

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
FEBRUARY 18, 1987

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

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

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

Absent: Councilman Plaster

Also Present: Attorney McInnis Clerk Borchik
Bart Hudson Phil Wood
Jim Shrine Lisa Ashmore

PUBLIC HEARING - ORDINANCE NO. 108 - An ordinance granting an exclusive franchise to Environmental Waste Systems for garbage and trash collection service in the Town of Cinco Bayou for a period of three (3) years. Attorney McInnis read the ordinance by title only. Councilman Gage made a motion to approve the second reading of the ordinance, seconded by Councilwoman Dumka. The motion was unanimously approved. Councilman Skelly made a motion to adopt Ordinance No. 108, seconded by Councilwoman Dumka. The motion was unanimously approved on a roll call vote. Councilman Gage made a motion to grant a special exception to the provisions of Section 6-24 of the Code of Ordinances to allow Environmental Waste Systems to distribute door to door notices outlining the tag & bag system to be used under the new franchise, seconded by Councilwoman Dumka. The motion was unanimously approved.

REGULAR BUSINESS

1. Consent Agenda - Councilman Skelly made a motion to approve all items listed for the Consent Agenda, specifically, agenda items 2, 3, 4, 5 & 8, seconded by Councilman Gage. The motion was unanimously approved.

6. Town Hall Security System - Councilman Gage requested that the Clerk contact the vendors who made proposals and schedule a workshop meeting for March 4, 1987 to discuss a security system for the Town Hall.

7. Town Hall Improvements - Councilman Skelly made a motion to appoint Councilwoman Buchanan to chair a committee of one to work with the Town Clerk to select carpet from Hyder's Carpet, matching window blinds and paint for the Town hall, the total of

7. (Cont) all improvements not to exceed \$2,250.00, seconded by Councilwoman Dumka. The motion was unanimously approved.

8. FYE 1986 Audit Amendment - Mrs. Cummins, Creel, Bryan & Gallagher, has provided amended copies of the Town's FYE 1986 audit as two pages were inadvertently omitted from the initial copies. After reviewing the added pages, Councilman Skelly made a motion to accept the amendments, seconded by Councilwoman Buchanan. The motion was unanimously approved.

PUBLIC REQUESTS - None

COMMITTEE REPORTS

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

CORRESPONDENCE

1. Letter - Municipal Code Corporation. This letter outlines their proposal for the updating of the Town's Code of Ordinances and includes a contract. No action was taken on this item at this time.

CLERK'S REPORT

1. Ms Smith, All American Muffler, has resolved her sign problems and the sign is in place on her property.

2. The Spring Town Clean-up has been scheduled for the week of March 22 through March 28, 1987. Dumpsters will be placed in approximately the same places as last year. A notice stating the dates and locations of the dumpsters will be delivered to each residence and business in Town.

MAYOR'S ANNOUNCEMENTS - Mayor Laginess reminded everyone of the Town dinner on Thursday, February 19, 1987.

There being no further business, the meeting adjourned at 6:36 PM.



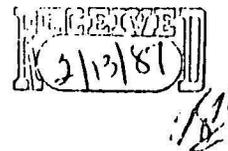
Mayor

Attest:

Town 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 Clerk.

Municipal Code Corporation



Original document is skewed

Law and Ordinance Codification

POST OFFICE BOX 2235
TALLAHASSEE, FLORIDA 32316

1700 CAPITAL CIRCLE S.W.
TELEPHONE (904) 576-3171
Toll Free Numbers:
1-800-342-CODE (Florida only)
1-800-262-CODE

February 11, 1987

Mr. Albert S. Borchik, Jr.
Town Clerk
Town of Cinco Bayou
35 Kelly Avenue
Ft. Walton Beach, Florida 32548

Dear Mr. Borchik:

Our Director of Marketing, Gloria Jacobs, advises she had a pleasant telephone conversation with you, concerning the revision and recodification of the ordinances of the Town of Cinco Bayou. In accordance with your discussion, we are pleased to enclose our professional services proposal in contractual form, which explains the work involved in the recodification project.

