council

This group is the elected body responsible for the administration and investment of the assets of the Town of Cinco Bayou. The Mayor and Town Council may acquire, hold, manage, purchase, sell, assign, trade, transfer, or dispose of any security, evidence of debt, or other investment in which the Town's assets may be invested. To assist them in discharging their responsibilities, the Mayor and Town Council shall receive recommendations from the Town Manager and the Town's Accounting Firm.

#### 4.2 The Town Manager

The Town Manager is the Chief Administrative Officer for funds management, and is responsible for executing the investment policies of the Mayor and Town Council. In addition, the Town Manager employs staff members and is responsible for their compliance with personal conduct standards. The Town Manager recommends to the Mayor and Town Council an operating budget and investment strategies based on the written investment policy. The Town Manager is responsible for recommending investment dealers, brokers and/or financial institutions that are eligible to do business with the Town. Those recommendations are subject to review and approval of the Mayor and Town Council.

The Town Manager, as investment officer of the Town, is granted full authority and responsibility by the Mayor and Town Council in the assignment and transfer of securities, and for the safe custody of security holdings, subject to Mayor/Council policies, rules, regulations, and directives consistent with regulatory and statutory limitations.

#### 4.3 The Accounting Firm

The Accounting Firm shall review the investments of the Town to confirm that they conform to the requirements of prudence, comply with statutory and regulatory requirements, and conform with the investment objectives and policies adopted by the Mayor and Town Council. During Annual Audits, or earlier if so directed by the Mayor/Town Council, and/or Town Manager, the Accounting Firm shall review the investment transactions, investment performance, and portfolio strategy and make recommendations to the Mayor/Town Council and the Town Manager for any changes deemed appropriate.

## 5.0 Investment Objectives

The primary objectives of the Town of Cinco Bayou's investment activities shall be :

### 5.1 Safety

Safety of principal is the foremost objective of the investment program. Investments of the Town of Cinco Bayou shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

### 5.2 Liquidity

The Town of Cinco Bayou's investment portfolio shall remain sufficiently liquid to enable the Town to meet all operating requirements which might be reasonably anticipated.

### 5.3 Return on Investment

The Town of Cinco Bayou's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the Town's investment risk constraints, and the cash flow characteristics of the portfolio.

### 5.4 Withdrawal Without Penalty

The Town's investments shall be placed in interest bearing status with the following proviso: Any or all of said funds may be withdrawn by the Town without sanctions or penalties whatsoever.

## 6.0 Investment Objectives By Types Of Funds

Public Funds shall be divided into two categories. The investment objectives and policies vary with the nature of each fund, such as:

### 6.1 Funds for Operating Expenses

Funds to provide for the ordinary operating expenses of the Town of Cinco Bayou; Portfolio management is designed to balance the inflow and outflow of the principal of the funds, using income generated as a supplementary source of revenue.

### 6.1A Objectives:

The primary investment objectives of this portfolio are preservation of principal and liquidity; income is a secondary objective.

### 6.1B Risk Tolerance:

Because most of the principal of the fund will be paid out over the course of the fiscal year, volatility of principal is not permitted, although moderate income volatility can be tolerated. Financial risk is not acceptable.

### 6.2 Funds for Capital Expenditures

The Town's Capital Expenditure Funds are to provide for major expenses, capital outlays, and other specified non-recurring long-term purposes. This portfolio is managed to ensure that funds are available as needed, measures are taken to preserve the principal, and generate income that can supplement other funding sources. Capital Expenditures include reserve funds now on deposit which are hereby designated for the following purposes:

#### 6.2A Short Term

To augment short-term operating expenses as needed.

#### 6.2B Aesthetics

To develop, maintain and improve the aesthetics associated with an environmentally attractive community e. g., tree maintenance, tree replacement and landscaping.

#### 6.2C Infrastructure

To maintain and improve the Town's public works facilities and infrastructure. This program includes street paving and striping, drainage repair/replacement, Sea Wall maintenance and Town Hall renovation.

## 7.0 Ethics

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation, but for investment considering the probable safety of capital as well as the probable income to be derived. Investment officers acting in accordance with written procedures and the investment policy, and exercising due diligence, shall not be liable or responsible for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

## 8.0 INVESTMENT POLICY GUIDELINE

The following investment policy guidelines are adopted:

### 8.1 Bank Accounts

Savings accounts, money market accounts, or certificates of deposit shall be placed in State of Florida certified qualified public depositories.

### 8.2 Negotiable Instruments

Funds may be deposited in negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States Government at the then prevailing market price for such securities.

## 9.0 INTERNAL CONTROL

The Mayor, Town Council Members and Town Manager shall establish an annual process of independent review by an external auditor which shall be the Town's Accounting Firm. The review will provide internal control by assuring compliance with policies and procedures.

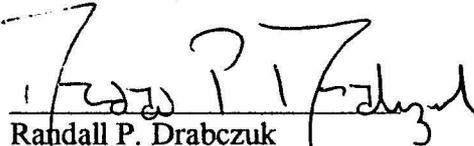
## 10.0 PERSONAL CONDUCT

The Mayor, Town Council Members, Town Manager, and the Accounting Firm may not have a direct or indirect interest in the gains or profits of any investment made by the Town of Cinco Bayou, and may not receive any pay or emolument for services other than as designated compensation and/or authorized expenses.

