

TOWN OF CINCO BAYOU
TOWN COUNCIL MEETING
March 3. 1992

Mayor Laginess called the Town Council Meeting to order at 6:08 PM.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL Present: Mayor Laginess
Councilwoman Balsley
Councilman Broxson
Councilman Gage
Councilman Kendrick
Councilman Skelly

Also Present: Attorney McInnis Manager Borchik Jim Gillum
Engineer King J. Schnitzius E. Brown
T. Carver S. Robblee A. Tyner
T. Leach C. Leach

REGULAR BUSINESS

1. Minutes - February 4, 1992. Councilman Skelly made a motion to approve the minutes of the February 4, 1992 Town Council meeting as presented, seconded by Councilman Gage. The motion was unanimously approved.

2. Financial Report - Due to the Council Meeting being held so early in the month, the February Financial Report was not available for review prior to the meeting. For this reason, Councilman Skelly made a motion to table this item until the April Town Council meeting, seconded by Councilman Kendrick. The motion was unanimously approved.

3. Environmental Waste - Mr. Schnitzius. Mr Schnitzius advised the Council that it appeared that only 20% of the Town's residents were paying for garbage & trash service with the remaining 80% either getting "free" service or no service at all! In order to eliminate the "free" service, the Tag and Bag system will be strictly enforced beginning April 1, 1992. Only tagged rubbish cans or yellow EWS bags will be picked up. For yard waste a tagged can or yellow bag needs to be visible to identify paying customers. The Town Manager agreed to prepare a newsletter to this effect have it distributed prior to April 1. Spring Clean up will be a different this year. Instead of using dumpsters throughout the Town, the clean-up will be held on two Saturdays; the first Saturday will be for trash & rubbish, the second Saturday for yard trash. All items are to be placed curbside by 8:00AM on the designated Saturday. No white goods (refrigerators, washers, etc.) will be picked up. The Town Council will determine the Saturdays for the Spring Clean-up and all residents and businesses will be advised.

4. Warner Cable/Cox Cable Resolution - Resolution 92-1. Attorney McInnis read the resolution by title only. Following a short discussion, Councilman Skelly made a motion to approve Resolution No. 92-1, seconded by Councilwoman Balsley. The motion was unanimously approved.

5. Shelter House Resolution - Resolution 92-2. Attorney McInnis read the resolution by title only. Councilman Skelly made a motion to adopt Resolution No. 92-2, seconded by Councilman Gage. Councilman Skelly asked Mrs Carver to explain the role of Shelter House and the reason they were requesting authority to operate in the Okaloosa/Walton areas. Following a short discussion, the motion was unanimously approved.

6. Glenwood Park/Pelican Court Lot Line. Councilman Kendrick presented the Council with a plat showing the property line in question and the apparent encroachment of one of his rental units on Glenwood Park. Following a short discussion, Councilman Gage made a motion to table this item to allow the Council to visit the site. Councilman Skelly seconded the motion and it was unanimously approved. This item will be on the April Agenda.

COUNCILMEMBER REPORTS/COMMENTS

Councilman Gage reminded the Council of the Panhandle League of Cities meeting on March 26, 1992 in DeFuniak Springs. Following a free dinner, Mike Sittig will present a summary of the recent Florida Legislature session and a view into what is to come.

Councilman Skelly called the Council's attention to the recently submitted request for the Small Business Authority Tree Planting grant program and invited all to review the grant package.

Councilman Gage was excused at this time.

Councilwoman Balsley commented in the improved appearance of the Kelly Avenue Apartments and parking area.

Councilman Broxson expressed his concern for the recent weapons firings in the Hughes Avenue area. The Town Manager stated that the Sheriff had been called and has been asked to monitor the area for further occurrences. Councilman Broxson also mentioned a cat problem and asked that PAWS be asked for assistance in this matter.

Mayor Laginess advised the Council that he had attended the recent K Mart 30th birthday celebration and that K Mart was here to stay and is contemplating expansion of the facilities here in Cinco Bayou.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME

Mr Leach questioned the relationship between the Town Council and the Code Enforcement Board and the effectiveness of both in code enforcement throughout the Town. He specifically called attention to the "abandoned" vehicle at 286 Kidd Street and the fact that it took over a year to get the vehicle removed.

