

TOWN OF CINCO BAYOU
Regular Monthly Council Meeting
January 9, 1975

Town officials in attendance: Mayor Ken Smith, Council members Irene Balsley, Iva Booher, Phil Johnston, Harold Peek and Robert Powell; Marshal Ray Elliott and Town Attorney Richard Powell.

Therefore, a quorum being present, Mayor Smith opened the meeting at 7:36 p.m. with silent prayer.

1. MINUTES, DECEMBER 12, 1974. Clerk read minutes on request of Mayor Smith. Peek made the motion to accept the minutes as read, with second by Booher. Motion carried unanimously.
2. FINANCIAL STATEMENT FOR DECEMBER 1974. Approved by Council.
3. FIRST FEDERAL SAVING & LOAN * ORDINANCE APPROVAL ON FRANCHISE OF SEAWAY STREET. FFS&L representatives, Messrs. Herb Tinsley and Brock Fisher, presented drawings and plans for their Corporation building to be erected on Lots 1-3, Block 3. The Clerk pointed out that the plat map indicated walkway to be nine (9) foot instead of the ten (10) foot walkway as indicated on ordinance. He further suggested FFS&L bear the cost of legal, administrative and advertising incurred by the Town in their behalf; as they were getting the first twenty (20) years franchise free and that, heretofore, it had been a custom that the requesting party incur this expense.

Mayor Smith raised the question as to whether or not FFS&L had considered having a stop light erected at the intersection of Yacht Club Drive and Seaway Street to enhance better traffic flow. Mr. Brock said this had not been a consideration.

After due consideration on proper wording of the motion, Attorney Powell assisted Mr. Peek in wording the motion as follows:

To adopt the Ordinance subject to two (2) stipulations; FFS&L Association of Okaloosa County acquire all necessary State and County permits; and that the walkway footage be changed from ten (10) foot to nine (9) foot. Phil Johnston seconded the motion. Three "yea" votes, Peek, Johnston and Balsley; along with two "nay" votes from Booher and Powell. (Reason for "nay" votes was because each felt legal, administrative and advertising cost should be born by FFS&L.)

4. ORDINANCE FOR REZONING TEN(10) R-1 LOTS ON WEST SIDE OF TROY STREET TO C-2. After background information had been discussed and Town Attorney had explained legal requirements, Booher motioned to have the first reading of proposed ordinance pertaining to Lots 2, 3, 4, 14 and 15, Block 11, and Lots 2, 3, 13, 14 and 15, Block 18. Johnston seconded the motion with Council approving unanimously.

Attorney Powell read the short title of the propose ordinance as follows:

'AN ORDINANCE AMENDING SECTION THREE (3) OF APPENDIX A TO THE CINCO BAYOU CODE, WHICH SECTION DISTRICTS WITHIN THE TOWN OF CINCO BAYOU AND INCLUDES AS A PART OF SUCH SECTION, THE 'OFFICIAL ZONING MAP OF THE TOWN OF CINCO BAYOU, FLORIDA''

It was agreed that the Second Reading would be at the next regular meeting to be held February 13, 1975 and that the Clerk would insure proper legal advertising would be accomplished.

5. REQUEST FOR BUILDING PERMIT FROM MR. LOWELL TAYLOR FOR LOT 9 BLOCK 6. The Clerk informed Council that he and Mr. Phil Johnston, Building Inspector, had checked the submitted plans and found the side yard set-back as shown on the plot plan did not meet the requirement of the Code. Clerk further stated he had been in contact by phone with Mr. Taylor and that he was willing to make necessary changes to comply with Code. Clerk indicated he would write a letter to Mr. Taylor indicating necessary changes.

6. BALANCE OF GREENE CONTRACT IN AMOUNT OF \$685.94. Johnston moved to approve the payment with a second by Balsley. Motion carried unanimously.

