TOWN OF CINCO BAYOU
SPECIAL COUNCIL MEETING
MARCH 7, 1989

Mayor Laginess called the Special Meeting to order at 6:01 PM.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL Present: Mayor Laginess
Councilwoman Buchanan (arrived 6:10 PM)
Councilman Davis
Councilwoman Dumka
Councilman Gage
Councilman Skelly

Also Present: Attorney McInnis, Manager Borchik, Secretary Kelley, Steve Jernigan, Spence King, Bruce Rolfsen

1. Town Hall Construction Project Specifications - Mr. Steve Jernigan informed the Council that final drawings and specifications for the new Town Hall are ready for bid. Councilman Davis asked the Council's opinion regarding a built-in council table on a raised platform. The Council agreed upon a removable table with skirting on a 10 foot platform. The Council will require contractor to furnish a fence around the construction site and post a "Keep Out" sign. The Council dedcided to extend the bid date until March 28, 1989 and will hold a Special Meeting at that time. Councilman Gage made a motion to accept the final specifications as presented and to advertise for bids, seconded by Councilman Skelly. The motion was unanimously approved on a roll call vote.

2. Resolution 89-1 - Banking Resolution - Councilwoman Dumka made a motion to accept Resolution 89-1, seconded by Councilman Skelly. The motion carried unanimously.

COUNCIL AS COMMITTEE MEETING

REGULAR BUSINESS

1. Minutes - February 7, February 14 & February 21, 1989- Councilman Davis made a motion to accept the Minutes of February 7, February 14 and February 21, 1989 and place this item on the Consent Agenda, seconded by Councilman Gage. The motion was unanimously approved.

2. Financial Report - February 1989 - Councilman Skelly made a motion to accept the Financial Report of February 1989 and place this item on the Consent Agenda, seconded by Councilwoman Dumka. The motion was unanimously approved.

3. Howard Building - 90 Opp Boulevard - Manager Borchik advised the Council that Mr. Howard received his letter on February 19, 1989, and to date no action has been taken by Mr. Howard. Councilman Skelly made a motion to notify Mr. Howard of next week's meeting and request that he attend this meeting, seconded by Councilwoman Buchanan. The motion was unanimously approved.

4. Warner Cable Franchise - Manager Borchik informed the Council that Mr. Sheraw is planning to attend the Regular Council meeting scheduled for March 14, 1989 to discuss the Warner Cable Franchise.

5. Parade Insurance - The Town received a letter from the Florida League of Cities, Inc. concerning insurance for Parades and Special Events. The Council decided to obtain additional information and quotes and will discuss this item at a later date.

6. Spring Clean-Up - Councilman Skelly made a motion to conduct Spring Clean-Up in the Town during the weekend of April 14, 15, & 16, and to place this item on the Consent Agenda, seconded by Councilwoman Dumka. The motion was unanimously approved.

COUNCILMEMBERS REPORTS/COMMENTS - Councilman Skelly requested an update on the status of the pedestrian crosswalk. Manager Borchik informed him that the request has been approved, however, funds are not available for the project at this time. Manager Borchik was asked to obtain an estimate of the cost of installation to the Town and to also explain the light sequence.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME - None.

COMMITTEE REPORTS

1. Administrative Committee - None.
2. Finance & Budget Committee - None.
3. Comprehensive Plan Committee - None.

CORRESPONDENCE

1. Ltr, Dept of Commerce, 1990 Census -
2. Ltr, ARC/Okaloosa - Request for Proclamation - Councilman Gage made a motion to proclaim March as "Mental Retardation Month" in the Town of Cinco Bayou and to issue the appropriate citation, seconded by Councilman Davis. The motion carried unanimously.

TOWN MANAGER'S REPORT - None.

MAYOR'S ANNOUNCEMENTS - None.

Original document is skewed

There being no further business, the meeting adjourned at 7:22 PM.

Charles R Lagineess
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.

- Florida Municipal Self-Insurers Fund (Workers' Compensation)
- Florida Municipal Liability Self-Insurers Program (Tort Liability)
- Florida Municipal Health Trust Fund
- Florida Municipal Pension Trust Fund
- Florida Municipal Property Self-Insurers Program
- First Municipal Loan Program

RECEIVED 2/13/89

Florida League of Cities, Inc.
201 West Park Avenue
Post Office Box 1757
Tallahassee, FL 32302-1757
Telephone (904) 222-9684
Suncom 282-5010

Florida League of Cities, Inc.
Public Risk Services Division
174 West Comstock Avenue
Post Office Box 2026
Winter Park, FL 32790-2026
Telephone (407) 740-0210
Suncom 348-6770

February, 1989

M E M O R A N D U M

TO: The Members of the Florida Municipal Liability Self Insurers Program

FROM: The Administrator, Florida League of Cities, Inc.

