

TOWN OF CINCO BAYOU
COUNCIL AS COMMITTEE MEETING
MARCH 11, 1985

The Town Council as Committee Meeting of the Town of Cinco Bayou was called to order by Mayor Usrey at 5:00 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk call the roll

ROLL CALL

Present: Mayor Usrey
Councilwoman Balsley
Councilman Davis
Councilman Gage
Councilman Laginess
Councilman Perry

Also Present: Attorney Gontarek Clerk Borchik
Aaron Talley Secretary Knox

MINUTES - Mayor Usrey asked the Council to review the minutes of the February 11 and February 18, 1985 Town Council Meetings for approval at the next council meeting.

FINANCIAL REPORT - Mayor Usrey asked the Council to review the financial report for January, 1985 for approval at the next council meeting.

REGULAR BUSINESS

1. Proposed Construction - Mr. A. Talley - Mr. Talley presented plans for the proposed construction of the shopping center on the Johnston property. Mr. Talley advised the Council that there were no plans for opening the driveway down to the water. Following a discussion, Mr. Talley asked for approval of the proposed construction with the unused portion of the driveway being dedicated back to the Town. Mayor Usrey advised that this matter would be decided at next week's meeting.

2. Leyenda Park - M. Collins (Cinco Baptist Church) - Mayor Usrey advised the Council that Cinco Baptist Church is asking for use of Leyenda Park for the day care center and permission to install additional playground equipment. A discussion followed concerning liability of the Town for injuries sustained in the park and also the problem of parking by the church members in the parking spaces provided for the park. Attorney Gontarek was asked to contact Dr. Courson concerning these problems.

3. Federal Revenue Sharing - Mayor Usrey advised the Council that letters need to be written to our U.S. Senators and Representatives advising them of the importance of the Federal Revenue Sharing funds to our municipality.

4. Security Patrol Contract - Mayor Usrey advised the Council that Attorney Gontarek had written a letter to Mr. David Selby, Attorney for American Security, advising him of the desired changes in the AMSEC contract. Attorney Gontarek advised the Council that as of this date, there has been no response to his letter. Attorney Gontarek recommended that the Council not approve the contract until the issues are resolved. Following a discussion, the Clerk was asked to invite Mr. Robert Hook of AMSEC to next week's meeting to discuss the contract.

At this time, Councilman Davis advised the Council that he had been contacted by Mr. Chuck Ingram, City Manager for the City of Fort Walton Beach, in regard to police protection for the Town. Following a discussion, Councilman Davis was asked to contact Mr. Ingram and advise him that the Town is not interested in further discussions at this time.

5. Building Permit/Inspection - Mayor Usrey advised the Council that there is a conflict between Fort Walton Beach and the County concerning water and sewer permits and inspection of new and remodeled water and sewer systems in the Town. Presently, fees for water and sewer taps are paid to Fort Walton Beach and permits for the installation are issued by the County and as a result, the County inspects the water and sewer installation. Fort Walton Beach believes that they should inspect all water and sewer installations since it is a part of their system. Following a discussion, it was decided that an agreement needs to be made whereby Fort Walton Beach would have the authority to inspect water and sewer systems and to allow the County to continue to inspect all other building activities.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME. None

COMMITTEE REPORTS

Standing Committees

1. Streets & Sidewalks - Councilman Davis, Chmn. - Councilman Davis brought up the question of the maintenance responsibility for Yacht Club Drive. This issue must be resolved as soon as possible as plans must be finalized for the road to be constructed in Laguna Park and the proposed improvements to the Eglin/Yacht Club Drive intersection.
2. Parks - Councilman Gage, Chmn. - No report
3. Finance & Budget - Councilwoman Balsley, Chmn.-No report
4. Waterfront - Boat Dock - Councilman Perry, Chmn.-No report
5. Civil Defense - Councilman Perry, Chmn. - No report
6. Neighborhood Watch - Councilman Laginess, Chmn.-No report

Special Committees

1. Bicycle Path - Councilwoman Balsley, Chmn.-No report
2. Building Codes - Councilman Laginess, Chmn.-No report
3. Comprehensive Plan - Councilman Perry, Chmn. - The Clerk advised the Council that the Public Hearing will be next Monday, March 18, at which time the Comprehensive Plan Report will be reviewed and any public suggestions or recommendations presented.

ATTORNEY'S REPORT

1. Attorney Gontarek advised the Council that he had researched the matter of a municipality's responsibility to provide police protection to its citizens as requested by Councilman Davis. He stated that a municipality does not have a duty to provide any police or security protection for it's citizens, citing several recent court cases in the State on similar matters.
2. The Attorney advised the Council that he had filed papers with the Department of Transportation advising them that the Town had no interest in the property being taken to widen Eglin Parkway.

