TOWN OF CINCO BAYOU
SPECIAL COUNCIL MEETING
March 17, 1976

Town officials in attendance: Mayor Ken Smith, Council members Jim Kendrick, Harold Peek, and Max Usrey. Absent: Council members Irene Balsley, due to illness and Will Overstreet. Also, Marshal Elliott and Recorder Dee Rouse, due to illness.

Also present were: Mr. H. Miller Burt, Mrs. Usrey, and Mr. & Mrs. Al Blender.

Therefore, a quorum being present, Mayor Smith called the meeting to order with silent prayer at 7:10 p.m.

1. MINUTES - REGULAR COUNCIL MEETING - MARCH 11, 1976. Mr. Peek suggested these be held over to next regular council meeting of April 15, 1976.

2. RESOLUTION - ACCEPTING LOW SEWER BID. Mr. Miller Burt informed Council he had checked out McDonald Plumbing bid and bid bond and found everthing in order and so recommend that Council formally accept their bid. Clerk read RESOLUTION 76-2 pertaining to accepting bid from above named company in the amount of $52,331.00. MOTION: Mr. Peek moved that Mr. Burt's recommendation be accepted and RESOLUTION as read, be adopted. Seconded by Mr. Kendrick with a unanimous vote by all. Mr. Burt further informed Council that now he would furnish McDonald Plumbing with the three copies of the contract, showing unit prices and they will sign that contract and furnish a performance bond and material bond and submit it to the Town. The Town in turn will execute their part of it retain one copy and send one back to McDonald. At that time, at your descresion, the Town can issue a work order to proceed. This means McDonald is to start work within ten days after the issuance of this work order. This is when the time clock starts running on their ninety days. I don't see any reason to have another special meeting just to have a work order to preceed signed.

If you gentlemen will give the Mayor the authority to sign this document after your Lawyer has certified the contracts are properly executed, then we can be off and rolling. This is the way it is normally handled. I don't think this contract will interrupt traffic flow too much.

MOTION: Mr. Kendrick moved that Mayor be authorized to execute "Work Order to Proceed," seconded by Mr. Peek. Motion carried unanimously.

Mr. Kendrick asked Mr. Burt if it was customary to write thank you letters to unsuccessful bidders. He answered, I thanked them after the meeting. I really think it should be in writing, Mr. Kendrick said. Mr. Burt indicated he would do so and send Clerk a copy. Mayor Smith indicated he felt the letter should come from the Town and that the Clerk could do this. So it looks like they will get two letters, said the Clerk. Mr. Usrey indicated he had something to discuss with Mr. Burt but would see him later. Mayor and Council thanked Mr. Burt for his presentation.

4. BUDGET AND PERSONNEL COMMITTEE REPORT. Mr. Usrey, member of the committee presented the following recommendations from the Committee on behalf of Mrs. Balsley, who was ill and could not attend the meeting:

a. Recommend Clerk be reimbursed for travel pay from April 1974 to December 1975 in the amount of $582.12. Formula used to compute: 198 average miles per month x 21 months x $.14 per mile.

b. Recommend Clerk be reimbursed for mileage for January - February 1976 in amount of $32.60 + $86.60 = $115.20.

c. Recommend Council authorize payment, at rate of $.14 per mile, to any TOWN official performing travel on behalf of Cinco Bayou. Mr. Kendrick moved these recommendations be accepted as presented, seconded by Mr. Usrey. Motion carried unanimously.

Also Mr. Usrey informed Council that the Committee was working on three ordinances pertaining to SEWER, BUSINESS LICENSES, AND JOB DESCRIPTION FOR MR. GODWIN'S POSITION.

3. ALLIED PERSONNEL OF FWB - REF FAILURE TO REGISTER BUSINESS.

Mayor Smith introduced Mr. Al Blender to Council and indicated he had to apologize for Mr. Blender's failure to appear at the last Council Meeting (March 11, 1976).

