

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
JANUARY 9, 1990

Mayor Laginess called the Regular Council Meeting to order at 6:00 PM.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL Present: Mayor Laginess
Councilman Broxson
Councilwoman Buchanan
Councilwoman Dumka
Councilman Gage
Councilman Skelly

Also Present: Manager Borchik Attorney McInnis
Secretary Dole Michele Ford
Haskell Cartwright Jeff Prescott
George Killorin Keith Howard
Jack Dorman

PUBLIC HEARING - CINCO BAYOU COMPREHENSIVE PLAN 2000. There were no comments from the Councilmembers or the meeting attendees.

Resolution 90-2 - Transmittal Resolution - Councilman Skelly made a motion to adopt Resolution 90-2, a resolution authorizing the transmittal of the Town's Comprehensive Plan to the Florida Department of Community Affairs for compliance review. seconded by Councilwoman Dumka. The motion was approved unanimously on a roll call vote.

REGULAR BUSINESS

Consent Agenda - Councilman Gage made a motion to adopt all items on the Consent Agenda, specifically items 1 and 3, seconded by Councilwoman Buchanan. The motion was unanimously approved.

*1. Minutes - December 5 and December 12, 1989

2. Financial Report - December 1989 - Councilwoman Dumka made a motion to accept the Financial Report for December, 1989, seconded by Councilman Gage. The motion was unanimously approved.

*3. Martin Luther King, Jr. Day - Holiday

4. AMSEC Contract & Rate Increase - Councilman Skelly made a motion authorizing the Mayor to sign the contract with AMSEC for the period from February 1, 1990 - February 1, 1991 in the amount of \$1,095.00 per month pending the Town Attorney's review and at the Mayor's discretion, seconded by Councilwoman Buchanan. The motion was unanimously approved.

5. Proposed Laguna Landing Office Building - Mr. Keith Howard and Mr. George Killorin, both representing Howard Group, and Mr. Jeff Prescott, Architect for Howard Group, were present to request conceptual approval from the Town Council for the construction of a four story office building to be built on the waterfront at Laguna Landing. The four story building, approximately 24,216 square feet in area, would be built on the site previously identified for the Cuco's Restaurant building. Mr. Prescott made the presentation, showing the Council artist sketches of the proposed building and a revised plat indicating building placement and parking locations for the entire Laguna Landing project. Mr. Howard indicated that negotiations for the purchase of the surplus DOT right-of-way along Eglin Parkway were underway. Once the right-of-way is secured, sufficient parking area to satisfy the total project as planned would be available. Councilman Skelly expressed disapproval of the four story concept. Mr. Killorin asked for opinions from the other Councilmembers. Councilwoman Dumka, Councilman Gage, Councilwoman Buchanan and Councilman Broxson in turn stated their objections and disapproval of the proposed four story office building on the waterfront.

At this point, Councilman Skelly asked to be excused as he had another commitment. (7:30 PM)

6. Proposed Code Enforcement Ordinance - Attorney McInnis presented a brief summary of the proposed ordinance and asked the Council to review the ordinance at their convenience. The ordinance will be placed on the February agendas for public hearings and adoption.

7. Driveway Entrances, Andalusia Street - Mr. Cartwright indicated that an estimate of \$750.00 to \$1,000.00 was received from Quatre to repair the driveway entrance to the Kelley property on Andalusia Street. The estimate varied due to the bidder not knowing just how much of the old driveway entrance had to be removed. Councilman Gage made a motion to award the bid for the repair/replacing of the driveway to Quatre for an amount not to exceed \$1,000.00, seconded by Councilman Broxson. The motion was unanimously approved. The Town Engineer will meet with Quatre to insure the work will correct the problem! The Town Manager is to contact Mr. Howard Kelley regarding placing material to support the driveway before the contractor begins.

8. Panhandle League of Cities Membership - Councilwoman Dumka made a motion to continue membership in the Panhandle League of Cities, seconded by Councilwoman Buchanan. The motion was unanimously approved.

9. Town Hall Telephone System - Councilman Gage asked that this item be tabled until the next meeting to allow him to receive updated information on costs of equipment and services being offered by each bidder.

10. Town Hall Recording & Sound System - The Town Manager was asked to obtain more information for the Council's review.

11. Resolution 90-3 - Limiting of Unfunded State Mandates- Attorney McInnis read Resolution 90-3 by title only. Councilman Gage made a motion to approve Resolution 90-3, seconded by Councilwoman Dumka. The motion was approved unanimously.

