

TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING  
February 17, 1977

1. MINUTES-REGULAR COUNCIL MEETING-JANUARY 20, 1977.
2. FINANCIAL STATEMENT - JANUARY 1977.
3. SNUG HARBOR YACHT CLUB - LOT 1 & 2, BLOCK 2 - MR. J. T. CULLEY.
4. EMPLOYEES RAISES - (PEEK/JOHNSTON).
5. PERSONNEL POLICY #1 - PERTAINING TO ANNUAL LEAVE, SICK LEAVE & PAID HOLIDAYS - (PEEK/JOHNSTON).
6. AUDITOR'S FEE - (PEEK).
7. OBLIGATION OF ANTIRECESSION FUNDS-(PEEK).
8. MOSQUITO CONTROL BILLING - (USREY).
9. CHAMBER OF COMMERCE INDUSTRIAL COMMITTEE MEMBERSHIP (APPROXIMATELY \$500 ANNUAL MEMBERSHIP) - (PEEK).
10. TRAFFIC LIGHT - HUGHES AND EGLIN PARKWAY.
11. FRANCIS PARK.
12. ADJOURNMENT.

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Town officials in attendance: Mayor Jim Kendrick, Council members Phil Johnston, Will Overstreet, Harold Peek, and Max O. Usrey; Attorney Rick Powell and Recorder Dee Rouse. Absent: Council member Irene Balsley and Town Marshal Robert Waddell-due to illness.

Also present: Adelia Robblee, Abbie Tyner, J. T. Culley, Attorney Fred Estergren, Engineer Wayne Tisdale, Jim Chitwood representing Pensacola News Journal, and Honey Reeves representing Playground Daily News.

Therefore, a quorum being present, Mayor Kendrick opened the meeting with a silent prayer at 7:30 p.m.

1. MINUTES-REGULAR COUNCIL MEETING-JANUARY 20, 1977. Motion by Mr. Johnston to approve as printed, seconded by Mr. Usrey. Motion carried unanimously.
2. FINANCIAL STATEMENT-JANUARY 1977. Motion by Mr. Johnston to approve as presented, seconded by Mr. Usrey. Motion carried unanimously.
3. SNUG HARBOR YACHT CLUB-LOT 1 & 2, BLK 2. Mr. Culley introduced his Attorney Fred Estergren and Engineer Wayne Tisdale and presented to Council a plot drawing of his proposed "Snug Harbor Yacht Basin." Mayor Kendrick appointed Mr. Overstreet, Mr. Usrey and Mrs. Balsley as a Board of Adjustment. Mr. Culley told Council he specifically wanted approval of the "principle" of a marina. Mr. Estergren, on behalf of his client Mr. Culley, requested Council admend the present zoning ordinance to allow marina's under C-2 Zoning. Clerk reminded Council and Mr. Culley that the cost of ordinance change and administrative costs thereto would be billed to the requester. Mr. Estergren indicated his client was agreeable to this expense. Motion: Mr. Overstreet moved that we proceed to draw an ordinance change to permit marinas in whatever zone this is (C-2) and Mr. Culley bear the expense of ordinance and advertising, seconded by Mr. Peek. Vote: Yea: Mr. Overstreet, Mr. Peek and Mr. Johnston. Nay: Mr. Usrey. Mayor Kendrick indicated "Council as Committee" would work on this ordinance change at the next committee meeting.
4. EMPLOYEES RAISES. Mr. Peek recommended this item be discussed at the next Council as Committee Meeting.
5. PERSONNEL POLICY #1-PERTAINING TO ANNUAL LEAVE, SICK LEAVE & PAID HOLIDAYS. Mr. Peek recommended this item be discussed at the next Council as Committee Meeting.
6. AUDITOR'S FEE. Mr. Peek moved that the billing of \$1750 be paid to Creel, Bryan and Gallagher for the audit performed for the fiscal year ending September 1976, seconded by Mr. Usrey. In discussion, Mr. Johnston objected to this payment as it was \$250 more than the previous audit cost. Also, because this increase had not been discussed prior to beginning of audit. Vote: Yeas: Mr. Peek, Mr. Usrey and Mr. Overstreet. Nay: Mr. Johnston. Mayor Kendrick indicated if there was to be any change in the future, he thought Mr. Johnston needs to get with Mr. Peek and make some suggestions for the coming year.
7. OBLIGATION OF ANTIRECESSION FUNDS. Motion by Mr. Peek that the antirecession funds be used for payment of employees salaries, seconded by Mr. Johnston. Motion carried unanimously.

Page 2, Cinco Bayou Regular Council Meeting, February 17, 1977.