RE: INSURANCE FOR "SPECIAL EVENTS" AND "RENTAL PROPERTIES"

Every city knows the frustration of handling Liability Certificates of Insurance. This is particularly true in the case of Special Events, such as street dances, picnics, shows, parades and the like, where the municipality is involved as a co-sponsor. Usually the main sponsor of such events is required to provide insurance which includes the municipality as an additional named insured.

The majority of these special events are now covered by minimum premium policy for individual events that does not accurately reflect the actual risk involved.

The answer to this dilemma is at hand. A new annual Liability policy is available to cover almost all, of such special Events. This Policy does carry an annual premium, but no minimum premium for each event. The annual policy may be written either in the name of the political entity, including event sponsors as additional named insureds, or written in the name of the event sponsors including the municipality as an additional named insured. Remember that even though a municipality may be either self-insured or rely on their limited liability as protection against large claims, coverage should be purchased for any situation involving co-sponsors or lessees.

The policy will show the rating structure and schedule of different special events, so all parties will know the cost in advance. Of course, certain events such as rock concerts, parades with animals or events with special hazards will still have to be separately submitted and priced.

Original document is skewed

In addition, many governmental entities have rental agreements with diverse club groups such as Boy or Girl Scouts, garden clubs, neighborhood groups or non-governmental group meetings on government property. Some of these meetings are monthly, others weekly, etc. The municipalities require Certificates of Insurance from the rentees, resulting in paper shuffling, insecurity as to whether there is insurance or not, varying wordings and deductibles, etc. Of course, the municipality must be shown as a named insured. These exposures may be included in the same annual policy as for special events, or may be issued separately. Premium must be negotiated, based upon exposures, but would surely be less than if each rentee bought its own individual policy.

It is important to remember that each contract may be tailored to suit the individual requirements of the municipal entity, with limits up to $1,000,000. All governmental agencies should review this simplified approach for handling special events and activities on their properties. An attached application is provided should you be interested in obtaining a quote on an event or rental of public property. Simply complete the application and return it to the Florida League of Cities, Inc., Public Risk Services Division. A League representative will be in contact with you.

RECEIVED 2/24/89 114

BOARD OF DIRECTORS

Larry Murphy
President

James Angelo
1st Vice President

Carol Whitney
2nd Vice President

Don Allison
Secretary

William Henderson, Jr.
Treasurer

Paul Cadenhead
Bart Fleet
Joan Henehan
Duane Lehr
Rodney Morton
Lee Whitney
Charles Wilbur

John W. Askew
Executive Director

Reply to:

ARC PROGRAMS
Infant Homebound
Developmental Clinics
Developmental Preschool
Physical/Occupational Therapy
Speech Therapy
Social Services
Adult Basic Education
Adult Developmental Training
Job Training
Job Placement
Sheltered Employment
Transportation
Special Olympics
Residential Services
Supported Employment

SUPPORTED BY
The City of Crestview
The City of Destin
The City of Fort Walton Beach
The City of Mary Esther
The City of Niceville
Department of Health and Rehabilitative Services
United Way of Okaloosa County

MEMBER OF
Associations for Retarded Citizens
Of Florida and the United States
National Industries for the Severely Handicapped

arc/okaloosa
Association for Retarded Citizens

February 21, 1989

The Honorable Charles Laginess
Township of Cinco Bayou
35 Kelly Avenue
Fort Walton Beach, Florida 32548

Dear Mayor Laginess,

March has been proclaimed Mental Retardation Awareness month across the United States. The Associaiton for Retarded Citizens of Okaloosa County, Inc. is asking your help to create awareness about mental retardation in Okaloosa County. In the past, we have asked your help by issuing a Proclamation declaring March as Mental Retardation Awareness Month. We are again seeking your cooperation to bring attention to the people whom we serve in your community.

In 1988, President Reagan issued a nationwide proclamation similar to the one we are requesting from you. For your convenience, I have enclosed a sample statement for your use.