CORRESPONDENCE

1. Letter - ARC/Okaloosa - February 20, 1985 - Mayor Usrey advised the Council that a letter had been received from the Association for Retarded Citizens thanking the Town for preparing a proclamation proclaiming the period March, 1985 as Mental Retardation Month in the Town of Cinco Bayou.
2. Letter - Carr & Associates Engineering - February 28, 1985 - Mayor Usrey advised the Council that a letter had been received from Carr & Associates Engineering advising that they had revised their drawings to indicate that a 42" culvert will be placed under the proposed entrance drive for Moorings II.
3. Letter - City of Mary Esther - March 1, 1985 - Mayor Usrey advised the Council that the Quarterly Meeting of the Okaloosa County League of Cities will be held Thursday, March 21, at the Marina Bay Resort at 7:30 p.m. Reservations must be made by Monday, March 18.
4. Thank You Note - Mrs. Brown - Mayor Usrey advised the Council that a note had been received from Mrs. Brown thanking the Town for the flowers that were sent to the funeral of Martin Brown.

CLERK'S REPORT

The Clerk advised the Council that he had invited Mr. Martin, General Manager of Warner-Amex Cable, to the council meeting

and he was advised that they had no input at this time concerning the franchise.

MAYOR'S ANNOUNCEMENTS

1. Mayor Usrey advised the Council that a letter had been received from the Florida League of Cities asking that the Town pass a resolution coordinating all policy positions of the various municipal departmental organizations.

At this time, it was decided to have the Spring Clean up Week beginning April 22. Councilwoman Balsley will be the Chairperson for the Spring Clean Up.

The Clerk was asked to inquire as to whether Environmental Waste Systems has been sold. The present franchise requires Council approval before the franchise can be transferred.

The Clerk was also asked to check with the Okaloosa Health Department concerning the removal of the abandoned building located behind Church's Fried Chicken.

There being no further business, the meeting was adjourned at 6:30 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.

RECEIVED
3/5/85

ESTERGREN, FORTUNE, POWELL & GONTAREK, P. A.

ATTORNEYS AND COUNSELLORS AT LAW

92 EGLIN PARKWAY N. E.

P. O. DRAWER 2167

FT. WALTON BEACH, FLORIDA 32549

(904) 243-7184 244-2148

F. B. ESTERGREN
JOHNNY A. FORTUNE

RICHARD H. POWELL
JOHN JAY GONTAREK

March 4, 1985

Town of Cinco Bayou
ATT: Al Borchik, Jr.
35 Kelly Avenue
Fort Walton Beach, Florida 32548

RE: Security Contract

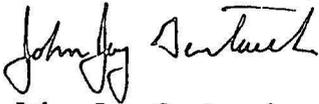
Dear Al:

Enclosed for your records, please find a copy of the letter I sent to David Selby, attorney for American Security.

If you have any questions in regards to this, please do not hesitate to call.

Respectfully,

ESTERGREN, FORTUNE, POWELL, & GONTAREK, P.A.



John Jay Gontarek

cb

encl.

ESTERGREN, FORTUNE, POWELL & GONTAREK, P. A.

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F. B. ESTERGREN

JOHNNY A. FORTUNE

(904) 243-7184 244-2148

RICHARD H. POWELL

JOHN JAY GONTAREK

February 26, 1985

David Selby, Esquire
838 N. Eglin Parkway
Suite 601
Fort Walton Beach, Florida 32548

RE: Town of Cinco Bayou security contract

Dear David:

My client, the Town of Cinco Bayou, is considering entering into a contract for security services with your client, American Security. On behalf of the Town of Cinco Bayou, I propose the following changes in the form contract presented by American Security to the Town of Cinco Bayou.

The language in paragraph G regarding the Client paying American Security's attorney fees should be eliminated, I propose that each client pay their own attorney fees.

I also propose that paragraph H be changed to as follows:

H) AMSEC is not an insurer and any rates set forth are based solely upon the value of the service provided. Any loss of the Town resulting from failure to provide the patrol, park or emergency call services contracted shall be fixed at \$25.00 as liquidated damages and not as a penalty. Such liability of AMSEC shall be exclusive, but does not apply to liability covered in paragraph I below.

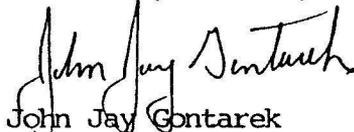
I). AMSEC shall be liable and responsible for the negligent acts and omissions and intentional conduct of all its personnel in the performance of the contract and shall hold the Client harmless therefrom.

Of course, the current paragraph I and J would be changed to paragraph J and K.

Please do not hesitate to call should these changes prove unacceptable.

Respectfully,

ESTERGREN, FORTUNE, POWELL, & GONTAREK, P.A.