Many towns have found it beneficial to recodify to institute desired improvements within the Code and to conform the provisions to current state laws. Since your Code was published in 1973, we have continued to implement improvements in our total services. In the recodification process, the Town would also benefit from these innovations.

The contract is outlined as follows:

Editorial Work. The primary concern in the recodification project is the editorial work, which entails a complete analyzation and revision of the Code, as supplemented, and any ordinances not included in the Code. The ordinances would be checked against current general state laws and court decisions and reviewed in detail, for the purpose of eliminating obsolete provisions, duplications and inconsistencies with the state laws and within the ordinances. All findings of our attorney would be discussed in detail at a conference in the Town. The approved changes would be implemented by revising and rewriting the necessary provisions of the Code.

Recodification permits reclassification and reorganization of the Code in view of the new subjects and ordinances which have been passed and incorporated into the Code through the years. All sections of the new Code would cite the source from which they are derived. Appropriate state law references, cross references and other editorial notes would be prepared and appended to the appropriate section. Sample provisions covering specific subjects would be submitted to the Town upon request.

All research and editorial work would be performed by one of our law editors, who is an attorney, experienced in law and codification work. A resume' of our law editorial staff is enclosed.

Mr. Albert S. Borchik, Jr.
February 11, 1987
Page 2

Editorial Conference - Memorandum. Upon completion of the basic editorial research and analyzation, the editor assigned to your Code would conduct an editorial conference with the Town Attorney and other interested officials for the purpose of reviewing the manuscript and obtaining approval of all recommendations. Following the conference, a detailed editorial memorandum would be prepared setting forth all substantive changes agreed upon at the conference.

Indexing. We are constantly striving to improve our indexing techniques to meet the requirements of the cities under contract with us. Indexing is performed by indexing specialists, devoting full-time to indexing our Codes and Supplements. Also, we have developed the software to assist in preparing a comprehensive computerized word Index.

Tables. Please note paragraphs (11) (b) and (c) of the enclosed contract which provide for the preparation of a Comparative Table and Statutory Reference Table to assist the user of the Code in locating the ordinances set out in the Code and the state law citations.

Typesetting, Printing and Binding. Upon approval of the manuscript and submission of the post-conference memorandum, the Code would be prepared for typesetting and printing. The pica width and length of the page are designed to accommodate the maximum amount of type on the page. The type is easy-to-read and includes special typefaces such as boldface and italics to provide eye appeal and readability for the user of the volume. All Codes reflect the professional quality of a legal publication. In addition, the volume is designed for looseleaf supplementation on a page-for-page basis. Reservations are made throughout the Code for future expansion.

Our computer system has unlimited capabilities and usage as to storage, retrieval, indexing and conversion to camera-ready formats, as illustrated by the samples attached to the contract.

The desired number of copies would be bound in our three-post, mechanical looseleaf binders, which open easily for insertion of the supplemental pages and provide minimum wear and tear on the pages during use. Individual chapter divider tabs would be furnished for all bound volumes to facilitate location of desired material by the user.

Reprints. Extra copies of portions of the Code reproduced in separate pamphlet form can be furnished at such time as desired. Many cities order these pamphlets for resale to the public. Supplements to the pamphlets can be furnished at the same time Supplements are published for the Code.

Mr. Albert S. Borchik, Jr.
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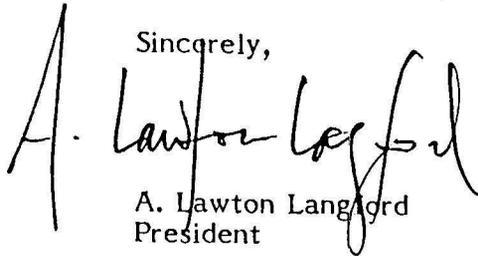
Payment. The contract provides for payment in two (2) budget years, as set out on page 5, paragraph (3).