12. Proclamation - Dear Neighbor Fund Drive - The Proclamation supporting the Dear Neighbor Fund Drive was read by the Attorney McInnis and signed by Mayor Laginess.

ATTORNEY'S REPORT - Attorney McInnis informed the Council that he had talked with Mr. Long, Investments Unlimited, concerning the equipment on the property adjacent to the metal building at 38 Kelly Avenue. Mr. Long stated that he had no knowledge of any equipment being left on the property and will make arrangements to have it removed.

COUNCILMEMBERS REPORTS/COMMENTS - None

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME - None

COMMITTEE REPORTS

- 1. Administrative Committee - No Report
- 2. Finance & Budget Committee - No Report
- 3. Comprehensive Plan Committee - No Report

CORRESPONDENCE - None

TOWN MANAGER'S REPORT - There were 46 recycling bins out today. It appears that the only people participating in the recycling program are those who have garbage and trash pick-up under the tag and bag system.

MAYOR'S ANNOUNCEMENTS - Reminded everyone that the Town picnic is next Tuesday, January 16, 1990, at 6:30 PM.

There being no further business, the meeting was adjourned at 7:49 PM.


MAYOR

ATTEST:


TOWN MANAGER/CLERK

NOTE: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part and is on file in the office of the Town Manager/Clerk.

AMERICAN SECURITY

AMSEC, INC.

P.O. BOX 1357 • FORT WALTON BEACH, FLORIDA 32549

Phone (904) 244-2415 or 243-8614

RECEIVED
1/5/90
ASB



ROBERT D. HOOK
PRESIDENT

January 1, 1990

Dear Client:

The purpose of this letter is to advise you of a rate increase for our services which is effective as of 1 January 1990. This increase is necessary in order to cover the recently announced significant increase in the State Workers Compensation Insurance as well as the increase in Social Security.

As you know, any rate increase we have had to pass on to our clients since 1977 has either been government mandated, such as raises in minimum wage, or insurance industry related such as increases on liability insurance (over \$25,000 from one policy year to the next). Today we are faced with the State mandated increase on Workers Compensation Insurance which has gone up by almost 37 percent. While the security industry's rate for this insurance is not the highest, we are among the highest by virtue of our being in the same rate category as police officers. I'm enclosing a copy of the announcement explaining the causes behind the action taken by our elected officials.

Because this is such a large increase, it is not possible for us to absorb the cost. We have made careful calculations to minimize your cost by applying the increase only to the guard wage and not as a percent of the overall rate charged.

To preclude any misunderstanding, we need to also make you aware of the increase we will all be faced with when the minimum wage law goes into effect. The April 1990 rate will include the mandated wage increase plus the corresponding percentages for Workers Compensation, Liability Insurance and Social Security.

We appreciate the opportunity to serve you and wish you a successful and prosperous 1990.

Sincerely,

Robert D. Hook
President

enclosure

15
TALKED W/HOOK ON
THIS INCREASE. OUR
CONTRACT SETS RATE
AT 1075.00/MO THRU
FEB 1. HE WILL
PROVIDE NEW CONTRACT
WITH RATE OF \$1095.-
EFFECTIVE FEB 1. ASB.

GUARD AND PATROL SERVICES

TOWN OF CINCO BAYOU
EXPENDITURES
1ST QTR FYE 1990
(OCT 89 THRU DEC 89)

<u>ACCT # - ITEM</u>	<u>FY 90 BUDGET</u>	<u>1ST QTR</u>	<u>%</u>
GENERAL GOVERNMENT SERVICE			
51312 Salaries & Wages	\$ 40,288.00	\$ 8,095.00	20
51323 Hospital Ins Tax	325.00	89.41	27
51324 Workman's Comp Ins	1,000.00	978.00	100
51325 Unemployment Comp	-	0	
51332 Acc't & Auditing	4,500.00	4,500.00	100
51431 Legal Counsel	6,000.00	560.94	9
51931 Professional Svs	3,400.00	864.00	25
51934 Other Contract Svs	440.00	200.00	45
51940 Travel & PerDiem	9,200.00	4,139.19	45
51941 Communication Svs	700.00	369.45	52
51942 Transportation	400.00	76.17	19
51943 Utility Svs (TH)	2,800.00	974.37	35
51945 Insurance	4,000.00	3,343.76	100
51946 Repairs & Maint (TH)	950.00	397.80	42
51949 Other Charges	1,750.00	1,213.82	70
51951 Office Supplies	800.00	129.51	16
51952 Operating Supplies	2,000.00	463.94	24
51954 Books, Pubs, Subscrpt	695.00	466.00	67
51964 Capital Outlay	-		
51982 Aid to Private Org	400.00	50.00	12%