John Jay Gontarek
JJG/acb

RECEIVED
3/4/85

MS

CITY OF MARY ESTHER
195 CHRISTOBAL ROAD, N.
MARY ESTHER, FLORIDA 32569
(904) 243-3566

March 1, 1985

Mayor Max O. Usrey
35 Kelly Avenue
Fort Walton Beach, Florida 32548

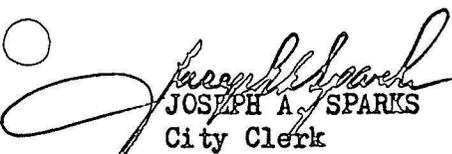
Dear Mayor and Members,

The Quarterly Meeting of the Okaloosa County League of Cities will be held Thursday, March 21, 1985, at the Marina Bay Resort, 80 Miracle Strip Parkway SE, Fort Walton Beach, Florida.

The City of Mary Esther will host this meeting beginning at 6:30 P.M. with a pay-as-you-go bar for cocktails, followed by a buffet dinner at 7:30 P.M. Program for the evening will be Don Anchors speaking on "Portrait of a Politician".

Reservations should be made with Linda Kestner at 243-3566, no later than 12:00 Noon, Monday, March 18.

Sincerely yours ,


JOSEPH A. SPARKS
City Clerk

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3/1/85

CARR & ASSOCIATES ENGINEERS, INC.

Ben F. Carr, Jr., P.E./L.S.
2900 Highway 150 East
Birmingham, Alabama 35244
(205) 987-8676

James L. Barton, P.E./L
623 Highway 98 East
P.O. Box 1808
Destin, Florida 32541
(904) 837-7454

February 28, 1985

Honorable Max O. Usrey, Mayor
Town of Cinco Bayou
35 Kelly Avenue
Fort Walton Beach, Florida 32548

RE: LMP Enterprises, Inc.
Short Form Application (File No. 460984491)

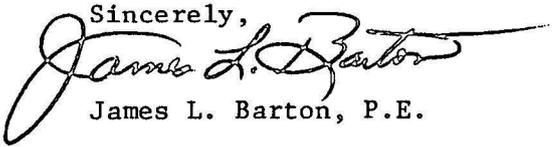
Dear Mayor Usrey,

I recently received a letter from the Department of Environmental Regulation and a copy of a letter you had sent to them in which you had expressed concern over the culvert size that was proposed for the drive to the Moorings II project. In the letter you stated that the size of the culvert under Yacht Club Drive (shown as 24") was in error. You are correct.

It came to our attention after the drawing and permit application were sent to the Department of Environmental Regulation that the culvert size shown was incorrect. A remeasurement of the culvert under Yacht Club Drive revealed it was 36" instead of 24" and we have revised our drawing to show that a 42" culvert be placed under the proposed Moorings II drive.

I appreciate your attention and hope that this revision will eliminate your concern. I have included a copy of the revised drawing for your records.

If you have any questions, please contact me.

Sincerely,

James L. Barton, P.E.

JLB/db

cc. W. Richard Fancher
Dredge and Fill Supervisor
Department of Environmental Regulation (w/encl.)

BOARD OF DIRECTORS

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Peter Antosh
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Charles Longstreet

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Larry Murphy

Marnie Roake

Charles Varalla

o

John W. Askew
Executive Director

 **arc / okaloosa**
Association for Retarded Citizens

February 20, 1985

RECEIVED
2/28/85

Mayor Max O. Usrey
Town of Cinco Bayou
35 Kelly Avenue
Fort Walton Beach, Florida 32548

Dear Mayor Usrey,

On behalf of the Association for Retarded Citizens of Okaloosa County, Inc., I would like to express my appreciation to you and to the Cinco Bayou Town Council for demonstrating support of the ARC and its Programs and Services by proclaiming March 1985 as Mental Retardation Month in Cinco Bayou.

To further acquaint you with our Programs and Services, I am enclosing a brief narrative of the ARC of Okaloosa County. I would also like to take this opportunity to invite you and the members of the Cinco Bayou Town Council to tour our Programs for a first-hand look at the ARC in operation. To arrange a tour, you may call John W. Askew, ARC Executive Director, at 862-4312.

Again, thank you for supporting the ARC by proclaiming March 1985 as Mental Retardation Month in the town of Cinco Bayou.

Sincerely,


James A. Angelo, Sr.
President

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

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SUPPORTED BY

- The City of Crestview
- The City of Fort Walton Beach
- The Okaloosa County Board of Commissioners
- The Department of Health and Rehabilitative Services
- United Way of Okaloosa County

o

MEMBER OF

- Associations for Retarded Citizens Of Florida and the United States
- Florida Association of Rehabilitation Facilities
- National Industries for the Severely Handicapped

Reply to:



RECEIVED
3/11/85

We shall always
remember with deep gratitude
your comforting expression
of sympathy

We were all privileged to
walk through Glenwood park
last Saturday. We enjoyed it
and know that Martin Brown
was proud of Cinco Bayou for its
forefront. The basket of red and white
flowers were appreciated by the
whole family and we mourned our
loss and Heaven's gain. Thank you.

The family of Martin P. Brown