Looseleaf Supplement Service. After delivery of the new Code, we would publish Looseleaf Supplements, whereby the new ordinances would be incorporated into their appropriate places on a schedule designed to meet the legislative requirements of the Town. The Index and Tables would also be updated. Our cost for publishing the Supplements is on a straight per page basis with no annual minimum charge.

Pursuant to your request, we will send sample sign provisions within the next few days. If you have any questions concerning the contract, or desire additional information, please do not hesitate to call us on our toll free number.

We appreciate your interest and hope that we will have the pleasure of working with you and being of further service to the Town of Cinco Bayou.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Lawton Langford". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

A. Lawton Langford
President

ALL/tki
Enclosures

Proposal for: PROFESSIONAL SERVICES
CODIFICATION OF ORDINANCES

To: CINCO BAYOU, FLORIDA

Date: February 11, 1987

Submitted by: MUNICIPAL CODE CORPORATION

The MUNICIPAL CODE CORPORATION, a corporation duly authorized and existing under the laws of the State of Florida, hereinafter referred to as the Corporation, hereby offers to edit and codify the ordinances and publish a new Code of Ordinances for the Town of Cinco Bayou, a municipal corporation duly organized and existing under the laws of the State of Florida, hereinafter referred to as the Municipality, according to the following terms and conditions:

PART ONE

The Corporation will, under the supervision of the Attorney for the Municipality:

(1) **ORDINANCES INCLUDED.** Classify, edit and codify the ordinances of a general and permanent nature passed in final form by the Municipality as of the date of any contract entered into pursuant to this proposal; provided, however, that the Municipality may forward to the offices of the Corporation all ordinances passed subsequent to said date for inclusion in the new Code up to the time of notice of completion of the editorial work provided for in Paragraph (7) of this Part. In the event the Municipality has a Code now in effect, the provisions of such Code and ordinances adopted subsequent to the last ordinance included therein will constitute the material to be used in performing the work provided for herein. The term "ordinances," as used herein, shall be deemed to include such existing Code.

(2) **ANALYZATION AND EDITING.** Analyze and edit the ordinances referred to in Paragraph (1) above so that the provisions of the new Code will be expressed in concise, modern and proper phraseology, without conflicts, ambiguities and repetitious provisions. Material changes resulting thereby shall be submitted to the Attorney for the Municipality for consideration and approval.

The editorial process shall include the following:

- (a) **Chapter Arrangement.** Each chapter of the new Code shall be all-inclusive and shall embrace all ordinances dealing with the subject matter of that chapter, and within the chapter itself, the ordinances shall be arranged in an orderly and logical fashion.
- (b) **Catchlines.** Preparation of a catchline for each section, which catchline shall reflect the content of the section.
- (c) **History Notes.** Preparation of a history note for each section of the new Code, which note will indicate the source from which the section is derived.
- (d) **State Law.** The ordinances will be checked against the corresponding provisions of the general laws of the State which have been codified and any conflicts or inconsistencies revealed thereby will be called to the attention of the Attorney for the Municipality.
- (e) **Appellate Court Decisions.** The reported decisions of the federal and state appellate courts specifically relating to the ordinances of the Municipality will be "Shepardized" and any such decision affecting the validity of any such ordinance will be called to the attention of the Attorney for the Municipality.

- (f) **Footnotes and Cross References.** Prepare editorial footnotes and cross references which tie together related sections of the new Code. Proper reference will also be made in the form of footnotes to relevant provisions of the state law. (See Paragraph 11(b).)
- (g) **Omission of Obsolete Provisions.** The Attorney for the Municipality will be informed of obsolete, outmoded, or unnecessary provisions which should be omitted from the codification.

(3) **CHARTER.** If the Municipality operates under a special Charter granted by the state legislature or adopted by the people, the Corporation will compile and edit such Charter by working all amendments into their proper places and preparing explanatory notes, where necessary, to facilitate usage of such Charter and include the Charter in the new Code. The ordinances will be checked against the Charter and any conflicts or inconsistencies revealed thereby will be called to the attention of the Attorney for the Municipality.

