

TOWN OF CINCO BAYOU
REGULAR MEETING
FEBRUARY 21, 1983

The Regular Meeting of the Town of Cinco Bayou Town Council was called to order by Mayor Usrey at 7:01 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk to call the roll.

ROLL CALL

Present: Mayor Usrey
Councilman Johnston
Councilwoman Kelley
Councilman Perry
Councilman Wade

Absent: Councilman Davis

Also Present: Attoreny Powell Ralph Ritteman
Clerk Borchik Leo Andrews
Secretary Borchik Joyce Bryan

MINUTES - Councilwoman Kelley moved to accept the minutes of January 10 and January 17, 1983, seconded by Councilman Wade. Motion carried unanimously.

FINANCIAL REPORT - Councilman Johnston moved to accept the financial report for January, 1983, seconded by Councilman Wade and unanimously approved.

REGULAR BUSINESS

1. Bienville Square Townhouse - Mr. Kimmel. Mr. Kimmel was unable to attend the meeting. Mayor Usrey advised the Council that the plans and specifications for Bienville Square had been available in the Town Hall for their review. The Council had several questions regarding the yard depth, drainage, and whether or not special permits were required to pave over the covered drainage ditch and tie into the drainage ditch for storm sewer purposes. Mayor Usrey suggested that since Mr. Kimmel was unable to attend the meeting to answer the Council's questions, action on the Bienville Square project be tabled until all questions are answered and any problems resolved. Councilwoman Kelley moved to table this item, seconded by Councilman Perry. The motion was unanimously approved.

2. Kidd Bayou Oaks Townhomes Plat. Mayor Usrey advised the Council that he had met with Mr. Martin from Baskerville - Donovan and he explained how they had established the Frances Park lot line on their survey. Mr. Martin said that he would be more than glad to meet with Mr. Overstreet anytime, anywhere, to resolve the difference between the two surveys. A lengthy discussion followed. The signing of the Kidd Bayou Oaks Townhomes Plat will remain tabled until the lot line discrepancy is resolved.

3. Sewer Tie-in Charges. Mayor Usrey advised the Council that the bill for the Town's share of connecting the sewer system of Cinco Bayou with the City of Fort Walton Beach sewer system was \$12,948.36. Councilman Johnston moved that the Town pay the bill, seconded by Councilman Perry. The roll-call vote was unanimous.

4. Resolution 79-3 - Interlocal Agreement Renewal. Mayor Usrey explained the resolution to the Council. A short discussion followed. Councilman Johnston moved the Town renew Resolution 79-3 without any changes. Motion seconded by Councilwoman Kelley. Roll-call vote was unanimous.

5. Security Patrol Contract. Mayor Usrey asked for discussion on this matter or a motion. Councilman Johnston moved that the Town renew the Security Patrol Contract with Salamander Security, seconded by Councilman Perry. The motion carried, 3 to 1 with Councilman Wade voting Nay.

6. Committee of 100 Request. Mayor Usrey asked the Council for a motion on the request for \$250.00 from the Committee of 100. Councilman Johnston moved that the Council deny the request for \$250.00, seconded by Councilman Wade. Discussion followed. A roll-call vote was taken. Councilman Johnston and Councilman Wade voted Yea and Councilwoman Kelley and Councilman Perry voted Nay. The tie was broken by Mayor Usrey who voted Nay, thereby defeating the motion. Councilwoman Kelley moved that the Council approve the request for \$250.00 from the Committee of 100, seconded by Councilman Perry. On a roll-call vote, Councilwoman Kelley and Councilman Perry voted Yea and Councilman Johnston and Councilman Wade voted Nay. The tie was broken by Mayor Usrey who voted Yea and the motion was approved.

7. FWB Metropolitan Planning Organization. Mayor Usrey asked for the opinion of the Council on requesting that the Town of Cinco Bayou be included in the Metropolitan Planning Organization. Councilwoman Kelley moved that the Town request membership in the organization, seconded by Councilman Perry. A roll-call vote was taken. The vote was unanimous.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME

1. Neptune's Connection - Mr. Ralph Ritteman explained to the Council that he and Mr. Davis would like to sell shrimp from a small truck on the property owned by Councilman Johnston at the foot of Cinco Bayou Bridge. Neptune's Connection has Councilman Johnston's permission. A lengthy discussion followed. The request will be put on the Agenda for the next Council as Committee Meeting. Mayor Usrey appointed Councilman Perry and Councilwoman Kelley to review the Okaloosa County requirements for mobile seafood sales and advise the Council on their findings.