8. MOSQUITO CONTROL BILLING. Mr. Usrey informed Council that in his discussion with Mosquito Control people it became evident that this billing covered both mosquito spray and garbage dumping. He indicated that he could not obtain a percentage breakdown as to what amount was for Mosquito Control and what was for garbage dumping. Clerk indicated the last quarterly billing had been paid in July 1975 in the amount of \$275 (annual cost at that time amounting to \$1100). From that date, he had received no billing until the recent letter of January 21, 1977 which indicated annual cost was \$1650. This being a 50% increase over the previous amount. Another letter, January 28, 1977, received from County Finance Officer had an attached copy of Board's Minutes of August 8, 1975 which indicated a 25% increase was to be added to the previous annual billing (\$1100). Mr. Usrey indicated some of the other municipalities were withholding payment due to the Double Taxation question. Mayor Kendrick asked Mr. Usrey and Clerk to go back to County for clarification of this billing and report back to Council. Mayor Kendrick read a letter to Council from Mr. Rigdon, Okaloosa County League of Municipalities Committee Chairman on Double Taxation.
9. OKALOOSA INDUSTRIAL DEVELOPMENT COUNCIL MEMBERSHIP. Motion by Mr. Peek to enter into membership, seconded by Mr. Usrey. Vote: Yeas: Mr. Peek, Mr. Overstreet and Mr. Usrey. Nay: Mr. Johnston.
10. TRAFFIC LIGHT-HUGHES AVENUE AND EGLIN PARKWAY. Mr. Overstreet informed Council that the Traffic Planning Section of the State Department of Transportation has advised that a traffic signal at the intersection of Hughes Avenue and Eglin Parkway is warranted at this time. The Department of Transportation would pay 60% of a total cost of installation of \$18,000 to \$20,000. The Local Governing bodies (Fort Walton and Cinco Bayou) would be required to assume 40% of the cost, plus maintenance cost after installation. Initial cost to Cinco Bayou would be approximately \$3,600 to \$4,000. Mr. Overstreet moved that Cinco participate in this installation, seconded by Mr. Peek. Motion carried unanimously.
11. FRANCIS PARK. Mr. Johnston informed Council he had received an estimate, \$7,325.92, from Naylor and Trenary Construction Company for construction of a sea-wall at Francis Park. Mayor Kendrick suggested this be discussed at next committee meeting and that Mr. Johnston invite Mr. Naylor.
12. ADJOURNMENT. Meeting adjourned at 9:08 p.m.

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

  
JAMES O. GODWIN, SR.  
Town Clerk

# City of Fort Walton Beach

P. O. Box 1449 • Fort Walton Beach, Florida 32548

Telephone (904) 243-3141

February 14, 1977

*Attn 10*

The Honorable Jim Kendrick, Mayor  
Cinco Bayou  
Post Office Box 1030  
Ft. Walton Beach, Fl 32548

Dear Jim:

The Traffic Planning Section of the State Department of Transportation has advised the City of Fort Walton Beach that a traffic signal at the intersection of Hughes Avenue and Eglin Parkway is warranted at this time.

The traffic signal could be incorporated in the present synchronization schedule. The Department of Transportation would pay 60% of a total cost of installation of \$18,000 to \$20,000. The local governing bodies would be required to assume 40% of the cost, plus maintenance cost after installation. The proposed traffic signal would be located on the boundary between Fort Walton Beach and Cinco Bayou.

The Fort Walton Beach City Council is interested in the installation of the proposed traffic signal should your Council provide one-half the 40% cost of installation plus one-half maintenance thereafter.

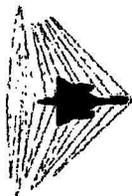
If I can provide further information, please call.

Yours very truly,

*Winston*

WINSTON G. WALKER  
City Manager

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HOME OF THE

*Janie Bann*

# City of Fort Walton Beach

P. O. Box 1449 • Fort Walton Beach, Florida 32548

Telephone ( 904 ) 243-3141

February 10, 1977

Honorable Jim Kendrick  
Mayor, Town of Cinco  
Post Office Box 1030  
Ft. Walton Beach, FL 32548

Dear Mayor Kendrick:

As Chairman of the Double Taxation Committee appointed by the County League of Municipalities, I have discussed needed legislation with the legislative delegation and have met with the Board of County Commissioners and requested of them a committee to work with the County League committee in an effort to uncover the areas of double taxation existing.

In turn, the County Attorney has requested that we make available copies of budgets, and where available audits of each municipality. I have agreed to do this. Please mail a copy of your current budget and of last year or the year before audit if available, to my attention at Post Office Box 1449, Fort Walton Beach, Florida 32548.

Thank you for your cooperation. As soon as I have all the documents in hand, I will ask the Double Taxation Committee to sit down with the County Commissioners and commence work.

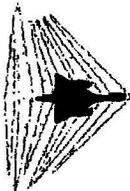
Yours very truly,

OKALOOSA COUNTY LEAGUE OF MUNICIPALITIES  
Committee on Double Taxation

*C. H. Bull Rigdon, Jr.*  
C. H. "BULL" RIGDON, JR.  
Chairman

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(59)



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12

*James Brown*

# Cinco Bayou PNJ 2/18/77 Sets Hearing On Marinas

By JIM CHITWOOD  
Journal Staff Writer

CINCO BAYOU — The Town Council voted 3-1 Tuesday to hold a public hearing on changing the zoning ordinance to allow marinas in C-2 districts.