<u>ACCT #</u>	<u>ITEM</u>	<u>FY 90 BUDGET</u>	<u>1ST QTR</u>	<u>%</u>
PUBLIC SAFETY				
52100	Law Enforcement	12,900.00	\$ 3,225.00	25
PHYSICAL ENVIRONMENT; GARBAGE, SOLID WASTE DISPOSAL				
53443	Solid Waste Recycling	4,017.00	603.90	15
TRANSPORTATION: ROADS, STREETS AND SIDEWALKS				
54112	Salaries & Wages	7,345.00	1,582.00	22
54131	Professional Services	1,600.00	302.00	19
54143	Utilities	5,150.00	1,140.00	22
54146	Repairs & Maintenance	2,250.00	35.77	2
54152	Operating Supplies	500.00	0	
54153	Materials & Supplies	1,500.00	0	
54163	Capital Improvements	10,000.00	0	
RECREATION AND CULTURE: PARKS				
57212	Salaries & Wages	2,938.00	791.00	27
57234	Contractual Services	3,600.00	900.00	25
57243	Utilities	900.00	292.89	33
57246	Repairs & Maintenance	500.00	25.85	5
57252	Operating Supplies	200.00	0	
57264	Capital Outlay	-0-	0	
57400	Special Events	500.00	567.18	
	<u>TOTALS</u>	\$ 133,548.00	36,510.49	27

H Suite 300
5398 Hwy 98 E
Destin, FL 32541
Phone 904 837-1886
FAX 904 837-3890

Howard Group

January 8, 1990

Mayor Charles R. Laginess
TOWN OF CINCO BAYOU
10 Yacht Club Drive (Cinco Bayou)
Fort Walton Beach, FL 32548-4436

RE: D.O.T. Surplus Property - Laguna Landing - Cinco Bayou

Dear Mayor Laginess:

In conversations earlier last week with Al Borchik, he has indicated some concern on behalf of the city of Cinco Bayou as to the acquisition of the D.O.T. surplus property that currently adjoins the Laguna Landing project.

Effective December of 1989, the Howard Group has acquired a 100% controlling interest in the Cuco's Restaurant pad site within the Laguna Landing project from Mr. Bob Altenbach, President of the Laguna Landing Partners, and in that acquisition, also has committed to acquire the D.O.T. surplus property to be used as additional parking for the entire project. I invite you to please speak with Betty Wilson with the Department of Transportation in Chipley, Florida at (904) 638-0250, as to the current status of the acquisition of the D.O.T. property.

The Howard Group is in the process of updating the title on the subject property and also completing the appraisals required by the Department of Transportation for the acquisition of the D.O.T. property and currently has the consent of the D.O.T. to acquire the surplus property.

Should you have any additional questions regarding this transaction, please don't hesitate to contact me.

Very truly yours,

KEITH HOWARD
President

KH:tmr

HH Suite 300
5398 Hwy 98 E
Destin, FL 32541
Phone 904 837-1886
FAX 904 837-3890

RECEIVED
1/8/90

Howard Group

January 8, 1990

Mayor Charles R. Laginess
TOWN OF CINCO BAYOU
10 Yacht Club Drive (Cinco Bayou)
Fort Walton Beach, FL 32548-4436

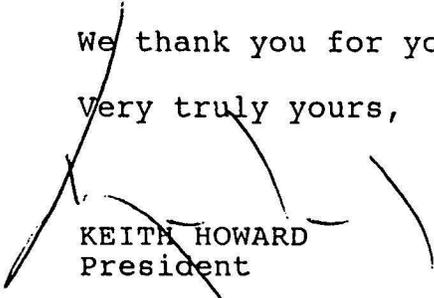
Dear Mayor Laginess:

Thank you for allowing us on the City Council meeting agenda January 9, 1990 for the purpose of a conceptual design review of our proposed office building project in Cinco Bayou.