7. OPP BLVD WASH-OUT. Mayor Smith stated that the State and County people had been informed of the occurrence. Clerk indicated he had placed proper barricades (loaned from Safety Services) at the wash-out area and that these barricades had been stolen. He indicated two more barricades had been secured and placed. Clerk also posed the question if the Council wished to purchase or rent said signs. Mr. Johnston suggested that perhaps purchasing would be a wise idea; however, no decision was made, pending an inquiry into same by the Clerk.

8. AUDIT UP-DATE. Clerk reported that the Auditor had completed all of his field work and planned to return after he had done all of his tie-ins.

9. APPOINTMENT OF TWO MEMBERS TO WEST FLORIDA REGIONAL PLANNING COUNCIL. Mr. Johnston reported that the subject Council held six meetings per year with each County having a sub-council meeting once per month and various special meetings. There were no members of the Council who volunteered, subsequently, Mayor Smith directed that information be gathered and typed on the subject. This idea was reiterated by Mrs. Balsley.

10. Item struck from Agenda.

11. FINAL ESTIMATE ON SEWER ADDITION #2 (EAST SIDE EGLIN PKWY). Mayor Smith called upon Mr. Burt, Polyengineering to report. He stated that he estimated this figure (\$100,174.09) to be an accurate one, that an 8% (8,258.26) retainage was being held from Kenneth Crowder & Sons, Contractors, pending payment of all outstanding bills incurred by the Contractor as well as correction of a list of discrepancies and a signed affidavit reflecting these facts. Additionally, he stated that Polyengineering would probably recommend that another 4% be held for a thirty day period to insure that all debts and discrepancies had been taken care of.

12. REQUEST FOR PAYMENT FROM POLYENGINEERING - BALANCE ON SEWER ADDITION #2 - \$2,509.39. Booher moved that payment be made with second by Peek. Motion carried unanimously. Council commended Mr. Burt on a job well done.

13. NEW SEWER TREATMENT RATED WITH COUNTY - FROM \$6 to \$7 MONTHLY. New sewer rates were passed by the County on January 2, 1975 (Ord. 75-1). Clerk stated that he will be required to report all new units to Mr. Neal, Manager of the County Water and Sewer System, that are currently being installed (east side) and that 21 new hook-ups would be reported tomorrow bring the total to 61 units. (\$7 X 61 equals \$427. monthly payment to County)

14. SEWER TAP-ON - CHURCH'S CHICKEN - LETTER FROM PLUMBING INSP. Mr. J. P. Ward, County Plumbing Inspector was in attendance. Council read his letter of January 9, 1975 addressed to the Mayor setting forth the reasons he had turned down the sewer tap-on at Church's Chicken performed by Smith Plumbing. (Letter attached to Official Copy of Minutes as attachment 1)

Mr. Burt suggested to Council that Smith Plumbing be directed to place a plug in the line until Code requirements were met and Inspector had approved work.

He further stated, "STATE REGULATIONS REQUIRE THAT WHEN YOU HOOK TO THE SEWER, YOU WILL PUMP THE SEPTIC TANK, BREAK INTO THE COVER, AND FILL IT WITH DIRT."

Mayor Smith directed the Clerk to take care of the matter "FIRST THING IN THE MORNING." Clerk agreed to do so upon verbal request.

15. SEWER COMPLAINTS AND WRAP UP. Clerk informed Council that he was passing on any written complaints he received to Mr. Burt. Also, he had three requests for payments against Mr. Crowder.

16. STORAGE BUILDING COMPLETION - \$1,392.46. It was agreed that the Town would pay Portable Storage Buildings this amount. Clerk pointed out that the difference in this figure and the \$1,315.00 originally approved was for tying down the building and placing building on blocks. This was done to meet insurance specifications.

17. COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA)-FEDERAL FUNDS. Mr. Godwin volunteered to attend the County meeting to be held in Crestview, January 10, 1975. Mr. Johnston related to the Council that \$3,000,000,000 had been granted by the Federal Government for public service employment positions. (Note: County will administer this Fund - \$289,000)

18. REDOING OF SEWER AGREEMENT BETWEEN TOWN AND COUNTY. Clerk indicated he had been discussing this with Mr. Neal and they would work together in redoing certain sections of the agreement.

19. (ADDED) SEWER ADDITION #3. Mr. Burt also suggested that the Town consider Sewer addition #3 which would complete the sewer system for the Town. This primarily consists of Kelly Ave. Formulation of plans, advertising, etc., he explained, would require several months, therefore projecting a six-month date from now as start-up time. An estimate of \$45,000 was made six months ago by

1/24/75

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Polyengineering, which he pointed out may have changed by now. Mayor Smith suggested that the Council think about this project for the next regular meeting's discussion.

20. (ADDED) MANHOLE - GARNETT AVE - NEAR LOT 12, Block 11. It was suggested by Mr. Burt that any additional sewer tap-ons for Addition #2 be paid for by the individual, which would merely entail the expense of a few feet of pipe to tie into the manhole. Clerk understood that he was to inform the Plumber, Mr. Mikels, to come down the subjects property line, across the Town's right-of-way and tie-in to the manhole.
ADJOURNMENT. Meeting adjourned at 10:10 p.m.

Respectfully submitted as true and correct to best of my knowledge.

James O. Godwin Sr.
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Town Clerk

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Mayor Smith raised the question as to whether or not FFS&L had considered having a stop light erected at the intersection of Yacht Club Drive and Seaway Street to enhance better traffic flow. Mr. Brock said this had not been a consideration.

After due consideration on proper wording of the motion, Attorney Powell assisted Mr. Peek in wording the motion as follows:

To adopt the Ordinance subject to two (2) stipulations; FFS&L Association of Okaloosa County acquire all necessary State and County permits; and that the walkway footage be changed from ten (10) foot to nine (9) foot. Phil Johnston seconded the motion. Three "yea" votes, Peek, Johnston and Balsley; along with two "nay" votes from Booher and Powell. (Reason for "nay" votes was because each felt legal, administrative and advertising cost should be born by FFS&L.)

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17. COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA)-FEDERAL FUNDS. Mr. Godwin volunteered to attend the County meeting to be held in Crestview, January 10, 1975. Mr. Johnston related to the Council that \$3,000,000,000 had been granted by the Federal Government for public service employment positions. (Note: County will administer this Fund - \$289,000)

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Polyengineering, which he pointed out may have changed by now. Mayor Smith suggested that the Council think about this project for the next regular meeting's discussion.

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It was suggested by Mr. Burt that any additional sewer tap-ons for Addition #2 be paid for by the individual, which would merely entail the expense of a few feet of pipe to tie into the manhole. Clerk understood that he was to inform the Plumber, Mr. Mikels, to come down the subjects property line, across the Town's right-of-way and tie-in to the manhole.

ADJOURNMENT. Meeting adjourned at 10:10 p.m.

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Therefore, a quorum being present, Mayor Smith opened the meeting at 7:36 with silent prayer.

1. MINUTES, DECEMBER 12, 1974. Mayor Smith called for Mr. James O. Godwin, Town Clerk, to read the Minutes. Mr. Harold Peek made the motion to accept the Minutes as read, and Mrs. Iva Booher seconded the motion, which carried unanimously. *win*

2. PERMIT FOR SEWER TAP-ON - CHURCH'S CHICKEN. Mr. Ward represented the County Inspector's Office. It was decided at this time to deny said permit because Church's Chicken was "in strict violation of the County Code." Mr. Ward had requested yesterday that a certain portion not be covered; however, it was today found covered.

a. Mr. Miller Burt, Polyengineering, suggested to the Council that Smith Plumbing be directed to place a plug in the line until a septic tank could be properly installed. He said, "State regulations state that when you hook to the sewer, you will pump the septic tank, break into the cover, and fill it with dirt."

b. Mayor Smith directed Mr. Godwin to take care of the matter "first thing in the morning." Mr. Godwin agreed to do so upon verbal request.