Your assistance in making residents more aware of people with mental retardation and the efforts of the ARC to help these people help themselves is greatly appreciated. The ARC provides occupational and speech therapy, evaluations, pre-vocational training, daily living skills, sheltered employment, county-wide door-to-door transportation, job placement, and two group homes. Recently, the ARC began a new program in Okaloosa County, Supported Employment, which places a worker in a job in the market place with a one-on-one trainer until the worker is able to competently perform the job duties. We have had success at White Wilson Clinic, West Cash and Carry Building Materials, Long John Silvers Seafood Restaurant, to name a few job sites. From these successes, we are confidently facing a future in which persons with mental retardation will be tax-paying citizens, not recipients of tax dollars.

As we approach our 33rd Anniversary, we are anticipating the new challenges we face as we strive towards a goal of helping the mentally retarded and developmentally disabled infants, pre-schoolers and adults whom we serve to become outstanding citizens in our community. By helping more people become aware of mental retardation and the strives we have made, we can attain our goal.

Sincerely,

John W. Askew,
Executive Director

414 Bob Sikes Boulevard • Fort Walton Beach, Florida 32548 • (904) 862-4312

SAMPLE PROCLAMATION

WHEREAS mental retardation is a condition which today affects more than six million American infants, children and adults and their families;

AND WHEREAS the most effective weapons for alleviation of the serious problems associated with mental retardation are public knowledge and understanding;

AND WEHREAS the potential for citizens with mental retardation to function more independently and productively must be fostered;

AND WHEREAS during the month of March, 160,000 members through 1300 state and local chapters of the Association for Retarded Citizens of the United States are forging vital employment, educational and fundraising campaigns under private sector initiatives,

_____ does hereby proclaim the period March 1989 as

MENTAL RETARDATION AWARENESS MONTH

in this community and urge all citizens to give their full support to promote the efforts towards enabling people with mental retardation to live productive lives and achieve their potential.

CORPORATE AUTHORIZATION RESOLUTION

I, CHARLES R. LAGINESS, do hereby certify that I am MAYOR of Town of Cinco Bayou, Florida, Federal Employer I.D. Number 59-1569110, a corporation organized under the laws of the State of Florida, and that the following is a true, complete and correct copy of resolutions adopted at a meeting of the Board of Directors of said Corporation duly and properly called and held on the 7th day of March, 19 89; that a quorum was present at said meeting; that said resolutions are set forth in the minutes of said meeting and have not been rescinded or modified.

RESOLVED, that Ready Bank of Fort Walton Beach hereinafter sometimes called the Bank be and it hereby is designated as a depository for the funds of this corporation and any officer of this corporation is hereby authorized to open or cause to be oepened an account or accounts with said Bank on such terms, conditions and agreements as shall be required by said Bank, to endorse or cause to be endorsed, in the name of this corporation and to cash, to negotiate or to deposit or cause to be deposited in such account or accounts any money, checks, drafts, orders, notes and other instruments for the payment of money and to make any other agreements deemed advisable in regard thereto.

RESOLVED FURTHER, that checks, drafts or other withdrawal orders issued against the funds of this corporation on deposit with said Bank may be signed by any One (Insert One or Two) of the following:

CHARLES R. LAGINESS, Mayor
RICHARD K. GAGE, Mayor Pro Tem
ALBERT S. BORCHIK, JR. Town Manager/Clerk

and said Bank is hereby fully authorized to pay and charge to the account of this corporation any checks, drafts (including overdrafts) or other withdrawal orders, so signed, including those payable to the individual order of the person signing the same and including also checks or other withdrawal orders payable to the said Bank or to any other person or corporation, which are applied in payment of any indebtedness owing to said Bank from the person or persons who signed such checks or other withdrawal orders.

RESOLVED FURTHER, that any N/A (Insert One or Two) of the following:

N/A

be and hereby are authorized to borrow money for and on behalf of and in the name of this corporation; to discount bills receivable, or other negotiable paper, establish letters of credit, or obtain credit for this corporation through overdrafts or otherwise, to make any agreements in respect thereto; and to sign, execute and deliver promissory notes, acceptances or other evidences of indebtedness therefore, or in renewal thereof, in such amounts and for such time, at such rate of interest and upon such terms as they see fit; and are hereby authorized to endorse, assign, transfer, mortgage, or pledge to said Bank the bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or any other property now or hereafter owned by this corporation as security for the payment of any money so borrowed; to assign or negotiate to the Bank any bills receivable or other negotiable paper now or hereafter owned by this corporation, and to discount the same; to unconditionally guarantee payment of any or all bills receivable or other negotiable paper so negotiated or discounted, and to waive demand, protest and notice of non-payment.

