

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
February 16, 1978

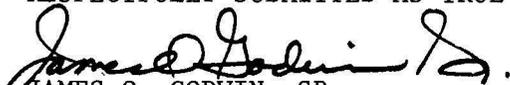
Town officials in attendance: Mayor Jim Kendrick, Council members Irene Balsley, Phil Johnston, Harold Peek, Ralph Perry, and Max Usrey; Attorney Rick Powell and Recorder Dee Rouse.

Also present were: Bernard J. Prunier, Vic Monteleone, and Jim Grimsley representing Dump-All, Inc.; Harold Hudson representing Sanitation Service; John Teelan representing WFTW; Peggy Roberts representing Playground Daily News; Mr. & Mrs. Allen Davis, Adelia Robblee, Abbie Tyner, and Ruth Usrey.

Therefore, a quorum being present, Mayor Kendrick opened the meeting with a silent prayer at 7:03 p.m.

1. MINUTES-REGULAR COUNCIL MEETING-JANUARY 19, 1978. Motion by Mr. Peek to accept as printed, seconded by Mrs. Balsley. Motion carried unanimously.
2. FINANCIAL STATEMENT-JANUARY 1978. Motion by Mrs. Balsley to approve as presented, seconded by Mr. Perry. Motion carried unanimously.
3. PUBLIC OFFICIAL'S BOND. Motion by Mr. Peek to accept bond for the amount of \$25,000 for \$200 on Town Clerk, seconded by Mr. Usrey. Motion carried unanimously.
4. GARBAGE FRANCHISE. After lengthy discussion on the various points of the franchise, Mayor Kendrick announced a Special Council Meeting for Tuesday, February 28, 1978, at which time the Resolution on the franchise would be considered for adoption.
5. UP-DATE LAWSUIT-CINCO BAYOU vs PRYOR. Motion by Mr. Peek that the Town of Cinco Bayou waive any claims to monetary damages against Osborne Pryor in the pending lawsuit, other than for recovery of court cost that are legally taxable to Osborne Pryor, seconded by Mr. Usrey. Motion carried unanimously. After discussion, Attorney indicated Mr. Pryor filed a record in Crestview attempting to revoke the dedication to parks. Motion by Mr. Peek to have Attorney write Pryor's Attorney requesting that they voluntarily cancel the document of record concerning the city parks, seconded by Mr. Usrey. Motion carried unanimously.
6. COASTAL ZONE MANAGEMENT PLAN. Mr. Johnston moved that a letter be written to our Representatives and the Governor indicating our disagreement with the Plan, seconded by Mrs. Balsley. Motion carried unanimously.
7. APPOINTMENT OF MR. PERRY-COUNCILMAN FOR STREETS. Mayor Kendrick appointed Mr. Perry to be in charge of Streets and Transportation.
8. APPOINTMENT OF MAYOR PRO-TEM. Mayor Kendrick appointed Mr. Johnston as Mayor Pro-tem for the coming year.
9. ADJOURNMENT. Meeting adjourned at 7:51 p.m.

RESPECTFULLY SUBMITTED AS TRUE AND CORRECT TO BEST OF MY ACKNOWLEDGE.


JAMES O. GODWIN, SR.
Town Manager/Clerk

ATTACHMENTS TO RECORD SET OF MINUTES.