3. ORDINANCE - FRANCHISE OF SEA WAY - FIRST FEDERAL SAVINGS & LOAN ASSOCIATION - FFS&L Association representatives, Messrs. Herb Tinsley and Brock Fisher, presented final drawings and plans for their Corporation building on Sea Way Street, including plans for a third floor. Mr. Godwin pointed out that the plot plan called for a nine (9) foot walkway rather than a ten (10) foot walkway. He also suggested that a fee in the amount of \$200 for advertising and legal expenses be paid to the Town of Cinco Bayou as FFS&L Association were getting the first 20 years franchise free and that, heretofore, it had been a custom that the requesting party incur this expense.

a. Mayor Smith raised the question as to whether or not FFS&L Association had considered having a stop light erected at the intersection of Yacht Club Drive and Sea Way Street to enhance better traffic flow. Mr. Brock said this had not been a consideration.

b. Mr. Harold Peek made the motion to adopt the Ordinance subject to Federal Savings & Loan Association obtaining DPC (environmental) approval at this specific time (because FFS&L Association had been promised a decision on this date and that to postpone a decision until the next Council meeting would be unfair to them since no mention of a \$200.00 advertising and legal fees had been made previously). Mr. Johnston seconded the motion. Mrs. Irene Balsley voted "yea". Mr. Iva Booher and Mr. Robert Powell voted "nay" (because they felt a \$200 fee should be imposed).

c. After due pro and con discussion between the Council Members, Town Attorney, Richard Powell reworded the motion to state that "Mr. Peek moved to adopt the Ordinance subject to two (2) stipulations:

1. That FFS&L Association of Okaloosa County acquire all necessary State and County permits.
2. That the walkway should be corrected to read a nine (9) foot walkway rather than a ten (10) foot walkway."

The motion carried by a three to two vote.

4. PETITION FOR REZONING TEN (10) LOTS ON WEST SIDE OF TROY STREET TO C-2. Mrs. Booher motioned to have the First Reading, and Mr. Johnston seconded. Town Attorney, Richard Powell recited the First Reading as follows:

PROPOSED ORDINANCE

"AN ORDINANCE AMENDING SECTION THREE (3) OF THE CINCO BAYOU CODE, WHICH SECTION DISTRICTS WITHIN THE TOWN OF CINCO BAYOU AND INCLUDES AS A PART OF SUCH SECTION, THE 'OFFICIAL ZONING MAP OF THE TOWN OF CINCO BAYOU, FLORIDA'"

a. The motion carried unanimously, and it was agreed that the Second Reading would be at the next Regular Meeting.

5. REQUEST FOR BUILDING PERMIT FROM MR. TAYLOR FOR LOT 9, BLOCK 6. Denied, reason being that proposed house was to be constructed too close to property line. Mayor Smith directed Mr. Godwin to inform Mr. Taylor that his application did not meet the set-back requirements and that he must re-submit his application.

6. BALANCE OF GREENE CONTRACT IN THE AMOUNT OF \$685.94. Mr. Johnston moved to approve the payment; Mrs. Balsley seconded; and the motion carried unanimously.

7. OPP BLVD. WASH-OUT (BARRICADES). Mayor Smith stated that the State and County people had not been informed of the occurrence. Mr. Godwin stated that he considered himself liable since he placed the signs (loaned from Safety Service) there and that since they had been stolen, he had replaced them with two (2) more from Safety Service and secured them with concrete. Mr. Godwin also posed the question as to whether the Town wished to purchase or rent said signs at an estimated cost of \$27.00 each. Mr. Johnston suggested that perhaps purchasing would be a wise idea; however, no decision was made, pending an inquiry into same by Mr. Godwin.