RESOLVED FURTHER, that this resolution shall continue in force until express written notice of its rescission or modification has been furnished to and received by said Bank.

RESOLVED FURTHER, that all transactions, if any, in respect to any deposits, withdrawals, rediscounts and borrowings by or in behalf of this corporation with said Bank prior to the adoption of this resolution be and the same hereby are in all things ratified, approved and confirmed.

RESOLVED FURTHER, that any of the persons above-named be and they hereby are authorized and empowered to make any and all other contracts, agreements, stipulations and orders which they may deem advisable, from time to time, with said Bank in respect to transaction between this corporation and said Bank in regard to funds deposited in said Bank, moneys borrowed from said Bank or any other business transacted by and between this corporation and said Bank.

RESOLVED FURTHER, that any and all resolutions heretofore adopted by the Board of Directors of this corporation and certified to said Bank as governing the operation of this corporation's account(s) with it, be and are hereby continued in full force and effect, except as the same may be supplemented or modified by the foregoing.

* * * * * * * * * *

I further certify that the Board of Directors of this corporation has, and at the time of adoption of said resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the powers therein granted to the persons named who have full power and lawful authority to exercise the same.

IMPRINT SEAL HERE

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this corporation this 7th day of March, 19 89.

Attest by One Other Officer

RICHARD K. GAGE, Mayor Pro Tem

CHARLES R. LAGINESS, Mayor

NOTICE: Prepare this form in duplicate — Forward the original copy to the Bank and retain the duplicate copy for your files. Also, complete **all** other forms furnished by the Bank (such as signature card, lease forms, etc.) and forward them to the Bank immediately, as they are absolutely necessary to carry out the directives of this authorization.

© American Banc Supply Co., Inc., Americus, GA 31709

CORPORATE RESOLUTION FOR SAFE DEPOSIT BOX RENTAL

RESOLVED, that Albert S. Borchik, Jr., Town Manager/Clerk
(Name and Title of Officer)

of the Town of Cinco Bayou, Florida, 35 Kelly Avenue (Cinco Bayou),
(Corporation Name and Address)

Fort Walton Beach, Florida 32548-4412

be and he/she hereby is authorized to sign a lease for and to rent a Safe Deposit Box in the Vaults of
(Bank Name and Address)

Ready Bank of Fort Walton Beach, 71 Beal Parkway NE, Fort Walton Beach, Florida

in the name of this corporation. Said Rental shall be subject to the rules, regulations and procedures of said Bank's Safe Deposit Department.

RESOLVED FURTHER, that any one of the following officers shall have the right of access to said Box:
(Number Required)

Charles R. Laginess, Richard K. Gage, or Albert S. Borchik, Jr.
(Name(s) & Title(s) of Officers)

RESOLVED FURTHER, that the foregoing resolution shall remain in full force and effect until written notice of its Amendment or Rescission shall have been given to said Bank.

CERTIFICATION

The undersigned Mayor of Town of Cinco Bayou, Florida
(Corporation Name)

hereby certifies that the foregoing is a true and correct copy of a resolution adopted by the Board of Directors of this Corporation at a Special meeting thereof duly held at the Cinco Bayou Town Hall, 35 Kelly Avenue (Cinco Bayou), Fort Walton Beach, Florida 32548-4412
(Regular-Special) (Location of Meeting)

on the 7th day of March 1989 and that said resolution is now in full force and effect and is duly recorded in the Corporate minutes of said meeting.

Witness my hand and the seal of the Corporation this 7th day of March 1989.

IMPRINT SEAL HERE

CHARLES R. LAGINESS, Mayor

(Attest by One Other Director)

RICHARD K. GAGE, Mayor Pro Tem

NOTICE: Prepare this form in duplicate — Forward the original copy to the Bank and retain the duplicate copy for your files. Also, complete **all** other forms furnished by the Bank (such as signature card, lease forms, etc.) and forward them to the Bank immediately, as they are absolutely necessary to carry out the directives of this authorization.