Blender: I have been in business at my present location for about three years. (Miracle Strip Realtor Building located on corner Kelly Avenue and Eglin Parkway). He stated that Mr. Godwin brought a letter to his office on March 4, 1976 and letter was dated February 27, 1976. (C.Note: Mr. Blender signed for the letter on March 4, that is, acknowledged receipt of letter and attachment thereto, which was a copy of our Ordinance #52). He indicated he thought if a letter had been sent to him it probably would have been lost. He indicated he could not remember Mr. Godwin coming into his office in July 1975 to notify him of the need to register his business and had not received any calls from him. Mr. Blender said he came over the next day to the Town Hall (March 5) to attempt to register his business but was not allowed to do so. (C.Note: At the time, I had him sign acknowledge of receipt of the letter, he asked if he could appear before Council and I informed he could do so on March 11, and I so noted this on my copy of the letter).

Smith: Mr. Blender, we do not have a fee, we have a fine. It seems, we have a problem in communications.

Peek: This man didn't appear before Council last week, did he?

Smith: Like I said, it's a possibility that we have a lack of communications between this man's office and our office.

Kendrick: Why was the lady from Gayfer's here last meeting and not representatives from the other businesses (Allied Personnel and Metropolitan Life Insurance Co.); does the Clerk just

talk to the ladies and not the gentlemen?

Smith: No.

Kendrick: Did they received notification?

Clerk: Do you all want me to speak up now? I delivered three letters (Allied, Gayfer's, and Metropolitan) on March 4th. The letter was written on February 27th, but as you know I went to the Tampa meeting and didn't return until March 2nd. We have registered something like 87 businesses since we started the business registration requirement. None of them were sent letters, they were called and or visited. All of these came in and registered, except the three businesses in question. I did go by personally to Allied's office and I did talk to a gentleman*before Council is that man. I also contacted them later by phone and asked them to come register. I don't know where the failure to communicate came about but I know I visited and called his office.

(*See below)

Kendrick: Mr. Blender, is that the way you run your office? I know if my secretary failed to give me a message, I would be in a sad state.

Blender: Normally, we don't have these problems.

Kendrick: Is that a letter in your pocket, is that the letter?

Blender: This was hand delivered by Mr. Godwin, letter dated February 27th, I thought it was delivered on March 9th.

Clerk: The 4th is what you signed on my copy here.

Kendrick: You have a receipt you say?

Clerk: Yes sir, this is why I handcarried them around, to get an acknowledgement of receipt. I put on the bottom of each letter, "I hereby acknowledge receipt of this letter this date, also a place for signature and position title."

Kendrick: Mr. Blender, you couldn't make it to our last meeting?

Smith: If I can get a work in edgewise. He contacted me the day before the meeting and I told him I would intervene for him. When I say intervene, I mean I would present his side of the story. Like I said earlier, evidently I didn't do it properly. But what it is.....

Peek: Then that is why he didn't show up? What kind of business are you in?

*Who represented himself to me as the manager; but I could not swear tonight that the gentleman.

Blender: Employment agency, I help people get jobs, not only the little ones but engineers etc.

Kendrick: I don't know about the rest of Council, but two things out of all this: (1) Maybe we are mistaken by not sending this type of stuff by registered mail so we would have something to back us up. (2) The other thing I am concerned about, we are not backing our city personnel. If we don't back them up then the public will ride rough-shod over them.

Smith: I agree. That is one of the things the Clerk has been asking for, is to have guidelines drawn up to know what his powers are and his limitations are and have Council sit behind him.

Peek: We send him out to do these jobs, he did just what we told him.

Smith: But by the same token, lets go back to the suggestion about guidelines for Clerk and put it in writing, because at times we do not back him up, we turn around and do something different. Mr. Blender is here asking for relief and my apologies to you and Council, because at that meeting, March 11, 1976, we had just had a death in the family and my wife was quite ill. I didn't plead his case very well, so that explains why he didn't attend.

Kendrick: Since I made the motion that the two delinquents last week be fined, off with their heads, then I WILL MOVE that the gentleman from Allied, that his penalty be waivered in this particular situation. SECONDED by Mr. Peek.

Smith: Is there further discussion?

Usrey: Yes sir, I think we ought to have an apology to the Clerk too. That is an awful fustrating thing to go out and try and follow something and have it come back in your face.