At this point, Councilwoman Balsley asked that the Code Enforcement Officer take action on the truck in the Oakland Trailer Park near the mailbox rack. The truck has been there for some time and is owned by a person who no longer resides in the park.

Mr Leach returned to the discussion on the car and Attorney McInnis responded with an outline of the Code Enforcement Board and Council procedures for handling such matters and that time was required for due process.

COMMITTEE REPORTS

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

CORRESPONDENCE

1. Letter, Okaloosa County - Political Pandemonium. After a short discussion, Councilman Skelly agreed to be Chairman of the Town's committee to support this event.

2. Letter, Catholic Social Services. This was a request for financial support. Attorney McInnis suggested that the Council obtain additional information on this activity and examine the legality of support a religious activity.

TOWN ENGINEER'S REPORT - Mr King expressed concern with Mr. Cooke's variance request and indicated that it was not clear and did not contain sufficient information for any recommendation. Mayor Laginess asked him to discuss the project with Mr Cooke and to attend the Planning and Zoning Board meeting on Monday, March 9, 1992.

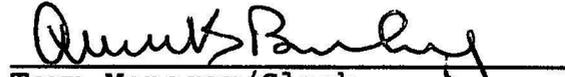
TOWN MANAGER'S REPORT - The Town Manager reported that as Councilman Skelly had mentioned, the SBA Tree Grant application had been completed and submitted. The grants are to be awarded in September, 1992. In addition, AMSEC, at the Town's request, is altering its procedures to give added security service to those businesses that are open after dark and are making an effort to physically check every business at least once a week. The three businesses that are presently open 24 hours a day will be checked each time the AMSEC patrol enters the Town.

MAYOR'S ANNOUNCEMENTS - Mayor Laginess reminded everyone of the Town Picnic on Tuesday, March 17, 1992, St Patrick's Day and urged everyone to attend.

There being no further business, the meeting was adjourned at 7:25 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.

RECEIVED
2/5/92

1183
CJ



**Warner Cable
Communications Inc.**

784 North Beal Parkway, P.O. Box 2827, Fort Walton Beach, Florida 32549
904/862 4142 Serving Ft. Walton Beach, Crestview and Niceville

February 3, 1992

Mayor Charles R. Laginess
Town of Cinco Bayou
10 Yacht Club Drive
Fort Walton Beach, FL 32548

Dear Mayor Laginess:

As discussed, I am pleased to confirm that Warner Cable Communications Inc. and Cox Cable Communications are now parties to various agreements which, pending approval of the Cinco Bayou Town Council, will have Cox assuming day-to-day management of cable service to the residents of Cinco Bayou. We believe that Cox Cable has established a strong and positive reputation of quality in the delivery of cable service in the State of Florida through its over ten years of service in Pensacola, Ocala and Gainesville. The Cox presence in Cinco Bayou will sustain our focus upon improvement in customer service, technological innovation and programming creativity.

The change in day-to-day management will require neither an interruption in service nor adverse impact of any kind in the operation of the Cinco Bayou system. However, our franchise may require your approval before the transaction can be concluded. If you believe that such approval is required, we would appreciate the consideration and prompt adoption of the accompanying resolution. If no approval is required, please let us know.

The change in day-to-day management described above will be reached through a series of transactions which also involve the exciting developments announced earlier by Time Warner, Warner Cable's parent company. The description of the transaction set forth below is intended, in part, to notify you (as required by the franchise) of that portion of the transaction requires no action or approval by the Town Council. It is also intended to facilitate your consideration of our request for approval of the transfer of day-to-day control of the Cinco Bayou system to Cox.