The location of the office building will be on the old Cuco's Restaurant pad site. The proposed design and size of the building can be best described by referring you to the attached graphic drawing attached. The architect for the project will be Jeff Prescott and the contractor shall be Wyatt Brothers Contractors

We thank you for your indulgence.

Very truly yours,


KEITH HOWARD
President

KH:tmr

attachment/



© PRESCOTT ARCHITECTS

FRONT ELEVATION

PROPOSED OFFICE BUILDING • LAGUNA LANDING



PRESCOTT ARCHITECTS
100-17 40th ST. • SUITE 210
LAGUNA BEACH, CALIFORNIA 92653
TEL: 949.491.4222 FAX: 949.491.4223

ORDINANCE NO. 136

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA CREATING A CODE ENFORCEMENT BOARD; PROVIDING FOR INTENT; PROVIDING FOR ESTABLISHMENT; PROVIDING FOR ORGANIZATION; PROVIDING FOR JURISDICTION; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING FOR CONDUCT OF HEARING; PROVIDING FOR POWERS OF THE CODE ENFORCEMENT BOARD; PROVIDING FOR NOTICES; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for the enactment of this ordinance is Section 162.03(1), Florida Statutes.

SECTION 2. INTENT AND JURISDICTION. It is the intent of this ordinance to promote, protect, and improve the health, safety, and welfare of the citizens of the Town by authorizing the creation of an administrative board with authority to impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in the Town, where a pending or repeated violation continues to exist. Except as otherwise provided by law, the code enforcement board has jurisdiction over violations of any Town ordinance or Code.

SECTION 3. DEFINITIONS. The following words, terms and phrases when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Code Inspector. Means any authorized agent or employee of the Town whose duty includes ensuring compliance with the codes and ordinances of Cinco Bayou, Florida.

B. Repeat Violation. Means a violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within five (5) years prior to the violation.

SECTION 4. ESTABLISHMENT. There is hereby created a Code Enforcement Board.

SECTION 5. ORGANIZATION.

(a) The code enforcement board shall be composed of five (5) members appointed by the Town Council.

(b) Members of the code enforcement board shall be residents of the Town. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the code enforcement board. The membership of the code enforcement board shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor.

(c) The initial appointments to the code enforcement board shall be for the following terms:

1. One (1) member shall be appointed for a term of one (1) year.
2. Two (2) members shall be appointed for a term of two (2) years each.
3. Two (2) members shall be appointed for a term of three (3) years each.

Thereafter, any appointment shall be for a term of three (3) years.

(d) A member may be reappointed upon approval of the Town Council.

(e) An appointment to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the Chairman, the code enforcement board shall declare the member's office vacant, and the Town Council shall promptly fill such vacancy.

(f) The members shall serve in accordance with ordinances of the Town and may be suspended and removed for cause by a majority vote of the Town Council.

(g) The members of the code enforcement board shall elect a Chairman, who shall be a voting member, from among the members of the board. The presence of three (3) or more members shall constitute a quorum. Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the Town Council or as are otherwise provided by law.

(h) The Town Attorney shall either be council to the code enforcement board or shall represent the Town by presenting cases before the enforcement board, but in no case shall the Town Attorney serve in both capacities.

SECTION 6. ENFORCEMENT PROCEDURE.

(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes and ordinances; however, no member of the code enforcement board shall have the power to initiate such enforcement proceedings.

(b) Except as provided in Subsection (c), if a violation of the code is found, the code inspector shall first notify the alleged violator and give him a reasonable time within which to correct the violation. Should the violation continue beyond that time specified for correction, the code inspector shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 11 to the violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 11. If the violation is corrected and then reoccurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code enforcement board, even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(c) If a repeat violation is found, the code inspector shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 11. The case may be presented to the code enforcement board, even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state.

SECTION 7. CONDUCT OF HEARING.

(a) Upon request of the code inspector, or at such other times as may be necessary, the Chairman of the code enforcement board may call a hearing of the board; a hearing may also be called by written notice signed by at least two (2) members of the board. Minutes shall be kept of all hearings by the code enforcement board, and all hearings and proceedings shall be open to the public. The Town Council shall provide clerical and administrative personnel as may be reasonably required by the code enforcement board for the proper performance of its duties.

(b) Each case before the code enforcement board shall be presented by the Town Attorney or by a member of the administrative staff of the Town Council.

