

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
March 11, 1976

Town officials in attendance: Mayor Ken Smith, Council members Jim Kendrick, Will Overstreet, Harold Peek and Max Usrey; Attorney Rick Powell, Marshal Ray Elliott and Recorder Dee Rouse. Absent: Council member Irene Balsley who was sick.

Also present were: Miller Burt of Polyengineering, representatives of McDonald Plumbing of FWB, Hartley Plumbing, Couch Construction and Bill Lee Contractor, all of Dothan, Alabama. Rev. Smith and Vivion Pelham of Cinco Baptist Church; Mrs. Miles and Al Williams of Warner Cable; Mr. S. D. Walton of 227 Troy Street. Miss Freda Benderman of Gayfer's Hair Styling Salon; Playground News representative and Jim Kay of WFTW. Also, Mrs. Crawford, Usrey, Pritchard and Taylor of the Town.

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

1. MINUTES - REGULAR COUNCIL MEETING - FEBRUARY 12, 1976. Motion by Mr. Peek to approve as printed, seconded by Mr. Kendrick. Motion carried unanimously.
2. FINANCIAL STATEMENT - FEBRUARY 1976. Motion by Mr. Kendrick to approve as presented, seconded by Mr. Usrey. Motion carried unanimously.
3. SEWER BIDS - THIRD ADDITION TO SEWER SYSTEM. Four bids, from above listed companies, were opened by the Clerk and read by Mr. Burt to Council and audience, as follows: Bill Lee Contractor, \$58,210.10; Hartley Plumbing, \$62,139.50; Couch Construction, \$56,970.87 and McDonald Plumbing, \$52,331.00. Mr. Burt announced that McDonald was the apparent low bidder and that he would check their bid figures and bid bond and report back to Council for their final decision. He also read the unit prices on the low bidder at the request of the other three bidders. (Note: Special Meeting to be held Wednesday night, 7:00 p.m., March 17, 1976 at which time a Resolution will be presented for adoption).
4. CINCO BAPTIST CHURCH - (Parking problems on Yacht Club Drive; Luverne Street between Yacht Club Drive and Irwin Avenue and Kidd Street between Yacht Club Drive and Lucille Street)
Quite a lengthy discussion was held. Rev. Smith read a letter from State Road Department (Mr. E. W. Lee) dated April 5, 1974, a portion quoted as follows:
It is our RECOMMENDATION that parking be allowed on Yacht Club Drive during church services, PROVIDING the Okaloosa County Sheriff's Department AGREES to direct operation. Travel in the outside lanes will have to be prohibited by placement of traffic CONES prior to each service. The CONES will have to be removed after each service. We feel that this stipulation is essential since the street normally operates as a four-lane facility and without SPECIAL HANDLING there would be a high accident rate".

Clerk read an earlier letter from same source, dated May 15, 1973, as follows: "At your request the Department of Transportation has investigated the subject location during the hours from 10:30 a.m. and 12:30 p.m.; Sunday, May 13, 1973. (para) It was determined by our study that parking appears to be adequate for members of your church. The members of your church were using the J. M. Fields parking lot and the lot provided by the church. Some vehicles were parked in the painted median. This created a problem for those vehicles attempting to enter from Kidd Street. (para) As to granting permission for parking on SR S-189-A (Yacht Club Drive), the design of this roadway did not provide parking. It is not the policy of this department to waive this policy".

The motion of Town Council of September 11, 1975 was discussed, whereas Council by motion and vote, voted unanimously to deny parking on Yacht Club Drive.

Rev. Smith indicated he had not been aware that Council had made such a decision, although he had been informed recently that Clerk had sent a letter to Mr. John Smith (who appeared before Council in August 75 representing the Church) and a copy to his attention addressed to 26 Yacht Club Drive.

Mayor Smith indicated he had just seen a paper, this date, which led him to believe the Town might not have jurisdiction over the parking on Yacht Club Drive.

Mr. Peek indicated he still felt it was a grave safety hazard to park on Yacht Club Drive regardless of who had jurisdiction. Also, he thought the church was not fully utilizing their own parking area and was not using the J. M. Fields parking complex as they should.

Rev. Smith indicated the Church was planning to remove some trees and small buildings to enlarge their parking area but did not think the Church would ever spend \$25,000. to pave their parking lot. Also indicated additional building program was in the planning stage.

Motion: Mr. Kendrick moved that the Church be allowed to continue to park on Yacht Club Drive, seconded by Mr. Overstreet. On call for vote: Mr. Kendrick and Mr. Overstreet voted yea. Mr. Peek and Mr. Usrey voted nay. Therefore, to break a tie, Mayor Smith cast a yea vote.