Pursuant to the various agreements alluded to above, it is now contemplated that Warner Cable will transfer the Cinco Bayou franchise to Time Warner Entertainment Company L.P. (TWE), a yet to be formed affiliate of Warner Cable, commonly controlled by Time Warner. TWE will own, or have an interest in, all of



Mayor Charles R. Laginess
February 3, 1992
Page 2

Time Warner's filmed entertainment (Warner Bros.), television production (HBO) and the cable television businesses (Warner Cable and ATC). Time Warner, through subsidiaries, will be managing general partner of TWE with full management, operational and creative control over TWE's cable and other businesses. Warner Cable and ATC will continue as operating divisions of TWE. TWE, which will have a total capitalization of \$20 billion, will issue 6.25% limited partnership interests to each of C. Itoh and Toshiba for their investment of \$1 billion in TWE. The remaining 87.5% of TWE will be owned by Time Warner which will also have a preferred equity interest in the new company which the parties have valued at approximately \$5 billion. Under the provision of Section 11 of the franchise agreement, this transfer of the franchise from Warner Cable to TWE, its affiliate, requires no approval by the Cinco Bayou Town Council.

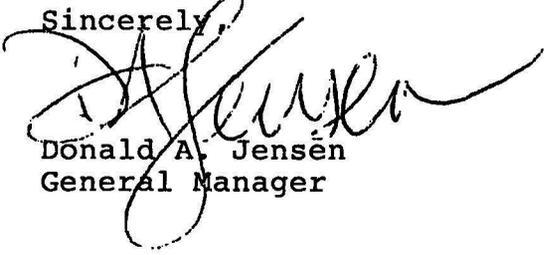
To achieve the assumption of day-to-day operating control of the Cinco Bayou system by Cox as described above, TWE will contribute the franchise, as well as all of the cable assets and liabilities of the Cinco Bayou system, to an existing partnership (known as the "SI Partnership"), formed in 1984 by Cox Cable and Gilbert Communications Co., L.P. ("Gilbert"), to own and operate the cable system in Staten Island New York. TWE will receive a 33.3% partnership interest in the SI Partnership which, following the immediate redemption of the Gilbert partnership interest as required by the applicable agreements, will rise to 50%. This will leave only TWE, (through its Warner Cable division) and Cox as General partners of the SI Partnership. Thereafter, the name of the partnership will be changed to TWC Cable Partners. As part of this transaction, Cox will become manager of the Cinco Bayou system. In turn, a division of TWE will assume management control of the cable system located in Staten Island, New York.

Mayor Charles R. Laginess
February 3, 1992
Page 3

It is currently anticipated that the TWE transaction will be completed prior to the TWC Cable Partners transaction sometime after April 10, 1992. The end we seek, however, is the Cox assumption of day-to-day control of the Cinco Bayou system. And, as stated above, it is only that phase of the transaction (and achieving it through the TWE transfer of the franchise to the SI Partnership in exchange for a 50% partnership interest to make it become TWC Cable partners) which requires approval under Section 11 of the franchise. TWC Cable partners and Cox, of course, will be responsible for all existing obligations under the franchise.

We will contact you within the next few days to discuss any questions you may have.

Sincerely,



Donald A. Jensen
General Manager

DAJ/lm

cc: Barry Elson
Jim Gray
Spencer Hays
Paul Jones
Terry Wingfield

RESOLUTION NO. _____

WHEREAS, Warner Cable Communications Inc. ("Warner Cable") is the holder of a cable television franchise (the "Franchise") for the [city/town/village/county] of _____; and

WHEREAS, Warner Cable has entered into a certain agreement with Staten Island Cable, Cox Cable New York ("Cox"), and Gilbert Communications Co., L.P., ("Gilbert") known as the Exchange and Partnership Reorganization Agreement pursuant to which the parties intend to reorganize a general partnership known as the "SI Partnership"; and

WHEREAS, Warner Cable is a wholly-owned subsidiary of Time Warner Inc., ("Time Warner"), a widely held New York Stock Exchange company which intends to create a new limited partnership entity comprised of the assets and operations of its filmed entertainment, programming and cable television businesses, which entity shall be known as Time Warner Entertainment Company, L.P. ("TWE"); and

WHEREAS, Time Warner intends to offer minority limited partnership interests in TWE to strategic partners in TWE, including Toshiba Corporation and C. Itoh & Co.,; and