(c) The code enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under

oath and shall be recorded. The enforcement board shall take testimony from the code inspector and from such other witnesses as may be called by the respective parties. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) Irrelevant, immaterial and unduly repetitive evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable prudent individuals in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida.

(e) Any member of the board, or the attorney representing the board, may inquire of any witness before the board. The alleged violator, or his attorney, and the person presenting the case for the Town shall be permitted to inquire of any witness before the board and shall be permitted to present brief opening and closing statements.

(f) At the hearing, the burden of proof shall be upon the person presenting the case for the Town to show, by a preponderance of the evidence, that a violation exists.

(g) At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an Order affording the proper relief consistent with powers granted to the board by the Florida Statutes, and by this article. The findings shall be by motion approved by majority of those members present and voting; provided, however, that at least three (3) members of the board must vote in order for the action to be official. The order shall be recited orally at the hearing and shall be reduced to writing and mailed to the alleged violator within ten (10) days after the hearing. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by such date. A certified copy of such order may be recorded in the public records of the County and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator, and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

SECTION 8. POWERS OF CODE ENFORCEMENT BOARD. The code enforcement board shall have the following enumerated powers:

- (a) Adopt rules for the conduct of its hearings.
- (b) Subpoena alleged violators and witnesses to its hearings, which subpoenas shall be served by the Okaloosa County Sheriff's

Department.

- (c) Subpoena evidence to its hearings.
- (d) Take testimony under oath.
- (e) Issue orders having the force of law, commanding whatever steps are necessary to bring a violation into compliance.
- (f) Establish and levy fines, pursuant to the provisions of s.9 herein.

SECTION 9. POWERS OF CODE INSPECTOR. The code inspector shall have all authority and powers granted by this ordinance and by state law, or authorized to be granted by state law.

SECTION 10. ADMINISTRATIVE FINES; LIENS.

(a) The code enforcement board, upon notification by sworn affidavit of the code inspector that an order of the code enforcement board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of a violation or a repeat violation has been made as provided in this ordinance, a hearing shall not be necessary for the issuance of the order imposing the fine.

(b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. In determining the amount of the fine, if any, the code enforcement board shall consider the following factors;

- (i) The gravity of the violation;
- (ii) Any actions taken by the violator to correct the violation; and
- (iii) Any previous violations committed by the violator.

The code enforcement board may reduce a fine imposed pursuant to this section.

(c) A certified copy of an order imposing a fine may be recorded in the public records of Okaloosa County, Florida and thereafter shall constitute a lien against the land upon which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the Circuit Court, such order may be enforced in the same manner as a court judgment, by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed otherwise to be a court judgment, except for enforcement purposes. A fine imposed pursuant to this ordinance shall continue to accrue until the

violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three (3) months from the filing of any such lien which remains unpaid, the enforcement board may authorize the Town Attorney to foreclose on the lien. No lien created pursuant to the provisions of this ordinance may be foreclosed on real property which is a homestead under Fla.Const.Art.X, Section 4.

SECTION 11. DURATION OF LIEN. No lien provided under the provisions of this ordinance shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration, without notice, unless a notice of lis pendens is recorded.

SECTION 12. NOTICES.

(a) All notices required by this ordinance shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the Sheriff, code inspector, or other person designated by the Town Council; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice.

(b) In addition to providing notice as set forth in subsection (a), at the option of the code enforcement board, notice may also be served by publication or posting as follows:

(i) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Okaloosa County, Florida. The newspaper shall meet such requirements as are prescribed under F.S.ch 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S.ss.50.041 and 50.051.

(ii) If there is no newspaper of general circulation in the County, three (3) copies of such notice shall be posted for at least twenty-eight days in the three (3) different and conspicuous places in the County, one of which shall be at the front door of the County Courthouse Annex in Shalimar, Florida. Proof of posting shall be by affidavit of the person posting the

notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(iii) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under Subsection (a).

(c) Evidence that an attempt has been made to hand deliver or mail notice as provided in Subsection (a), together with proof of publication or posting as provided in Subsection (b), shall be sufficient to show that the notice requirements of this ordinance have been met, without regard to whether or not the alleged violator actually received such notice.