ON THE SUBJECT OF PARKING ON LUVERNE AND KIDD STREETS - Two letters were presented to Council objecting to parking on their right-of-way and blocking their vehicles. Also, Mrs. Taylor voiced her objections and indicated they had to buy and put out blocks next to the curbing to keep people from parking on their newly planted grass. COUNCIL decided they would look into this situation as a COMMITTEE.

5. ORDINANCE - SECOND READING - WARNER CABLE (Request for rate increase). Attorney Powell performed the second reading of this ordinance. Motion by Mr. Overstreet to accept and adopt ordinance as read, seconded by Mr. Peek. Motion carried unanimously.

AT THIS POINT, MAYOR SMITH INFORMED COUNCIL HE HAD TO RETURN HOME DUE TO SICKNESS IN HIS FAMILY AND REQUESTED MR. PEEK TO TAKE THE CHAIR.

6. ORDINANCE #52 -REQUIRING BUSINESSES TO REGISTER IN CINCO BAYOU. (Ltrs of notification taken around to the following three businesses by Clerk: Allied Personnel of FWB, Gayfer's Hair Styling Salon and Metropolitan Life Insurance Co. Ref. Section 6, Ordinance #52, requiring assessment of \$100. penalty to each for failing to reg.)

Miss Freda Benderman, current manager of Gayfer's, appeared before Council and indicated her organization had no knowledge of this registration requirement until the Clerk had brought the letter of notification around on March 4, 1976.

Clerk indicated to Council he had called the Salon and personally visited the former manager and could not get her to come over and sign the registration form. Further indicated he had gone so far and to fill the form out and held it awaiting the manager coming over to sign.

After discussion, Mr. Kendrick moved that Gayfer's be forgiven this penalty, providing Miss Benderman sign a BUSINESS REGISTRATION FORM right now, seconded by Mr. Overstreet. On call for vote, two yeas were registered, Mr. Kendrick and Mr. Overstreet. Mr. Usrey voted nay. (Note: Miss Benderman signed FORM previously made out for the former manager of Gayfer's)

In regards to the remaining two businesses (Allied and Metropolitan) Mr. Kendrick moved that Attorney and Clerk take necessary action to prosecute, seconded by Mr. Usrey. Motion carried unanimously.

7. FIRE INSPECTIONS OF BUSINESSES LOCATED IN CINCO BAYOU. Clerk informed Council that fire inspections were currently be performed by the Ft Walton Beach Fire Department's Inspection Section. Also, that no adverse reaction had been felt from the twenty-five businesses already inspected. Also, asked Council if they had any objections to continuing inspecting until the remaining businesses had been inspected. No objections were noted.

8. CHANGE IN "COUNCIL AS COMMITTEE" & "REGULAR MONTHLY COUNCIL MEETINGS. Clerk recommended "Council as a Committee" and "Regular Monthly Council" meetings be changed from second Tuesday and second Thursday TO second Thursday for "Council as a Committee" and third Thursday for "Regular Monthly Council" meetings, with time to be changed from 7:30 p.m. to 7:00 p.m. Also, indicated notice would be published in legal section of Playground Daily News twice and all new media notified by letter.

Mr. Kendrick moved to approve this recommendation, seconded by Mr. Usrey. Motion carried unanimously.

9. LETTER OF APPRECIATION. Clerk read letter from Mr. Fife of Ft. Walton Restaurant Equipment which thanked the Council and Clerk for their prompt action in helping to solve the problems on Block 14.

10. F/S CHAPTER 316.165 - PROVIDING FOR HANDICAPPED PERSONS CONFINED TO WHEEL CHAIRS. After discussion this was referred to Attorney for further study.

11. LOCAL COMPREHENSIVE PLANNING ACT OF 1975 (HB 782). After discussion this was also turned over to Attorney for further study.

12. SEWER TAP AT 227 TROY STREET - MR. S. D. WALTON. Mr. Walton appeared before Council and explained this was not a new problem, but had existed since the completion of the last sewer project. After discussion, Mr. Peek appointed Mr. Overstreet to look into this matter and report back to Council with his recommendation at the next Council meeting.

13. FEDERAL REVENUE SHARING. Clerk explained to Council that the Okaloosa League of Cities had prepared a Resolution on this subject and that President Tom Maulden had forwarded copies to all representatives, state and federal, as well as, to member cities in the league. Also, that he (Clerk) was distributing the resolution to the media within Okaloosa County.