All persons responsible for investment decisions or who are involved in the management of the Town's assets are prohibited from accepting invitations to functions if the cost is borne by financial brokers, agents, vendors, dealers or corporations. Exceptions to this rule are invitations that have been extended to other municipalities/members of the investment community and are made for the express purpose of presenting topics pertinent to the investment of the Town's assets.

## 11.0 EFFECTIVE DATE

This policy shall take effect on this 14th day of November 1996.

  
Randall P. Drabczuk  
Mayor

Attest:

  
Elvin C. Bell  
Town Manager/Clerk

November 8, 1996

TO: Mayor and Councilmembers  
SUBJECT: Derelict Snowbirds  
FROM: Elvin C. Bell

The Town of Cinco Bayou had an unusually large gathering of derelicts during the period October 30 through November 1, 1996. They were everywhere and caused a lot of problems.

These derelict snowbirds are an interesting study in sociology. After talking with some of them, and then talking with the postal supervisor at the Ft Walton Beach Post Office, the Sheriff's officer in charge of this patrol area, a manager at the Mission, a Salvation Army officer, and the Ft Walton Beach PD, here's what I was able to piece together:

1. Many of these people are drawing various forms of retirement. Some are living off social security, SSI, etc.
2. They use the Mission address or Salvation Army address to get their General Delivery mail at the post office. The first of each month is pay day at the post office.
3. They are here, just like many other snowbirds, because the weather is getting cold in other parts of the country and this is a nice place to hang out. There's also another reason they are here. There's no law against being a vagrant in a nice place, or any place in this nation. The U. S. Supreme Court struck down such laws during the Warren era.
4. There are more women among them this year than in previous years.
5. Their backgrounds are interesting. One is a retired USAF major, one says she is a retired school teacher, while many are Vietnam veterans who just got fed up with the system. Some are retired railroad workers.
6. Their incomes are surprising. The retired major, for example, is too young to draw social security, but his monthly retirement income is about \$2,260.00. He is always alone, doesn't mingle with anyone, is a frequent shopper in Winn Dixie at Ft Walton Square, has his clothes cleaned at Dixie Cleaners, eats three semi-squares a day in fast food joints along Eglin Parkway, and has become a regular fixture in our community.
7. It's hard to get a successful arrest and jail term when these derelicts trespass on private property. For example, when the sheriff's office (SO) arrests them for trespassing around the slab at the bridge, the property owner can't be found to help with the burden of proof. Three

of the five property owners of the slab and abutting property are businesses in Texas and Alabama. The other two owners are the State of Florida and the U. S. Government.

8. The SO reports that 10 or 20 derelict men can hang around the south end of the bridge or the slab and usually not create a disturbance. Disturbances start when a derelict woman shows up. That's when the fights start and the SO and EMS show up to haul people to jail or the hospital. After a fight, the derelicts who escape injury or arrest fan out around Town and try to hide for several hours.

9. One woman, who has been hanging out around the slab, is a retired school teacher from Iowa. Each morning she leads a parade of derelicts to the Chevron Station to purchase some 6-packs for their breakfast.

10. On October 30th at 4:50 p.m. two men and a woman were on the south side of Yacht Club Drive across the street from Town Hall. They got into an argument over the woman one of them was with. The man who lost the woman walked out on Yacht Club Drive and stopped all traffic in both directions. I called the sheriff's office.

11. The derelicts have various forms of transportation. One of them drives a station wagon, a few have cars, and some ride motorcycles such as Harley Davidsons and Hondas.

12. A frightening part of all this is when runaways, students and other young people commingle with adult derelicts. Such incidents create a potentially dangerous environment. They build fires, litter the area and cause additional problems that frustrate and impair our attempts to maintain a clean and safe Town for residents, businesses and visitors. These vagrants, runaways and students cutting classes are a community nuisance. Their presence around businesses drive away customers. When they loiter around private dwellings and neighborhoods, property owners are at risk and some fear depreciation of their property values.

13. I have stressed to the sheriff's department and American Security my concern about these matters and they are providing all legal efforts they can.

November 12, 1996

TO: Mayor and Councilmembers

SUBJECT: Final Report on FEMA/Florida State Department of Community Affairs  
Payments for Hurricanes Erin and Opal

FROM: Chuck Bell

1. Erin Reimbursements:

Based on winning three appeals, re-opening Erin negotiations, a FEMA audit and a Florida Department of Community Affairs audit, we have received \$11,727.00 in Erin payments. I participated in the audits that took three weeks.

The Erin case is now officially closed.

2. Opal Reimbursements:

Based on negotiations and winning some more appeals, along with a FEMA audit and a Florida Department of Community Affairs audit, which I participated in, we have received \$71,402.00 in Opal reimbursements.

The Opal case is now officially closed.

3. Total Payments to the Town of Cinco Bayou:

\$83,129.00