SECTION 13. APPEALS. An aggrieved party, including the Town Council, may appeal a final administrative order of the code enforcement board to the circuit court of the first judicial circuit in and for Okaloosa County, Florida. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the code enforcement board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

SECTION 14. ORDINANCE SUPPLEMENTAL. It is the legislative intent of this ordinance to provide an additional or supplemental means of obtaining compliance with codes. Nothing contained in this ordinance shall prohibit the Town Council from enforcing its codes by any other means.

SECTION 15. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 16. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the Town Council and signature of the Mayor.

ADOPTED this _____ day of _____, 1990.

BY: _____
Charles R. Laginess
MAYOR

ATTEST:

Albert S. Borchik, Jr.
Town Manager/Clerk

(Cinco/Ord-136)

RESOLUTION NO. 90-3

A RESOLUTION OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA, URGING FLORIDA CITIZENS TO SUPPORT THE CONSTITUTIONAL AMENDMENT NO.3 ON THE NOVEMBER 1990 BALLOT LIMITING UNFUNDED STATE MANDATES ON CITIES AND COUNTIES.

WHEREAS, since 1981, the Florida Legislature has placed 288 unfunded mandates upon cities and counties in Florida with over 86 percent having an undetermined fiscal impact on cities and counties; and

WHEREAS, "unfunded mandates" are governmental actions required of cities and counties by state law without adequate funding resources; and

WHEREAS, cities and counties are continuously forced to adjust local service priorities, and raise local taxes and user fees to pay for such unfunded state mandated programs; and

WHEREAS, cities and counties are forced to pass these increased costs for delivery of state-mandated programs to the citizens; and

WHEREAS, the Florida Constitution preempts all taxing sources to the state (except ad valorem property taxes) it becomes irresponsible for state government to require and mandate programs to other governments without sharing the fiscal responsibility and political consequences of their actions; and

WHEREAS, there can be no certainty and predictability in the growth planning process if the state can continue to mandate new and expensive programs without regard to adequate funding; and

WHEREAS, the priorities and programs of local citizens of cities and counties have often been curtailed when limited local funds have to be diverted to pay for a state mandated program; and

WHEREAS, the state constitution "preempts" all taxing powers to the state (other than local property taxes) and the state has been unwilling to allow sufficient local discretionary taxing powers directly to municipalities and has refused to adjust unfair and antiquated formula allocations of revenue-sharing programs; and

WHEREAS, unfunded mandates are not fair to the local property owner or the locally elected official who is trying to address local priorities and problems with a limited amount of financial resources; and

WHEREAS, during the 1988 Legislative Session nearly 100 members of the Legislature cosigned or supported a proposed constitutional amendment to limit the Legislature's ability to mandate programs and costs to city and county governments; and

WHEREAS, during the 1989 Legislative Session a proposed amendment to the constitution was passed to give Florida citizens an opportunity to vote in 1990 on a proposal that would limit unfunded state legislative mandates on cities and counties.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA:

That the Town Council of the Town of Cinco Bayou, Okaloosa County, Florida, calls upon all citizens of the Town to become aware of the seriousness of unfunded mandates and to be prepared to support the amendment to the Florida state constitution on the matter that will appear on the ballot in the November 1990 election.

Adopted this 9th day of January, 1990
Approved:

Mayor

ATTEST:

Town Manager/Clerk

RECEIVED
1/2/90

MS

RESOLUTION NO. 862

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, DADE COUNTY, FLORIDA, URGING FLORIDA CITIZENS TO SUPPORT THE CONSTITUTIONAL AMENDMENT #3 ON THE NOVEMBER 1990 BALLOT LIMITING UNFUNDED STATE MANDATES ON CITIES AND COUNTIES.

WHEREAS, since 1981, the Florida Legislature has placed 288 unfunded mandates upon cities and counties in Florida with over 86 percent having an undetermined fiscal impact on cities and counties; and

WHEREAS, "unfunded mandates" are governmental actions required of cities and counties by state law without adequate funding resources; and

WHEREAS, cities and counties are continuously forced to adjust local service priorities, and raise local taxes and user fees to pay for such unfunded state mandated programs; and

WHEREAS, cities and counties are forced to pass these increased costs for delivery of state-mandated programs to the citizens; and

WHEREAS, the Florida Constitution preempts all taxing sources to the state (except ad valorem property taxes) it becomes irresponsible for state government to require and mandate programs to other governments without sharing the fiscal responsibility and political consequences of their actions; and

WHEREAS, there can be no certainty and predictability in the growth planning process if the state can continue to mandate new and expensive programs without regard to adequate funding; and