(4) **NEW PROVISIONS.** The Corporation will, during the course of the editorial work, make recommendations for new provisions where, in its opinion, there is an obvious need for legislation on specific subjects. However, since the need for such new provisions is of a local nature and varies from municipality to municipality, the Corporation will rely, primarily, upon the Municipality to request specific recommendations as to new provisions. All recommended provisions must be approved by the Attorney for the Municipality.

(5) **EDITORIAL CONFERENCE.** All editorial work will be performed in the offices of the Corporation in Tallahassee, Florida. Upon completion of the basic editorial research, the supervising editor in charge of the Code will conduct an editorial conference with the Attorney and other officials in Cinco Bayou. All changes and recommendations will be made known at this time and the Municipality will be free to make changes and alterations at this conference and the Corporation will be charged with the duty of carrying out all such desired changes.

(6) **CONFERENCE MEMORANDUM.** Following the editorial conference, a memorandum will be submitted to the Attorney for the Municipality outlining the substantive changes in the ordinances which were agreed upon at the conference.

(7) **NOTICE OF COMPLETION OF EDITORIAL WORK.** Upon completion of all editorial work, the Corporation will notify the Municipality in writing that the Code manuscript is ready for typesetting and printing. No ordinances will be included in the Code manuscript subsequent to such notice.

OPTIONAL:

(8) **PROOFS.** After the entire Code is set in type, the Corporation will submit one (1) full set of proofs to the Municipality for review. The Corporation assumes the responsibility of proofreading and typographical correctness. The Municipality may make word changes on the proofs without charge. However, should the Municipality delete lines, entire sections, articles or chapters constituting more than a page of type, the Municipality will be charged for such deleted type at the per page rate as provided in Part Two, Paragraph (2).

It shall be the duty of the Municipality to return the proofs, with the changes indicated thereon, within forty-five (45) days from the date of their receipt by the Municipality. If the proofs are not returned within said forty-five (45) days, and if the Municipality does not, within said forty-five (45) days, notify the Corporation of the date upon which the proofs will be returned, it will be assumed that no changes are to be made and the Corporation will proceed to print the Code and no changes shall thereafter be made in its content.

(9) **PRINTING.** When the proofs are returned by the Municipality or, in the event they are not returned, at the expiration of forty-five (45) days after their receipt by the Municipality or on the date specified by the Municipality in the notice referred to in Paragraph (8) above, the Corporation will proceed to print the Code in accord with the following:

- (a) The text of the Code in ten-point type with boldface catchlines;
 - (b) The Index in eight- or ten-point type, depending on the page format;
 - (c) The editorial notes and cross references in eight- or ten-point type with boldface headings;
 - (d) The specified number of copies of the Code, as set out in Part Two hereof, on 50 lb. Miami Book Paper, or its equivalent;
 - (e) The page size shall be as provided in Part Two, Paragraph (2). (Samples attached.)
- (10) **INDEX.** A comprehensive, legal and factual general Index for the Code will be prepared and inserted in the completed Codes. An Index will also be prepared for the Charter, if included in the Code.
- (11) **TABLES.** The following Tables will be prepared for the new Code:
- (a) **Table of Contents.** This Table will list the chapters, articles or divisions of the Code, giving the number of the page upon which each begins.
 - (b) **Comparative Table.** This Table will list all ordinances included in the Code in chronological and/or numerical sequence, setting out the location of such ordinances in the Code. If a prior Code of the Municipality is utilized, a Table will be prepared setting out all sections included in the new Code and their location, and the Ordinance Table referred to herein will be limited to ordinances adopted subsequent to the most recent one included in the prior Code.
 - (c) **Statutory Reference Table.** All state law citations set forth in the Code will be listed together with their location in the volume.
- (12) **TABULAR MATTER.** In the event the manuscript for the Code should contain tables, drawings, designs, Algebra formulae and the like for which either engraved cuts or special methods of reproduction are required, the cost of such engravings or tabular matter will be additional to the costs as provided in Part Two, Paragraph (2). However, there is no additional charge for index pages or pages containing tables referred to in Paragraph (11) above.
- (13) **BINDING.** The Corporation will bind copies of the completed Code in mechanical post-type binders, each with slide-lock fasteners and with imitation leather covers stamped in gold leaf, as provided in Part Two, Paragraph (2) hereof. The unbound copies of the Code, if any, will be punched and wrapped separately for storage and eventual binding by the Municipality. Additional binders can be ordered at any time by the Municipality, at the then current prices.
- (14) **SEPARATOR TABS.** The Corporation will furnish, without additional charge, separator tabs for the major portions of the Code for all copies housed in mechanical looseleaf binders. The tabs furnished will be in the standard format utilized by the Corporation. Special order tabs are also available.
- (15) **SHIPMENT.** Upon completion of all of the work provided above, the Corporation will ship the Code to the Municipality. At this time, the Corporation will furnish the Municipality with a suggested form of an ordinance adopting the new Code. Once the Code has been adopted, a copy of the ordinance should be sent to the Corporation, so that it can be included in the Code.
- (16) **REPRINTS OF CHAPTERS.** Additional copies of specific chapters or any portion of the Code may be ordered for printing binding in paper covers for separate sale or distribution by the Municipality. Prices will be furnished upon request.