The action came after an effort to obtain a building permit for a marina on Eglin Parkway was sidetracked by the discovery that the zoning ordinance would have to be amended to allow for the facility.

J.T. Culley made his second appearance before the council seeking the permit to build a marina opposite First Federal Savings and Loan on Eglin Parkway. But even with his plot plan, his attorney and his engineer, Culley could not persuade the council to grant a permit.

there is a great deal of unknown here. We don't have any real dimensions to go on, and I think it's normal that when you request a building permit you have to have dimensions."

Culley replied, "I am trying to get you the details. I attended your previous meeting. I was asked to bring a plot plan and I have. I'm trying to at least get the principle approved. I am not trying to pull the wool over the council's eyes."

Kendrick replied, "The approval in principle doesn't really give you anything in hand. This is one more step you've taken tonight, but it is not adequate. We're asking to see something more on paper, and this drawing is not it."

When a discussion of zoning arose, Culley's attorney, Fred B. Estergren, noted that a change in the zoning ordinance for the area, which is classified C-2, would be necessary to allow a marina.

"A marina is not named specifically as building or constructions not allowed," Estergren said, "but I would hesitate to force a marina into that category."

Kendrick said he would like "the people to put in their two cents" concerning a change in the ordinance, and Councilman Harold Peek was reluctant to grant a permit since "we would be leading him (Culley) down a blind alley if it is not compatible with the ordinance."

Estergren pressed for a favorable response from the council on the permit, saying a change in the zoning ordinance might take a month or six weeks and that his client had already spent several thousand dollars.

Kendrick said, "There is still a lot for the council to decide upon. We can turn the matter over to a board of adjustment or proceed with an ordinance change."

Councilman W.E. Overstreet then made a motion to change the ordinance, permitting a marina in zone C-2. The motion passed 3-1, and will be scheduled for a public hearing.

# Cinco Bayou Delays Marina Decision

PGDN 2/18/77

By HONEY REEVES

Cinco Bayou Town Council agreed Thursday night to draw up an ordinance which would allow marinas in C-2 (commercial) zones, but put off approval of Snug Harbor Yacht Club until its developer J.T. Culley presents more specific plans to the council.

Although Culley had prepared a plot plan for approval, the council questioned his right to build a dock which would overlap, or interfere, with the extension of adjacent property lines.

The riparian rights of access, or obstruction to access and use of the shore and water by waterfront property owners, was the center of the

discussion.

Fred Estergren, Culley's attorney told the council the riparian right question is currently under study in the courts.

Cinco Bayou's meandering shoreline and angling property lines cause the hypothetical extension of the property lines to overlap—thereby obstructing the access of an adjacent property owner.

Culley told the council he specifically wanted approval of the "principle" of a marina.

In turn, Mayor Jim Kendrick's replied the council needed a document more specific that could be filed as a legal document with dimen-

sions on the plans and parking space to fit the requirements of the town.

In asking the council to amend the current ordinance, Estergren said the state required local authority to state the proposed project is compatible with adjacent construction and that the land is zoned for the project.

Estergren told the council the ordinance is restrictive and vague.

"The way it is written you can't force 'marina' into any category you have listed here," Estergren said. "You might okay the plan and someone else might say it is a violation of the ordinance."

Currently Cinco Bayou's ordinance has no provision for the building of a marina in any existing zone. However, marinas are not forbidden.

Culley told the council he planned on having a sailboat marina, that it would not be a "working" marina, but would strictly be boat slips. "It will not be a fueling operation," he said.

Kendricks told Culley the council would work as a committee-of-the-whole to draw up an ordinance. The wording will be worked out at the council's committee meeting next month so the town residents can voice their opinions.

Once the ordinance is written, Kendrick's said there will be public hearings on the matter, and Culley must be prepared to be turned down anywhere along the line.

Culley's survey engineer, Wayne Tisdale, told the council he didn't think the marina would have regional impact, but he must apply to the state for a building permit if it did.

Turning from the marina question, the council agreed to pay 20 per cent of the traffic light installation cost at Hughes Street and Eglin Parkway.

Fort Walton Beach will pay another 20 per cent while the Department of Transportation

will pick up 60 per cent of the tab.

Total cost of the light will be between \$18,000-20,000.

Council also agreed to:

—Pay a \$500 membership dues to the Chamber of Commerce Industrial Committee which is designed to draw industry to the Greater Fort Walton Beach area.

—Hold off on paying the Mosquito Control bill due to a 50 per cent increase in the cost. Town Clerk Jim Godwin told the council the bill was to have increased by only 25 per cent.

—Obligated federal anti-recession funds to be used for town employe salaries.