WHEREAS, the priorities and programs of local citizens of cities and counties have often been curtailed when limited local funds have to be diverted to pay for a state mandated program; and

WHEREAS, the state constitution "preempts" all taxing powers to the state (other than local property taxes) and the state has been unwilling to allow sufficient local discretionary taxing powers directly to municipalities and has refused to adjust unfair and antiquated formula allocations of revenue-sharing programs; and

WHEREAS, unfunded mandates are not fair to the local property owner or the locally elected official who is trying to address local priorities and problems with a limited amount of financial resources; and

WHEREAS, during the 1988 Legislative Session nearly 100 members of the Legislature cosigned or supported a proposed constitutional amendment to limit the Legislature's ability to mandate programs and costs to city and county governments; and

WHEREAS, during the 1989 Legislative Session a proposed amendment to the constitution was passed to give Florida citizens an opportunity to vote in 1990 on a proposal that would limit unfunded state legislative mandates on cities and counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, DADE COUNTY, FLORIDA:

SECTION 1. That the Mayor and City Council of the City of Hialeah Gardens, Dade County, Florida, call upon all citizens of

the state to become aware of the seriousness of unfunded mandates and to be prepared to support the amendment to the Florida state constitution on the matter that will appear on the ballot in the November 1990 election.

SECTION 2. That a copy of this resolution be sent to every city council and county commission in Florida and each body is requested to adopt similar resolutions and positions so their views may be available to every citizen in Florida.

PASSED AND ADOPTED unanimously by the Mayor and City Council of the City of Hialeah Gardens, Dade County, Florida, at a regular City Council Meeting in the 14th day of November, 1989.


CHAIRMAN OF THE COUNCIL


MAYOR OF HIALEAH GARDENS

ATTEST:


CITY CLERK

VOTE OF THE COUNCIL:

Bruce Nordhagen	<u>yes</u>
William Kemp, Jr.	<u>yes</u>
Elsie Dierksmeier	<u>yes</u>
Pedro Mayea	<u>yes</u>
Miguel Haddad	<u>yes</u>

APPROVED AS TO FORM AND SUFFICIENCY:


LUCIANO ISLA, ESQ., CITY ATTORNEY

PROCLAMATION

WHEREAS, The March of Dimes was founded 51 years ago by President Franklin D. Roosevelt with revenues devoted to the fight against polio and once polio was conquered, the focus shifted to the fight against birth defects; and

WHEREAS, the March of Dimes is centering its efforts in helping the 250,000 children born annually "too small, too soon", i.e., low birthweight babies weighing less than 5 1/2 pounds; and

WHEREAS, The March of Dimes will be having its annual "Dear Neighbor" fund raising campaign, previously called the "Mothers March", on a national and local level during the week of January, 19, 1990; and

NOW THEREFORE, I, Charles R. Laginess, by virtue of the authority vested in me as Mayor of the Town of Cinco Bayou, Florida, do hereby proclaim the week of January 19, 1990 as

MARCH OF DIMES DEAR NEIGHBOR WEEK

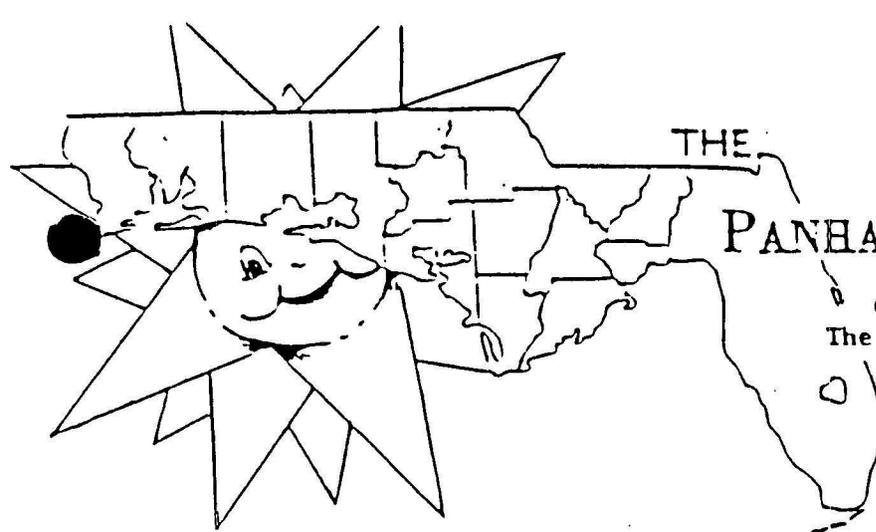
in the Town of Cinco Bayou, Florida, and urge all citizens to give their full support to the March of Dimes Dear Neighbor fund raising campaign and encourage members of the community to seek prenatal information and health care.