WHEREAS, Time Warner will retain majority ownership as well as operating and management control of TWE; and will operate TWE as a controlled subsidiary of Time Warner consisting of the assets of Warner Cable, American Television and Communications Corp. ("ATC"), Lorimar Telepictures ("Lorimar"), Home Box Office Inc. ("HBO"), and Warner Bros. Inc. ("Warner Bros.") including the rights and obligations of Warner Cable under the Franchise and the SI Partnership; and

WHEREAS, Warner Cable and ATC will continue to exist as operating divisions of TWE, with the existing management structure surviving; and

WHEREAS, TWE intends to transfer the Franchise to the SI Partnership in exchange for a 33.3% ownership interest therein, which interest shall increase to 50% immediately following redemption of the SI Partnership interest owned by Gilbert; and

WHEREAS, the SI Partnership will thereafter become known as TWC Cable Partners and become responsible for all of the existing obligations under the Franchise; and

WHEREAS, following the redemption of the Gilbert ownership interest in the SI Partnership, Cox will own a 50% interest therein and will assume day-to-day management control of the Franchise and be principally responsible for day-to-day compliance with all of the obligations under the Franchise;

NOW, THEREFORE, be it resolved that, insofar as may be necessary or advisable under the Franchise, the transfer of the Franchise and related cable television system from the grantee either directly or through one or more subsidiaries of Time Warner, including TWE, to Cox and the SI Partnership (which will thereafter be known as TWC Cable Partners) is hereby authorized and consented to in all respects.

This resolution shall take effect and be in force from and after the earlier of the date of the final passage hereof or the earliest time permitted by law.

Passed this _____ day of _____, 1992.

ATTEST:

MAYOR

Clerk

Date

RESOLUTION NO. 92-1

A RESOLUTION OF THE TOWN OF CINCO BAYOU, FLORIDA AUTHORIZING AND CONSENTING TO THE TRANSFER OF THE TELEVISION CABLE FRANCHISE FROM WARNER CABLE COMMUNICATIONS, INC. TO COX CABLE AND SI PARTNERSHIP, TO BE KNOWN AS TWC CABLE PARTNERS.

WHEREAS, Warner Cable Communications Inc. ("Warner Cable") is the holder of a cable television franchise (the "franchise") for the Town of Cinco Bayou, Florida; and

WHEREAS, Warner Cable has entered into a certain agreement with Staten Island Cable, Cox Cable New York ("Cox"), and Gilbert Communications Co., L.P., (Gilbert") known as the Exchange and Partnership Reorganization Agreement pursuant to which the parties intend to reorganize a general partnership known as the "SI Partnership"; and

WHEREAS, Warner Cable is a wholly-owned subsidiary of Time Warner Inc., ("Time Warner"), a widely held New York Stock Exchange company which intends to create a new limited partnership entity comprised of the assets and operations of its filmed entertainment, programming and cable television businesses, which entity shall be known as Time Warner Entertainment Company, L.P. ("TWE"); and

WHEREAS, Time Warner intends to offer minority limited partnership interests in TWE; and will operate TWE as a controlled subsidiary of Time Warner consisting of the assets of Warner Cable, American Television and Communications Corp. ("ATC"), Lorimar Telepictures ("Lorimar"), Home Box Office Inc. ("HBO"), and Warner Bros. Inc. ("Warner Bros.") including the rights and obligations of Warner Cable under the Franchise and SI Partnership; and

WHEREAS, Warner Cable and ATC will continue to exist as operating divisions of TWE, with the existing management structure surviving; and

WHEREAS, TWE intends to transfer the Franchise to the SI Partnership in exchange for a 33.3% ownership interest therein, which interest shall increase to 50% immediately following redemption of the SI Partnership interest owned by Gilbert; and

WHEREAS, the SI Partnership will thereafter become known as TWC Cable Partners and become responsible for all of the existing obligations under the franchise; and

WHEREAS, following the redemption of Gilbert ownership interest in the SI Partnership Cox will own a 50% interest therein and will assume day-to-day management control of the Franchise and be principally responsible for day-to-day compliance with all of the obligations under the Franchise;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA that insofar as may be necessary or advisable under the Franchise, the transfer of the Franchise and related cable television system from the grantee either directly or through one or more subsidiaries of Time Warner, including TWE, to Cox and the SI Partnership (which will thereafter be known as TWC Cable Partners) is hereby authorized and consented to in all respects.