1. Financial Statement.
2. Ltrs sent to Governor Askew and Rep. Melvin and Ward.
3. Newspaper Clippings-PGDN.

TOWN OF CINCO BAYOU - JOURNAL OF CHECKS WRITTEN - DEPOSITS MADE

January 1978

Check Number	To Whom	Purpose	Date	Amount Of Check	Bank Bal Fwd And Deposits	ACCOUNTING CODES
1		Bal Fwd	1	--	9795.97	
2	26 51 J.O. Godwin, Sr.	2Wks-12/20-1/2	3	360.00		427
3	52 D. Rouse	2Wks-12/20-1/2	3	214.60		427
4	53 Paul Coates	Install Door	5	25.00		403
5	54 CENTEL	U/F Taxes-Third	9	300.00		428
6		Payment				
7	55 Broxson Mov&Storage	Annual Storage	9	100.00		418
8		of Xmas Decor				
9	56 Madaris Off Supp	Supplies	9	2.89		414
10	57 Oka W&S Sys	Sewer Trmt-Dec	9	1092.00		405-15
11	58 Oka W&S Sys	Clean L/Sta	9	57.42		403
12	59 Stone's Gulf	Gas - Truck	9	8.05		403
13	60 Estergren, FA&P	Ret - Dec	9	100.00		401-01
14	61 Salamander Sec Sys	Patrol Svs-Jan	9	400.00		401-08
15	62 Boyett's	12/26 - 2/1/78	9	36.00		401-11
16	-- --	SeeDep 77/78-09	10	--	1858.00	
17	63 Estergren, FA&P	Osborne Suit	11	131.00		401-02
18	64 Joseph Wilkins	Install&Removal	11	285.42		418
19		of Xmas Decor				
20	65 Joseph Wilkins	Traf Light Rprs	11	40.50		413
21	66 CENTEL	Town Hall	11	70.45		405-01
22	67 City of FWB	Water-Town Hall	11	6.53		405-03
23	68 City of FWB	Water-Seaway	11	6.53		405-04
24	69 City of FWB	Water-Laguna	11	6.53		405-04
25	70 City of FWB	Water-Francis	11	6.53		405-05
26	71 City of FWB	Fire Protection	11	22111.87		426
27		Oct/77 - Sep/78				
28	CM Checking Acct	Frm Sav Acct	11	--	17000.00	
29	72 Atlas Ext	Svs - Jan	13	7.00		401-10
30	73 A. Davis	2Wks-1/3-1/16	18	25.65		427
31	74 D. Rouse	2Wks-1/3-1/16	18	214.60		427
32	75 J.O. Godwin, Sr.	2Wks-1/3-1/16	18	360.00		427
33	76 Gulf Power Co.	Xmas Lights	19	14.19		405-09
34	77 Humane Society	Calls-Nov & Dec	19	48.00		401-09
35	78 Value Oil Co.	Gas - Dec	19	8.00		403
36	79 Playground News	Ad-Variance For	19	4.15		401-03
37		Cinco Church				
38	-- --	SeeDep 77/78-10	20	--	8864.41	
39	80 Barnett Bank	P/R Dep - Dec	23	314.80		702
40	81 Gulf Power Co.	Town Hall	23	65.82		405-07

COLUMN - WRITE @

January 1978

COLUMN WRITE

Check Number	To Whom	Purpose	Date	Amount Of Check	Bank Bal Fwd And Deposits	ACCOUNTING CODES
1 26 82	Gulf Power Co.	Traffic Lights	23	26.30		405-08
2 83	Gulf Power Co.	Pump - Laguna	23	4.46		405-11
3 84	Gulf Power Co.	Pump - Leyenda	23	11.68		405-12
4 85	Gulf Power Co.	L/S - Kelly	23	7.63		405-10
5 86	CENTEL	L/Stations	23	24.15		405-02
6 87	Estergren, FA&P	Pryor's Lawsuit	23	416.43		401-02
7 88	City of FWB	LOC Dinner	23	35.95		412
8 89	G.A. Peaden & Sons	Photo Town Map	23	37.05		414
9 90	Gulf Power Co.	L/S - Laguna	23	21.97		405-10
10 91	Gulf Power Co.	Street Lights	23	276.96		405-09
11 --	--	See Dep 77/78-11	25	--	20036.72	---
12 92	City of FWB	Pot Hole Patching	27	170.58		404
13 93	Oka Gas	Town Hall	27	36.23		405-13
14 --	Frm Ck Acct	See DM to Sav Acct	27	--	-13447.95**	---
15 DM	Frm Ck Acct	CD's	27	--	-12000.00***	---
16 94	J.O. Godwin, Sr.	2Wks-1/17-1/30	31	360.00		427
17 95	D. Rouse	2Wks-1/17-1/30	31	214.60		427
18 --	--	See Dep 77/78-12	31	--	10328.26	---
19	Total (Cks Wr)			28067.52	41087.39	(Income for Jan)
20	*TRF Frm Sav to Ck Acct				17000.00	
21	Total Deposits				58087.39	
22	Bal Fwd 1 Jan 78				9795.97	
23	Total Funds Available				67883.36	
24	**TRF Frm Ck to Sav Acct				-13447.95	
25	***TRF Frm Ck to Cert of Dep				-12000.00	
26	Checks Written				-28067.52	
27	Cash O/H In Bank			31	14367.89	
28	Petty Cash Fund			31	4.28	
29	Cash In Bank & P/C			31	14372.17	
30	***Cert of Dep Plus * Added			31	95000.00	
31	Sav Acct 1 Jan 78			21552.05		
32	*TRF to Checking			-17000.00		
33	**TRF Frm Ck to Sav Acct			13447.95		
34	TOTAL SAVINGS			31	18000.00	
35	TOTAL FUNDS AVAILABLE			31	127372.17	
36	TRUE AND CORRECT TO BEST OF MY ACKNOWLEDGE.					
37						
38	JAMES O. GODWIN, SR.					
39	Town Manager/Clerk					

TOWN OF CINCO BAYOU

KELLY AVE.