Proclaimed this 9th day of January, 1990.

Mayor

ATTEST:

Town Manager/Clerk



PANHANDLE LEAGUE OF CITIES

c/o The University of West Florida
The Center for State and Local Government
11000 University Parkway
Pensacola, Florida 32514-5751
Larry Walker, League Coordinator
904-474-2370

INVOICE

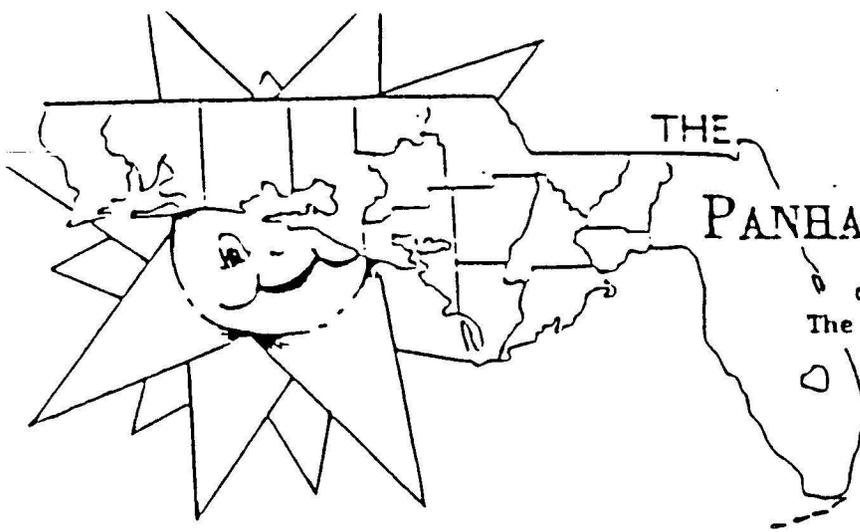
For 1990 membership in the Panhandle League of Cities,
please submit payment of annual membership dues in the amount of
\$60.

Make check payable to Panhandle League of Cities and mail to
the following:

Dr. Larry Walker, League Coordinator
The Whitman Center
The University of West Florida
Pensacola, FL 32514-5751

President	Vice-President	Vice President	Treasurer	Past President
John V. Lawson DeFuniak Springs	Brenda Pollak Gulf Breeze	Dan Sewell Lynn Haven	Roy Kingsmill Callaway	Bob Barnard Panama City

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THE PANHANDLE LEAGUE OF CITIES

c/o The University of West Florida
The Center for State and Local Government
11000 University Parkway
Pensacola, Florida 32514-5751
Larry Walker, League Coordinator

December 20, 1989

Dear City Official:

Enclosed is an invoice for renewal of your city's membership in the Panhandle League of Cities. Annual dues in 1990 are set at \$60, as they were in 1989. The Panhandle League of Cities needs your city's continued support through membership and active participation.

The League's primary activity is an organized lobbying program during the annual legislative session. The Panhandle League will have a team of municipal officials present in Tallahassee each week throughout the 1990 legislative session. Housing accommodations will be arranged and paid for by the League, and meals and auto mileage will be reimbursed by the League.

The Panhandle League will continue to offer other services to its members, their elected officials, and their administrative leaders. It will organize education programs and social occasions, and it will represent Panhandle-area interests in the activities of the Florida League of Cities.

Your city will benefit by being a member of the Panhandle League in 1990; more importantly, by contributing to the strength of the League, your city will benefit the cause of better local government throughout the Panhandle and the state.

To establish 1990 membership, return the enclosed invoice with payment of \$60, made payable to the Panhandle League of Cities. If more information is desired, please contact me.

Sincerely,

Larry Walker smk
Larry Walker
League Coordinator

LW/smk

President John V. Lawson DeFuniak Springs	Vice-President Brenda Pollak Gulf Breeze	Vice President Dan Sewell Lynn Haven	Treasurer Roy Kingsmill Callaway	Past President Bob Barnard Panama City
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