Adopted this ____ day of March, 1992.

Approved:

Mayor

Attest:

Town Manager/Clerk

RESOLUTION NO. 92-2

A RESOLUTION OF THE TOWN OF CINCO BAYOU, FLORIDA SUPPORTING THE SHELTER HOUSE FACILITY IN SOUTHERN OKALOOSA COUNTY AND SUPPORTING THE PROPOSAL FOR STATE FUNDING TO CONTINUE PROVIDING SHELTER AND COUNSELING TO VICTIMS OF DOMESTIC VIOLENCE.

WHEREAS, Shelter House, Inc has recently opened a facility in southern Okaloosa County to provide shelter and related services to victims of domestic violence; and

WHEREAS, the Cinco Bayou Town Council supports the opening of Shelter House in the local area and believes that it should be operated by persons drawn from the geographic area served by the shelter; and

WHEREAS, The Cinco Bayou Town Council supports Shelter House's proposal to the Department of Health and Rehabilitative Services (HRS) that Shelter House provide shelter and related services to victims of domestic violence in Okaloosa and Walton Counties and should receive designated state funds to support those services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA that the Florida Department of Health and Rehabilitative Services (HRS) favorably consider Shelter House's proposal for Shelter House, Inc. to provide shelter and related services to victims of domestic violence in Okaloosa and Walton Counties and to receive designated funding to support these services.

Adopted this _____ day of March, 1992.

Approved:

Mayor

Attest:

Town Manager/Clerk

SHELTER HOUSE, INC.
P.O. Box 271
Fort Walton Beach, FL 32549

RECEIVED
2/24/92
112

February 26, 1992

Dear Mayor and City Council of Cinco Bayou,

Shelter House, Inc. recently opened a shelter in southern Okaloosa County for victims of domestic violence. Shelter House has been certified as a domestic violence center by the Department of Health and Rehabilitative Services (HRS).

Shelter House, Inc. is an all-volunteer organization founded several years ago for the purpose of establishing a local shelter for battered women. Prior to Shelter House opening its shelter, the nearest battered women's shelter was in Pensacola.

Shelter House will soon submit a proposal to HRS that Shelter House provide shelter and counseling to victims of domestic violence in Okaloosa and Walton Counties, and receive the designated state funds to support those services. We hope you will consider passing a resolution of support for our proposal. Attached is a proposed resolution of support. I would be happy to answer any questions you may have regarding this matter.

Sincerely,



Terri L. Carver
President

PROPOSED RESOLUTION OF SUPPORT FOR SHELTER HOUSE:

The City of Cinco Bayou supports the opening of Shelter House in southern Okaloosa County which provides shelter and related services to victims of domestic violence. Prior to the opening of Shelter House, the closest shelter for victims of domestic violence was in Pensacola, Florida.

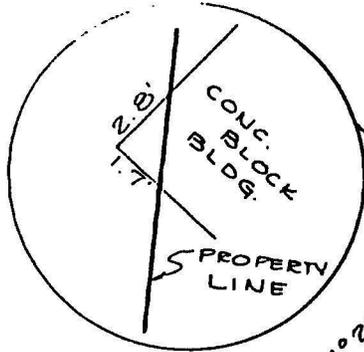
The City of Cinco Bayou supports Shelter House's proposal to the Department of Health and Rehabilitative Services (HRS) that Shelter House provide shelter and related services to victims of domestic violence in Okaloosa County and Walton County. The City of Cinco Bayou believes that Shelter House should receive designated state funds to support those services.

The City of Cinco Bayou also believes that Shelter House should be operated by persons drawn from the geographic area served by the shelter.