COMMITTEE REPORTS

1. Streets/Sidewalks/Neighborhood Watch - Councilman Davis. Councilman Davis was absent. No report.

2. Parks/Beautification/Environment - Councilwoman Kelley. No report.

3. Finance - Councilman Wade. Councilman Wade advised the Council that he had talked to the Clerk about the budget and it was Councilman Wade's opinion that it would not be necessary to revise the budget at this time. Councilwoman Kelley than asked if she could go ahead with her plans for construction of a shelter and some new tables in Laguna Park since it appeared it would not be necessary to cut the parks budget. Discussion followed. Councilwoman Kelley moved that the Council give her permission to have plans and specifications drawn for the shelter. Motion seconded by Councilman Perry and unanimously approved.

4. Waterfront/Bayou/Health/Civil Defense - Councilman Perry.
a. Sea Way Boat Ramp. Councilman Perry advised the Council that Mr. Overstreet had delivered the plans for the Sea Way Boat Ramp. A lengthy discussion followed. The Attorney will review the plans for legal sufficiency.

5. Utilities No report.

6. Special Committee Reports

a. Bicycle Path - Councilman Johnston. Councilman Johnston had no report but did suggest the Council consider a licensing program for bicycles owned by Cinco Bayou residents.

ATTORNEY'S REPORT No report.

CORRESPONDENCE None.

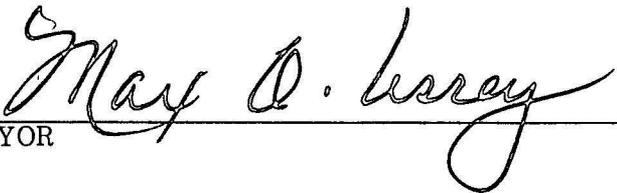
CLERK'S REPORT

1. The Clerk advised the Council he had sent a letter to Mrs. Warren regarding the abandoned vehicle in front of her apartments at 229 Troy Street. Discussion followed. Attorney Powell suggested the Council adopt the State Ordinances on abandoned vehicles. Councilwoman Kelley moved that a resolution be written for this particular car. The motion stated that the resolution indicate Lots 7 & 8, Block 25, Cinco Bayou Subdivision, are in violation of Chapter 8 of the Town of Cinco Bayou Code of Ordinances. This resolution will be sent to the land owner and the owner of the abandoned vehicle. Motion seconded by Councilman Perry and unanimously approved.

2. The Clerk advised the Council arrangements had been made with Northwest Florida Sanitation Services for the Town Clean-up Week April 10th thru 16th. A special letter will be sent to all residents and businesses.

MAYOR'S ANNOUNCEMENTS None.

There being no further business, the meeting was adjourned
at 8:37 P.M.


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.

TOWN OF CINCO BAYOU

35 KELLY AVENUE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548
804-244-2712

Mayor:
MAX O. USREY

Mayor Pro-Tom:
WINFIELD H. DAVIS

Council Members:
PHILIP D. JOHNSTON
RUTH E. KELLEY
RALPH J. PERRY
WILLIAM F. WADE, JR.

Town Attorney:
RICHARD H. POWELL

Town Clerk:
ALBERT S. BORCHIK, JR.

February 15, 1983

Mr. Gillis E. Powell
Powell, Powell. Powell
Attorneys at Law
P. O. Bix 277
Niceville, Florida 32578

Re: Okaloosa County Gas District Gas Lines

Dear Mr. Powell:

The Cinco Bayou Town Council wishes to thank you for your letter, same subject, dated January 26, 1983, outlining the Gas District's concern with the problems resulting from the closure of streets and alleys.

During the Town Council Meeting on Monday, February 14, 1983, the Town Council reviewed and discussed your letter and the model ordinance. The Town Council determined that no action or ordinance was required at this time, however, should the closure of any street or alley be proposed in the future, the Gas District will be notified and appropriate action taken by the Town Council.

The Town Council asked that you be advised of their decision on this matter. Please contact me if I can be of further assistance.

Respectfully,


ALBERT S. BORCHIK, JR.
Town Clerk

ASB/sb

MAILED - FEBRUARY 17, 1983

TOWN OF CINCO BAYOU

35 KELLY AVENUE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548
904-244-2712

Mayor:
MAX O. USREY

Mayor Pro-Tem:
WINFIELD H. DAVIS

Council Members:
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RUTH E. KELLEY
RALPH J. PERRY
WILLIAM F. WADE, JR.

Town Attorney:
RICHARD H. POWELL

Town Clerk:
ALBERT S. BORCHIK, JR.