P.O. DRAWER 1710 - CINCO BAYOU
FORT WALTON BEACH, FLORIDA 32548
904-244-2712 244-2012

February 20, 1978

Mayor:
JIM KENDRICK, III

Mayor Pro-Tem:
IRENE BALSLEY

Council Members:
PHIL JOHNSTON
WILL OVERSTREET
HAROLD PEEK
MAX USREY

Town Manager/Clerk:
JAMES O. GODWIN, SR.

Town Attorney:
RICK POWELL

Governor Reubin Askew
The Capitol
Tallahassee, Florida 32304

Dear Governor Askew:

The Town Council has asked that I convey to you our thoughts concerning the proposed legislation pertaining to the Florida Coastal Zone Management Program.

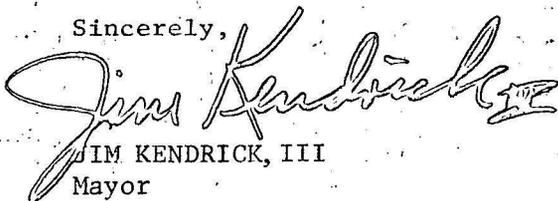
The workshop draft of the Program and a letter, dated January 25, 1978, sent to you by the Pensacola Chamber of Commerce have been reviewed. We endorse totally the letter from the Chamber, a copy of which is attached.

A large amount of Okaloosa County, under the current draft, is designated on the map as a "Vital" area. As defined in the draft, no development of any kind would be allowed in a "Vital" area.

We urge that this Program, in it's current draft, not be passed.

Recognizing a Management Program is necessary and that our area needs to be allowed to continue to grow and prosper, we urge you to sponsor legislation for a realistic Program which does not stop all development.

Sincerely,


JIM KENDRICK, III
Mayor

JK/idr

TOWN OF CINCO BAYOU

KELLY AVE.

P.O. DRAWER 1710 - CINCO BAYOU
FORT WALTON BEACH, FLORIDA 32548
904-244-2712 244-2012

February 20, 1978

Mayor:
JIM KENDRICK, III

Mayor Pro-Tem:
IRENE BALSLEY

Council Members:
PHIL JOHNSTON
WILL OVERSTREET
HAROLD PEEK
MAX USREY

Town Manager/Clerk:
JAMES O. GODWIN, SR.

Town Attorney:
RICK POWELL

Representative Jerry Melvin
P. O. Drawer 1366
Fort Walton Beach, Florida 32548

Dear Representative Melyin:

The Town Council has asked that I convey to you our thoughts concerning the proposed legislation pertaining to the Florida Coastal Zone Management Program.

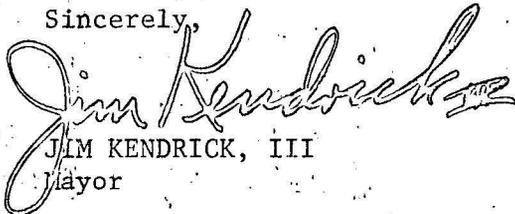
The workshop draft of the Program and a letter, dated January 25, 1978, sent to Governor Askew by the Pensacola Chamber of Commerce have been reviewed. We endorse totally the letter from the Chamber, a copy of which is attached.

A large amount of Okaloosa County, under the current draft, is designated on the map as a "Vital" area. As defined in the draft, no development of any kind would be allowed in a "Vital" area.

We urge that this Program, in it's current draft, not be passed.

Recognizing a Management Program is necessary and that our area needs to be allowed to continue to grow and prosper, we urge you to sponsor legislation for a realistic Program which does not stop all development.

Sincerely,



JIM KENDRICK, III
Mayor

JK/idr

TOWN OF CINCO BAYOU

KELLY AVE.

P.O. DRAWER 1710 - CINCO BAYOU
FORT WALTON BEACH, FLORIDA 32548
904-244-2712 244-2012

February 20, 1978

Mayor:
JIM KENDRICK, III

Mayor Pro-Tem:
IRENE BALSLEY

Council Members:
PHIL JOHNSTON
WILL OVERSTREET
HAROLD PEEK
MAX USREY

Town Manager/Clerk:
JAMES O. GODWIN, SR.