PART TWO

The Municipality will:

(1) **COPIES OF MATERIAL.** Furnish the Corporation for its use in the preparation of the Code, either typed or printed copies of the Charter, if any, and all amendments thereto, and all ordinances of a general and permanent nature passed in final form. In the event of an existing Code, three copies thereof will be furnished the Corporation, together with one copy of each general and permanent ordinance adopted subsequent to the most recent ordinance included in such Code.

(2) **COSTS.** Pay the Corporation for the work of editing, printing and binding as herein provided as follows:

SIX THOUSAND DOLLARS (\$6,000.00)

The above sum is based on the following:

- (a) Fifty (50) copies of the Code;
- (b) Twenty-five (25) mechanical looseleaf binders, including special order tabs;
- (c) The following number of pages based on the option chosen by the Town.

	<u>Format</u>	<u>Number of Pages</u>	<u>Excess Pages - Cost Per Page</u>
1.	6 x 9 inch page	200	\$20.00
2.	8-1/2 x 11 inch, single column page	150	\$28.00

For the purposes of this Part Two, a page is hereby defined as the area on one (1) side of a sheet of paper. A sheet contains two (2) pages.

* (3) **PAYMENT.** Money due hereunder shall be due and payable as follows:

- (a) Upon signing of the contract \$1,500.00
- (b) Upon completion of the editorial conference \$2,000.00
- (c) Upon completion of typesetting phase \$1,500.00
- (d) Balance upon final delivery of the completed Codes to the Municipality.
or October 30, 1988, whichever is later.

(4) **FREIGHT CHARGES.** The above costs do not include freight charges. The Municipality shall pay all freight charges. The shipment will be forwarded prepaid and invoiced to the Municipality at the time of final billing.

* The above payment schedule is flexible and may be changed to meet the requirements of the Town.

PART THREE

LOOSELEAF SUPPLEMENT SERVICE

(1) **SCHEDULE.** After shipment of the new Code as herein provided, the Corporation shall maintain the same up to date by the publication of Looseleaf Supplements containing the new ordinances of a general and permanent nature enacted by the governing body. The Supplements can be published on a schedule to meet the requirements of the Municipality. There is no additional charge for frequent publication. A minimum of thirty (30) working days shall be required for delivery of a Supplement.

(2) **ORDINANCES TO BE FURNISHED BY MUNICIPALITY.** It is requested that the ordinances be forwarded to the Corporation promptly following enactment by the Municipality for recording and processing.