14. KENNETH CROWDER - Ref. ltr written by Attorney requesting he remove equipment from Laguna Park.

Clerk explained he had sent Mr. Crowded a letter requesting reimbursement for Attorney fee and administrative overhead (\$25.), with request for payment by March 8, 1976. No answer had been received to date. After discussion, Mr. Overstreet requested we hold this over for further discussion at the next regular monthly

Council meeting.

15. REQUEST FROM CLERK FOR AUTHORIZATION TO ATTEND CONFERENCE. Clerk explained this conference for finance directors and clerks would be very beneficial. Conference to be held in Orlando, Fla., April 4-7, 1976. Mr. Kendrick moved that Clerk be authorized to attend and that Town would bear the expenses, seconded by Mr. Usrey. Motion carried unanimously.

16. REPORTS:

a. BUDGET AND PERSONNEL COMMITTEE. Clerk informed Council Mrs. Balsley had asked this be held over until the next meeting when she could attend.

b. 208 AREAWIDE PLANNING ADVISORY COMMITTEE. Mr. Overstreet indicated he and Clerk had attended the first meeting and that very little was accomplished except the WFRPC staff briefed all attendees on future planning.

c. KIDD BAYOU DREGGING COMMITTEE. (Mr. Overstreet and Mr. Kendrick). Council was informed of the meeting of 3/8/76 when Committee from FWB meet with us and interested citizens from both towns, that Ft. Walton Council had in their March 9, 1976 Council meeting approve the recommendation that: Ft Walton Engineer (Rex Griffin), Cinco Engineer (Miller Burt), DOT representative and DER representative would work together and recommend some guidelines and make a report back to the Bi-lateral Committee. MOTION: Mr. Kendrick moved our Council approve same, seconded by Mr. Overstreet. Motion carried unanimously. (Clerk's Note: As of 3/16: Mr. Taylor, DER representative in Panama City was contacted, he contacted Mike Redig, who in turn called Clerk and apologized for failure to make meeting of 3/8. Clerk informed him of both Councils decision and informed him to await a call from Rex Griffin. Also, talked with Charley Evan, FWB, informed him that Rex Griffin would be contacting him. Informed Miller Burt. Informed Jere Tolton, he will take care of having a DOT representative contact Rex Griffin. Also, informer Jerry Melvin of all of the above.

d. FLORIDA LEAGUE OF CITIES PRE-LEG CONFERENCE. Clerk informed Council on his trip (Feb 29-Mar 2) and thanked them for sending him. He felt the trip and experience was very helpful.

17. CHAMBER OF COMMERCE - CIVIC CENTER - CENTURY III. Mr. Kendrick moved to endorse the ideal, seconded by Mr. Overstreet. Motion carried unanimously.

18. BOAT PARKING - SEAWAY. Mr. Kendrick moved to instruct Town Clerk to notify the franchise owners at Seaway that they restore right to public to be able to use Seaway as an intended boat ramp but not as a parking lot, seconded by Mr. Usrey. In discussion, Clerk indicated he was rather skitish about writing a letter pertaining to this ordinance (#53), having just been burned on #52, and suggested Attorney contact First Federal about controlling this situation. Mr. Powell indicated he would contact First Federal verbally and felt something could be worked out.

19. FLOOD INSURANCE. Mr. Usrey indicated that Town did not have nor could not have flood insurance because we don't have an ordinance dealing with this. Mr. Overstreet indicated he had receive a letter indicating a Federal Insurance Representative would be in FWB on the 17th and we could probably find out some

information from attending this meeting. Someone will report on this at next regular council meeting.

20. ADJOURNMENT. Meeting adjourned with approval of all at 9:47 p.m.

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


JAMES O. GODWIN, SR.
Town Clerk

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Cinco Bayou to Spruce Up

Playground Daily News

April 22, 1977

After Accepting 5 Bids

By HONEY REEVES

Daily News Staff Writer

In one fell swoop the Cinco Bayou Town Council Wednesday night accepted five bids and improvement motions for the town hall, parks and streets.

Two of the items, ironed out in last week's committee meeting of the council, dealt with accepting low bid of \$989.30 from Shalimar Industries, Inc., for chain-link fencing around Francis and Laguna Parks, and buying picnic tables from the county road department at the cost of \$650-780 for 10 to 12 tables in the three parks.

Two other bids called for dressing up the town hall with new carpeting and double tinted glass doors. The low bid from Fort Walton Glass Co., of \$676 was accepted along with the carpet for of \$512 from Contract Unlimited Inc.

The council also agreed to purchase street and regulatory signs for the entire town from the county road department for \$162.

Council member Irene Balsley agreed to withdraw a motion setting opening and closing times for the town's parks when Councilman William Overstreet objected to putting up gates since "sooner or later we'll have to pay someone to do the job." In the decision to hold off on the subject Balsley said she would have a manpower cost estimate before the next discussion came up.