Original document is skewed

Anchors, Foster & McInnis
Attorneys at Law
909 Mar Walt Drive, Suite 1014
Ft. Walton Beach, Florida 32548

C. LeDon Anchors
W. Scott Foster*
C. Jeffrey McInnis

*Also Admitted in Alabama

Area Code 904
Telephone 863-4064
Fax 862-1138

January 13, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul K. Howard
90 Yacht Club Drive
Fort Walton Beach, FL 32548

In Re: Structure located at 90 Opp Blvd., Cinco Bayou, Florida

Dear Mr. Howard,

You are hereby notified pursuant to Ordinance 121 of the Code of Ordinances of the Town of Cinco Bayou, Florida that a building currently owned by you and located at 90 Opp Blvd., Cinco Bayou, Florida is in violation of the aforementioned Ordinance in that it has been determined to be a dangerous building pursuant to Section 4-72(1)(B),(C),(H) and (I) and additionally, a public nuisance under Section 4-72(3).

This property was inspected on January 3, 1989 by Steve Hudson, the chief building official for Okaloosa County, Florida, who conducts inspections on behalf of the Town of Cinco Bayou. In his inspection report, a copy of which is attached hereto, the inspector found that portions of the building have deteriorated to the point of causing a public safety hazard and additionally, because of the property's close proximity to adjacent structures, it poses a possible health and fire threat. Additionally, the property was inspected on January 9, 1989 by James H. Cobb, Jr., the Fire Chief for the Ocean City-Wright Fire Control District, who are the fire control agents for the Town of Cinco Bayou. In his inspection report, a copy of which is attached hereto, the Fire Chief found that the building has been neglected and is dilapidated to the point that it is an unsafe building and a public nuisance as defined by the Town's Ordinance 121. Additionally, the Fire Chief has found that pursuant to Section 4-72(2) of the Ordinance, that the building is 75% damaged by deterioration and should therefore, be demolished.

You are hereby directed to either repair the premises so that it meets all standards of the building, health and safety codes of Cinco Bayou and Okaloosa County, or have the structure demolished within thirty (30) days of the date of this letter. You are hereby advised that you must have any attempts at repairing or remodeling this structure fully completed within the thirty day time frame in order to comply with this demand.

Original document is skewed

If you should fail to respond in a timely fashion with the required action, this matter will be referred to the Town Council for final disposition. In that event, the Ordinances provide that the Town Council has the authority to order the structure demolished and to lien the property for the cost of said demolition.

If you should have any questions, please do not hesitate to give me a call.

Sincerely,

ANCHORS, FOSTER & McINNIS

C. JEFFREY McINNIS

CJM/md

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. †(Extra charge)† 2. ☐ Restricted Delivery †(Extra charge)†

3. Article Addressed to:

Paul K. Howard
903 Yacht Club Drive
Fort Walton Beach, FL 32548

4. Article Number
P 770 569 713

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee
X Paul K. Howard

6. Signature – Agent
X

7. Date of Delivery
1-19-89

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

RECEIVED 01/13/89

Original document is skewed

(6) Duties of the Town Council. The Town Council shall:

(a) Upon receipt of a report from the Town Manager/Clerk as provided for in Section 4-72 (4)(f), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished, in accordance with the statement of particulars set forth in the building official's notice provided pursuant to Section 4-72 (4)(f).

(b) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, shall offer relative to the dangerous building.

(c) Make written findings of fact from the testimony offered pursuant to Section 4-72 (6)(b) as to whether or not the building in question is a dangerous building within the terms of Section 4-72 (1).

(d) Issue an order based upon findings of fact made pursuant to Section 4-72 (6)(c) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, to repair, vacate or demolish any building found to be a dangerous building within the terms of this section; provided, However, that any person so notified, except the owners, shall have the privilege of either vacating or repairing such dangerous building, or any person not the owner of such dangerous building but having an interest in such building as shown by the land records of Okaloosa County, Florida, may demolish such dangerous building at his own risk to prevent the acquiring of a lien by the Town against the land upon which such a dangerous building stands, as provided in Section 4-72 (6)(e).

(e) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Section 4-72 (6)(d) within thirty (30) days the Town Council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standard provided for in Section 4-72 (2) and shall have the cost of such repair, vacation, or demolition charged against the land on which the building existed, as a municipal lien, or cause such costs to be added to the tax certificate as an assessment, or levied as a special tax against the land upon which the building stands or did stand, or may recover such costs in a suit at law against the owner; provided, however, that in cases where such procedure is desirable, and any delay caused thereby is not dangerous to the health, morals, safety, or general welfare of the people of this Town, the Town Council may notify the Town Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.