(3) **EDITORIAL SCRUPINY.** The new ordinances will be studied by a member of the editorial staff of the Corporation in conjunction with the existing provisions of the new code for the purpose of determining if any provisions of the basic Code are repealed, amended or superseded. The page or pages of the Code containing provisions that are specifically repealed or amended by ordinance shall be reprinted or printed to remove such repealed or amended provisions and to insert the new ordinances. Should the Corporation detect conflicts, inconsistencies or duplications in the Code as the new ordinances are enacted, notification will be made to the Attorney for the Municipality so that remedial action by the Municipality may be taken.

(4) **EDITORIAL NOTES.** Appropriate editorial notes will be prepared and appended to the new sections as deemed necessary by the Corporation.

(5) **INDEX AND TABLES.** When the inclusion of new material necessitates changes in the Index, appropriate entries will be prepared and the necessary pages of the Index will be reprinted to include the new entries. The Comparative and State Law Reference Tables will also be kept up to date by listing the ordinances and state law citations, if any, included in each Supplement, together with their disposition in the Code. The Table of Contents will also be kept current to reflect changes in the Code volume.

(6) **INSTRUCTION SHEET.** Each Supplement will contain a page of instructions for removal of the obsolete pages and insertion of the new pages. The latest ordinance included in the published Supplement will be noted in boldface type on the Instruction Sheet.

(7) **COSTS.** The Corporation will prepare the ordinances editorially and print _____
fifty (50) _____ copies of each Supplement for the sum of:
1. 6 x 9 inch page: \$14.00 _____ per page.
2. 8-½ x 11 inch single column page: \$18.00 per page.

For the purpose of this Part Three, a page is hereby defined as the area on one (1) side of a sheet of paper. A sheet contains two (2) pages.

(8) **TABULAR MATTER.** The costs provided in Paragraph (7) above are based on a page containing type for ordinary composition. Should the Supplement contain tables, drawings and the like for which special typesetting or other methods of reproduction are required, the costs of such engravings or tabular matter will be additional to the costs as provided above. However, there is no additional charge for Index or Comparative and State Law Reference Table pages.

(9) **FREIGHT CHARGES.** The Supplements will be shipped to the Municipality, for distribution to the holders of the Codes. The shipment will be prepaid and invoiced at the time of final billing. The Municipality shall have the exclusive right to sell the Codes and Supplements.

(10) **PAYMENT.** All money due the Corporation for the publication of the Looseleaf Supplements will be due and payable within thirty (30) days after the date the Municipality is invoiced for the same by the Corporation, without interest.

(11) **TERMINATION.** The Looseleaf Supplement Service provided under this Part Three shall be in full force and effect for a period of one (1) year(s) from the date of shipment of the completed Codes to the Municipality and shall be automatically renewed from year to year, provided that either party may alter or cancel the terms of this Part Three upon sixty (60) days' written notice.

OTHER:

(12) **ANNUAL STATE LAW REPORT.** The Corporation will review annually the state law changes and submit a report to the Municipal Attorney of any changes which may affect local government Codes generally. There shall be no charge for this report.

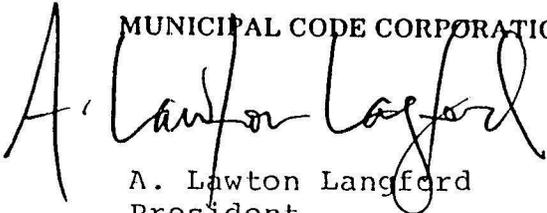
(13) **ANALYZATION OF CODE.** At the request of the Municipality and at a cost to be agreed upon in advance, the Corporation will analyze the Code on a chapter-by-chapter basis against the current state law, and submit written recommendations to the Municipal Attorney as to any Code changes deemed necessary or desirable as a result of such analyzation.

(14) **SAMPLE PROVISIONS.** Sample provisions of specific subjects will be furnished upon request.

The terms of this proposal shall remain in force and effect for a period of ninety (90) days from the date appearing herein.

We at MUNICIPAL CODE CORPORATION appreciate the opportunity of submitting this proposal and sincerely hope that its terms are acceptable.

Respectfully submitted,

MUNICIPAL CODE CORPORATION

A. Lawton Langford
President

Attachments:

Sample pages.