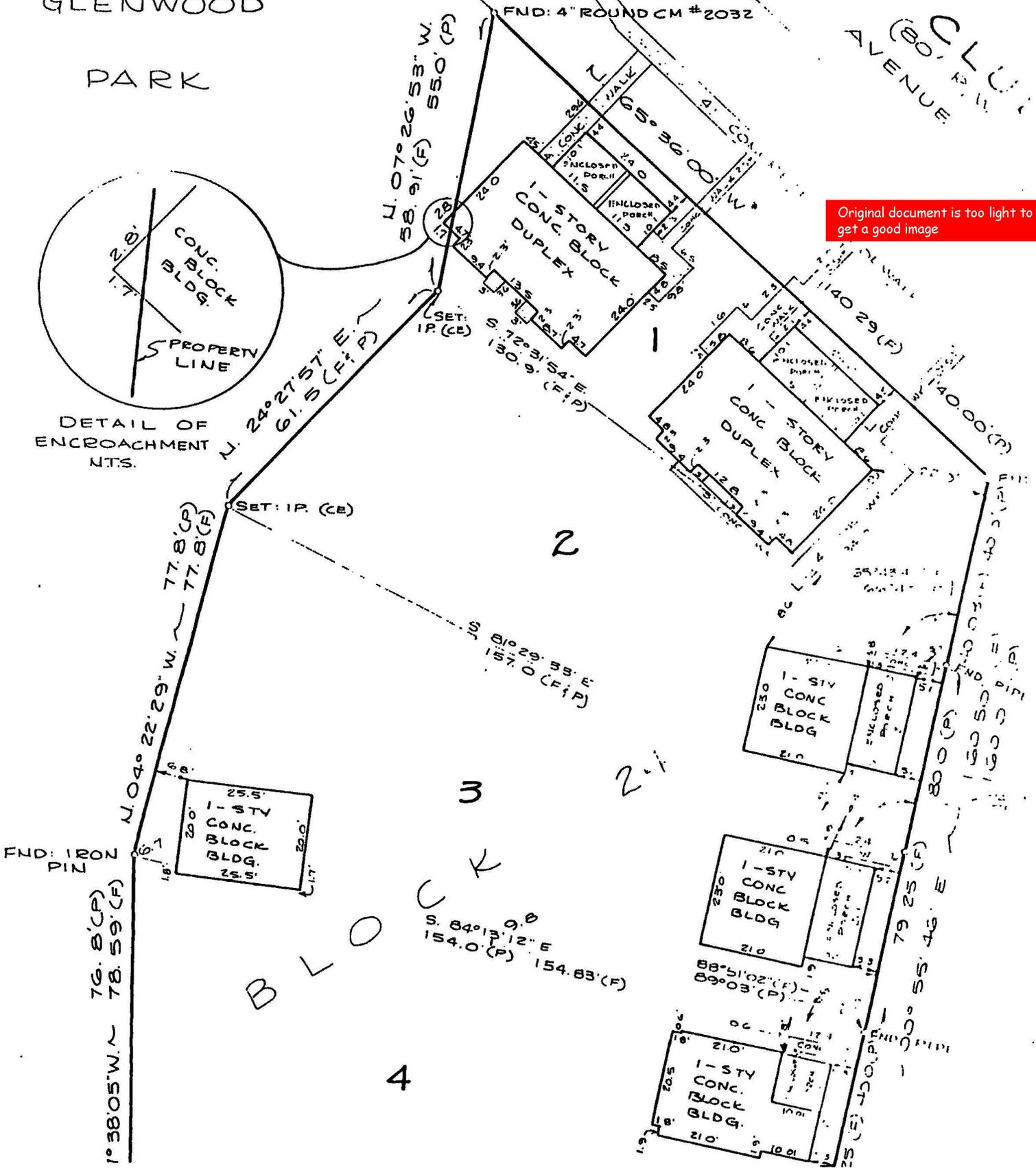
GLENWOOD
PARK

YACHT CLUB
(FIFTH AVENUE)

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DETAIL OF ENCROACHMENT NTS.



RECEIVED
2/20/92
11867

February 18, 1992

Honorable Charles Laginess
Mayor, Town of Cinco Bayou
10 Yacht Club
Ft Walton Bch FL 32548

Dear Mayor Laginess:

Each year, all city, town and county officials get together for an extraordinary athletic event called Political Pandemonium. The enthusiastic turn-out for this event makes it one that is eagerly anticipated.