8. FINAL ESTIMATE ON SEWER ADDITION #2 (EAST SIDE OF EGLIN PARKWAY IN THE AMOUNT OF \$100,174.09). Mayor Smith called upon Mr. Burt, Polyengineering, to report; and he stated that he estimated this figure to be an accurate one, that an 8% (\$8,258.26) retainage was being held from Kenneth Crowder & Sons, Contractors, pending payment of all outstanding bills incurred by the Contractor and a signed Affidavit reflecting this fact being presented. Additionally, he stated that Polyengineering would probably recommend that another 4% be held for a thirty (30) day period to insure that all debts had been paid.

Extra It
a. Mr. Burt also suggested that the Town of Cinco Bayou consider Sewer Addition #3. Formulation of plans, advertising, etc., he explained, would require several months, therefore projecting a six-month date from now as start-up time. An estimate of \$45,000 was made six (6) months ago by Polyengineering, which he pointed out may have changed by now. Mayor Smith suggested that the Council think about this project for the next regular meeting's discussion.

b. Manhole at end of Estegren's property. It was also suggested by Mr. Burt that any additional sewer tap-ons for Addition #2 be paid for by the individual, which would merely entail the expense of a few feet of pipe to tie into the manhole. Mr. Godwin understood that he was to inform the plumber on subject Manhole to come across the Town's right-of-way, not Mr. Estegren's.

9. PAYMENT TO POLYENGINEERING - BALANCE ON SEWER ADDITION # 2 IN THE AMOUNT OF \$2,509.39. Mrs. Iva Booher made the motion to make payment, and Mr. Peek seconded the motion, which carried unanimously. The Council commended Mr. Burt on a job well done.

10. NEW SEWER RATES WITH COUNTY FROM \$6 to \$7 PER MONTH. New sewer rates were passed by the County on January 3, 1975. Mr. Godwin stated that he will be required to report all new

units to Mr. Neal, Head of the County Water and Sewer System and that 21 new units would be reported tomorrow for a total of 61 units (x \$7).

11. STORAGE BUILDING COMPLETION. It was agreed that the Town would pay \$1,392.46 for the storage building adjacent to the Town Hall. Mr. Godwin pointed out that the difference in this figure and the \$1,315.00 originally quoted was for tying down the building (concrete blocks, etc.), which was required in order to meet insurance specifications.

12. COMPREHENSIVE TRAINING FUND. Mr. Godwin volunteered to attend the Comprehensive Training Fund Meeting to be held in Crestview, January 10, 1975. Mr. Johnston related to the Council Members that \$3,000,000,000 had been granted by the Federal Government for public service employment positions.

13. REDOING THE SEWER TREATMENT AGREEMENT BETWEEN THE TOWN & COUNTY. Mr. Godwin reported that he had been in contact with Mr. Neal, Head of County Water & Sewer Department who suggested that we (Town of Cinco Bayou) "make any changes; i.e., what the County is responsible for relative to maintaining and servicing the facilities installed, etc."

14. AUDIT UP-DATE. Mr. Godwin reported that the Auditor had completed all of his field work and planned to return after he had done all his tie-ins.

15. WEST FLORIDA REGIONAL PLANNING COUNCIL - APPOINTMENT OF TWO (2) MEMBERS. Mr. Johnston reported that the subject Council held six (6) meetings per year and was comprised of representatives of Santa Rosa, Okaloosa, and Walton Counties. Each Town has a sub-council meeting once per month and various special meetings. There were no Members of the Town Council who volunteered; subsequently, Mayor Smith directed that information be gathered and typed on the subject. This idea was reiterated by Mrs. Balsley.

16. ADJOURNMENT. The motion to adjourn was made by Mayor Smith at 10:10 p.m. with Mrs. Balsley seconding the motion.

Respectfully submitted,

Patricia K. Miller (Mrs.)

Patricia K. Miller
Recorder