Clerk Jim Godwin to write the State Department of Transportation for clarification on the issue.

Local businessman J.T. Culley was again put off by the council on his request to reopen discussion on the marina issue that was turned down by the council last month. A request for an ordinance change allowing marinas in commercial zones had been hanging over the council for the past several months.

Culley told the council he was willing to work for a compromise with them on the matter and asked them to view the proposed work site and plans before making a final judgement against him. The council asked him to return to the next committee meeting to review

the matter.

In other action the council: Agreed to have Miller Burke of Polyengineering of Florida Inc., draw up a sketch of work to be done in the dredging of Kidd Bayou. The work is to be done in conjunction with Fort Walton Beach and the drawing will be submitted to the Environmental Protection Agency for approval. Recently a letter from a Shalimar resident who claims ownership to the submerged property in the Bayou asked the city to halt all dredging plans.

Put off accepting a donation of a 1964 blue truck from Town Clerk Jim Godwin. Godwin has used the truck for town business and by accepting the donation the town would take over its upkeep.

Hassles over the parking situation surrounding the Cinco Baptist Church surfaced again when the council agreed to investigate the possibility of creating parking spaces at the edge of Leyenda Park. The area would accommodate six-eight cars and would call for removal of approximately 50 feet of curbing on Kidd Street. The estimated cost of the project is \$500.

The council had recently received a letter from a Kidd Street apartment complex owner stating her intent to have cars towed away if they continue to block the private drive of the building.

Town attorney Rick Powell then warned the council of the town's possible liability in the event of an accident involving cars parked on Yacht Club Drive by Sunday church-goers.

The council authorized Town

Cinco Marina Request

By JIM CHITWOOD
Journal Staff Writer

CINCO BAYOU — A three-month battle by a Destin resident to convince the Cinco Bayou Council to change the town's ordinance prohibiting marinas was scuttled again Thursday night as action on a second petition was delayed.

Mayor Jim Kendrick ruled J. T. Culley out of order when he requested a first reading of his latest petition for an ordinance change council turned down last month by a 3-2 vote.

Culley must now wait until next month's council committee meeting before he can continue his crusade for permission to build a marina on a site which is owned by Councilman Phil Johnston.

SCUTTLE AGAIN

When the issue surfaced again Thursday night, Johnston, as he has done in the past, asked to be excused from the discussion because of a possible conflict of interest. Johnston did say, however, he would vote on the matter if it got that far.

Culley said he was presenting his petition again because "we didn't have all the council members the last time," referring to Thursday's presence of Councilwoman Irene Balsley. Culley said there was "one change" in the petition, concerning the amount of square feet allowed a craft in each slip.

"I would like to ask all the council members, to at least make an inspection of the site in question to determine for themselves what I am asking for," said Culley. "I would like to see

what can be done as far as a compromise between the council and myself."

Kendrick, however, was not in a compromising mood.

"You cannot make such a request from the floor," Kendrick instructed Culley. "It's the council's prerogative to do that. This council has the option to receive it or take it up in committee."

When Kendrick asked if any council member desired a first reading of the ordinance, he was met by silence.

Culley responded, "From the floor, I appeal in all fairness, let the first reading get out. I know the people at last month's meeting here demonstrated their views. I am appealing to any one of the council members to hear the first reading."

Kendrick was unmoved and reminded Culley that the responses heard at last month's meeting were from citizens of the town.

"You are not a resident of this town," Kendrick said.

Culley, who has a sailboat business in the town, replied, "I pay taxes."

Kendrick retorted, "But you don't live here." Councilman W. E. Overstreet interrupted the crossfire by asking Culley how the new petition differed from the one before.

"Is there some fundamental change?" asked Overstreet.

Culley said, "Except that it is not a marina. It

is simply boat slips with a sales business attached. There would be no boat overhauling, boat painting and things like that.

"That is why I'm appealing for another vote to get a first reading, to reiterate the fact it is not a marina."

Culley, however, called the ordinance "stiffer" than other areas.

Kendrick would not be drawn into the issue as Town Attorney Rick Powell provided the defense, saying the town's survey of several municipalities within the state revealed others were more rigid.

"I'm not arguing the ordinance change as written," Culley replied.

Kendrick then said, "I'm not going to be railroaded into anything, but I'm also not a guy to let things go on and on. Let's get on with this at the proper time in committee."

Overstreet agreed, saying, "I'm a slow thinker, and apparently no one on the council is ready to vote for it. Do you have any objections Mr. Culley?"

"The only objection I keep getting is that it (marina) would be a nuisance which I don't feel is a valid objection," said Culley.