The Third Annual Political Pandemonium is scheduled for Saturday, June 6, 1992 at 10:30 a.m. at the Fort Walton Beach Landing on Brooks Street. As always there will be five events and you can receive extra points for designing your team shirt, and for each elected official on your team. Remember, the team must consist of eight members, four men and four women. We would like to appear before your council on April 7, 1992 at 6:00 p.m. to issue an official invitation. Please place us on your agenda.

We look forward to meeting you again on the field of honor to defend the good name of Cinco Bayou. We have added three new teams this year from Eglin, Hurlburt, and Duke so train early because the competition appears to be awesome.

Sincerely,

Ellen M Holt

ELLEN M. HOLT
County Administrator

cc: Mr. Al Borchik, Town Clerk

RECEIVED
2/26/92
1187



40 BEAL PARKWAY S.W.

FORT WALTON BEACH, FLORIDA 32541

901 241 2825
901 241 2852

February 18, 1992

Hon. Mayor and Members of the
City Council of Cinco Bayou
10 Yacht Club Drive
Ft. Walton Beach, Florida 32548-4436

Dear Hon. Mayor and Members of the City Council of Cinco Bayou:

Catholic Social Services of Okaloosa County serves all of our residents regardless of sex, creed, race, or ethnic origin.

Catholic Social Services offers six basic programs for those in need. We have an Outreach Program for the needy, offering help with rent, utilities, food, clothing, medicine, and other emergency needs. We have a Problem Pregnancy Counseling Program for both unmarried girls and married women and their families for no fee. We have four competent counselors to help those with the many difficult situations life can confront people and families with in our fast moving society. We have a licensed adoption agency serving those who cannot bear children of their own. To help those who bear the cross of infertility we provide an infertility support group. Furthermore, we have six licensed foster homes to care for the babies and children placed in our care until they can legally be placed with adoptive parents.

With the greater mounting unemployment and the state of our economy, more and more of our people are in need of our services. Consequently, we humbly request any financial support you can give us to meet the needs of those who seek our help.

In 1991, 10% of the people and families we served lived in Cinco Bayou. All donations go for direct services to those in need and are not used for administrative purposes. I thank you sincerely for your time, attention, and help to be a Point of Light to our residents. I look forward to hearing from you in the near future. God Bless You!

Respectfully yours,
Mary A. Mayfield
Mary A. Mayfield, M.A.
Regional Director

MAM/nef
Enclosure

CATHOLIC SOCIAL SERVICES, INC. OF FORT WALTON BEACH
 FORT WALTON BEACH, FLORIDA
 STATEMENT OF CASH RECEIPTS & DISBURSEMENTS
 JUNE 30, 1991

| | | |
|---|-----------------|-----------------------|
| Cash in Bank - July 1, 1990 | | \$ 10,323.08 |
| Cash Receipts | | |
| Diocesan Allotment | \$ 35,943.85 | |
| United Way Allotment | 16,151.00 | |
| Contributions/Donations | 7,719.92 | |
| Program Income | 51,819.62 | |
| Interest Income | <u>609.82</u> | <u>112,244.21</u> |
| Total Cash To Be Accounted For | | \$ 122,567.29 |
| Cash Disbursements | | |
| Salaries & Fringe Benefits | \$ 65,553.00 | |
| Supplies & Office Expense | 1,016.90 | |
| Telephone | 2,697.25 | |
| Postage | 222.98 | |
| Building Rent, Maintenance & Insurance | 8,437.19 | |
| Printing | 441.96 | |
| Auto Expense | 577.42 | |
| Conferences - conventions | 751.47 | |
| Program Expenses | 23,252.28 | |
| Dues and Memberships | 25.00 | |
| Equipment Purchases | 15.00 | |
| Payments to Affiliates | 3,023.76 | |
| Professional Services | 4,016.25 | |
| Equipment Maintenance | <u>1,105.58</u> | <u>111,136.04</u> |
| Cash in Bank - June 30, 1991 | | \$ 11,431.25 ===== |
| Cash Located As Follows: | | |
| First National Bank & Trust Company Checking Account | | \$ 11,431.25 ===== |