Town Attorney:
RICK POWELL

Representative James Ward
350 N. Eglin Parkway
Fort Walton Beach, Florida 32548

Dear Representative Ward:

The Town Council has asked that I convey to you our thoughts concerning the proposed legislation pertaining to the Florida Coastal Zone Management Program.

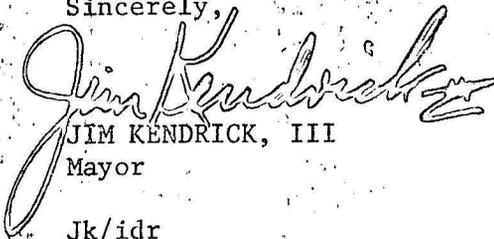
The workshop draft of the Program and a letter, dated January 25, 1978, sent to Governor Askew by the Pensacola Chamber of Commerce have been reviewed. We endorse totally the letter from the Chamber, a copy of which is attached.

A large amount of Okaloosa County, under the current draft, is designated on the map as a "Vital" area. As defined in the draft, no development of any kind would be allowed in a "Vital" area.

We urge that this Program, in it's current draft, not be passed.

Recognizing a Management Program is necessary and that our area needs to be allowed to continue to grow and prosper, we urge you to sponsor legislation for a realistic Program which does not stop all development.

Sincerely,



JIM KENDRICK, III
Mayor

Jk/idr

Pryor Asked To Withdraw Park Claim

By PEGGY ROBERTS

Daily News Staff Writer

Cinco Bayou officials Wednesday decided to formally request the withdrawal of a document with which Osborne Pryor had tried to revoke the dedication of Glenwood Park to the town.

The document, called "withdrawal-of-dedication" was filed by Pryor Jan. 23. Pryor claimed the town had never accepted the swampy-eight acre park, and since it belonged to him he was withdrawing a previous dedication of it.

Town attorney Richard Powell was authorized to notify Pryor's attorneys and recommend that they withdraw the document.

Pryor recently lost a court fight with the town over riparian rights adjacent to Francis Park.

Council members also agreed to waive any monetary damages sustained to the town by Pryor's claims and legal matters surrounding them.

In a separate matter, the council decid-

CCCC

ed to call a special meeting for Feb. 21. The meeting will concern the contracts of the controversial garbage franchises connected with the town. Contracts, resolutions and agreements will be finalized at the meeting.

In other council business:

• A letter will be written by the town clerk to the governor and legislators, in-

forming them that Cinco Bayou will oppose the Coastal Zone Management Plan. Legislators in Tallahassee are taking action to delay plans for the state's CZM rezoning.

• Councilman Ralph Perry was appointed as councilman for streets.

• Council member Phil Johnson was appointed mayor pro-tem for the coming year.

Cinco Studies Plans for New Garbage Service

BY PEGGY ROBERTS

Daily News Staff Writer

Cinco Bayou officials discussed Thursday night a proposed contract for a new garbage collection system in the town.

The discussion surfaced on rates, negotiations, and pick-up procedures presented by Ray Hudson of Sanitation Services.

Cinco residents would only pay \$5 per month. The fee would include any number of wastebans at each residence, and each bag would have to be wrapped in an acceptable container.

In the existing contract, J.M. Fields is excluded from the service, but under the proposal, Sanitation Services may approach Fields with a new contract when the existing one expires.

Hudson stressed the importance of an "exclusive" contract. It would eliminate the hassle of outside franchises taking over, he said.

Under the proposal, Sanitation Services would be required to send the council a financial report each month.

A final decision will be made at the Feb. 16 meeting.

In another business, town attorney Rick Powell told the council that Cinco Bayou is entitled to benefit from monetary clamages sustained by the town as a result of Osborne Pryor's claims.

The town was awarded a permanent junction barring Pryor from interfering with Frances Park, the riparian rights and private properties at a hearing last week.

Powell had previously approached the State Department of Natural Resources and asked if they would enter the law suit over the riparian rights to the Bayou. They refused.

Meanwhile, Powell said he had received a telephone call from the DNR asking that he amend the town's complaint and issue the department for not be coming involved in the law suit. Powell declined. He said that he advised DNR that the town felt strong enough to take care of the situation.

"If the party (Pryor) chooses to continue fighting--it's going to turn out to be a knock-down-drag-out brawl," Mayor Jim Kendrick said.

Other council business:

A presentation was given by the West Florida Planning Council with an update on the proposed 208 program. The program concerns the regulation of clean water systems.

Discussed a presentation by the West Florida Planning Council on transportation for the elderly and the handicapped. Recommendations will be made at the Feb. 16 meeting.