February 15, 1983

W. E. Overstreet
Consulting Engineer
7 Hughes Street (Cinco Bayou)
Fort Walton Beach, Florida 32548

Re: Sea Way Boat Launching Ramp

Dear Mr. Overstreet:

During the Cinco Bayou Town Council Meeting on Monday, February 14, 1983, the progress of the Sea Way Boat Launching Ramp was discussed. It was noted that you have been working on this project since early November, 1982 when specifications for the construction of the ramps were requested. Specifications were to be in accordance with the Rules of the Department of Natural Resources, Chapter 16D-5, Part III, Florida Boating Improvement Program. During the first week in January, I discussed the status of the specifications with you and you indicated that the specifications would be ready within a week, thus allowing the Town to put the project up for bids prior to February 1st. On January 31st, you visited the Town Hall and presented Mayor Usrey a letter from Mr. Rice (ref Kidd Bayou Oaks survey) and at that time indicated the specifications would be ready the next day.

The Town Council has directed that you be advised that unless the plans and specifications for this project are delivered to the Cinco Bayou Town Hall prior to the Town Council Meeting on Monday, February 21, 1983, your services as Engineer on this boat ramp construction project will be terminated.

Respectfully,


ALBERT S. BORCHIK, JR.
Town Clerk

HAND CARRIED TO MR. OVERSTREET'S OFFICE BY MR. BORCHIK
ON FEBRUARY 15, 1983 at 10:30 A.M. MR. OVERSTREET WAS
NOT IN HIS OFFICE THE LETTER WAS GIVEN TO HIS SECRETARY.

TOWN OF CINCO BAYOU

35 KELLY AVENUE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548
904-244-2712

Mayor:
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Town Clerk:
ALBERT S. BORCHIK, JR.

February 17, 1983

W. E. Overstreet
Consulting Engineer
7 Hughes Avenue (Cinco Bayou)
Fort Walton Beach, Florida 32548

Re: Kidd Bayou Oaks Townhomes Plat

Dear Mr. Overstreet:

Reference the lot line conflict that exists between Lot 1, Block 6, Cinco Bayou Subdivision and Frances Park, this conflict must be resolved prior to the Town Council's approval and signing of the plat.

The letters from Mr. Rice and Mr. Morgan support your position and the lot line as depicted on the plat you prepared and a discussion and explanation by Mr. Martin, Baskerville & Donovan, supports the lot lines depicted in their survey of Frances Park.

Mayor Usrey has indicated that until this matter is resolved, the plat will not be signed and therefore cannot be filed and recorded with the County. Andrea Development Corporation was advised of this conflict when it was first noticed in December.

Mr. Martin, Baskerville & Donovan, indicated that he would gladly meet with you and resolve this problem. Request you contact his as soon as practical to arrange this meeting so this matter can be resolved.

Respectfully,


ALBERT S. BORCHIK, JR.
Town Clerk

ASB/sb

MAILED - FEBRUARY 17, 1983

FORM 4 MEMORANDUM OF VOTING CONFLICT

LAST NAME -- FIRST NAME -- MIDDLE NAME KELLEY RUTH EILAND	AGENCY is unit of: <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> MUNICIPALITY <input type="checkbox"/> OTHER	DATE ON WHICH VOTE OCCURRED FEBRUARY 21, 1983 NAME OF PERSON RECORDING MINUTES ALBERT S. PASCENIK, JR. TITLE OF PERSON RECORDING MINUTES TOWN CLERK
MAILING ADDRESS 86 KIDD ST ZIP COUNTY FT WALTON BEACH FLA 32548-0711	NAME OF AGENCY TOWN OF CINCO BAYOU	

MEMORANDUM OF CONFLICT OF INTEREST IN A VOTING SITUATION [Required by Florida Statutes §112.3143 (1979)]

If you have voted in your official capacity upon any measure in which you had a personal, private, or professional interest which inures to your special private gain or the special private gain of any principal by whom you are retained, please disclose the nature of your interest below.

1. Description of the matter upon which you voted in your official capacity:

CHOICE OF SECURITY COMPANY FOR TOWN.

2. Description of the personal, private, or professional interest you have in the above matter which inures to your special private gain or the special private gain of any principal by whom you are retained:

SISTER WORKS FOR SECURITY CO.

3. Person or principal to whom the special gain described above will inure:

a. Yourself b. Principal by whom you are retained: _____ (NAME)

SIGNATURE 	DATE ON WHICH FORM 4 WAS FILED WITH THE PERSON RESPONSIBLE FOR RECORDING MINUTES OF THE MEETING AT WHICH THE VOTE OCCURRED:
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FILING INSTRUCTIONS

This memorandum must be filed within fifteen (15) days following the meeting during which the voting conflict occurred with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the meeting minutes. This form need not be filed merely to indicate the absence of a voting conflict. Florida law permits but does not require you to abstain from voting when a conflict of interest arises; if you vote, however, the conflict must be disclosed pursuant to the requirements described above.

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1979), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.