Peek: In recommending this (the motion to relief Allied) no way does it belittle the Clerk.

Clerk: If you all will remember, when this ordinance was originated I was by myself and only so much can be done with one pair of hands.

Peek: To Mr. Blender...You have got to accept some of the blame for not getting these messages. All of these other people came down and registered. Is this everyone now?

Clerk: Metropolitan has not contacted me at all. I called his office twice. (Managers name is Travis Gatlin).

Kendrick: I'm certainly not going to be as lient with Metropolitan as I have been with these two. I would have taken a different lite on Allied if you hadn't explained like you did.

Smith: It was my fault. He offered (Mr. Blender) to come but I told him I would plea his case.

Peek: Lets vote on this, then I got a question.

Smith: We've got a recommendation and a second, all in favor-unanimous. So be it. Would you come in tomorrow and register.

Blender: Yes.

Peek: Now on this...I don't want you to feel we aren't backing you up...I want to get this updated. I'm not in favor of sending you out to do things and then not backing you up. I want the whole story on this Insurance Company.

Clerk: Ok. A Mr. Forbes, in the Metropolitan office, one of their agents, signed for the LETTER and indicated to me he would get it to the manager. Fact is, when I talked with Mr. Blender, he asked if he could appear before Council and I told him I would so note on my copy of letter, didn't I?

Blender: Yes sir.

Clerk: Which I did. Did the same for Gayfer's. Metropolitan did not contact me on March 5th. I called their office and tried again prior to council meeting on March 11th and from that point I haven't done anything; except, I talked with Rick (Powell) about it day before yesterday. He talked with State Attorney and indicated to me the proper thing for us to do was for me to go to State Attorney's office and sign a complaint against Metropolitan and go from that direction.

In conclusion, may I again say, over 80 businesses got the message and only three had to be served with letters...and the only one that has really failed to contact me or show up is Metropolitan.

Smith: Why don't you have the City Attorney write them a formal letter?

Clerk: You said prosecute last meeting.

Smith: Well, that's what I'm saying now again. You know, you were more or less ignored Jim (Godwin)... or the paperwork got lost in the suffle. Let's go ahead with the prosecuting.

Clerk: Alright, it's fine with me. Also, their is a lady in the bank (Barnett Bank of FWB - Metropolitan is a tenant in their building) who will sign a statement to effect that she notified them of the requirement to register at the very beginning. (C.Note: All other people in the building registered right away).

Usrey: Does the law say you have to notify everyone who comes into the Town?

Clerk: I know of nothing in the laws...as far as I am concerned, our ordinance is the law for businesses in Cinco Bayou.

Usrey: Does it state in ordinance that you have to notify individually?

Clerk: No sir. Says nothing about personal notification.

Smith: The thing is, what makes it so strange, there's no cost to this.

Peek: This other cat don't have the same excuse, does he? (Meaning Metropolitan).

Clerk: I haven't seen the gentleman, I can't get him to call me.

5. ADJOURNMENT. Meeting adjourned at 8:15 p.m., by mutual consent of all.

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

James O. Godwin Sr.

JAMES O. GODWIN, SR.
Town Clerk

Atch 1: Resolution 76-2

Atch 2: Budget & Personnel Committee Report

Atch 3: Letter to Mr. Al Blender

TOWN OF CINCO BAYOU

P. O. DRAWER 1710 – CINCO BAYOU
FORT WALTON BEACH, FLORIDA 32548

904-244-2712

February 27, 1976

Allied Personnel of FWB
204 Eglin Parkway
Fort Walton Beach, Florida 32548

Dear Sir:

On June 12, 1975, Council adopt Ordinance #52 requiring the registration of all persons engaging in or managing any business, occupation or profession within the limits of Cinco Bayou. The registration date began June 23, 1975 and continued until July 31, 1975.

A penalty of $50.00 is assessed in the event a business, occupation or profession is not registered with thirty (30) days from the date of the registration deadline, effected from August 1 through December 31. A penalty of $100.00 is assessed and effected between January 1 and June 30.

In our file, it shows that your business has not been registered. I am therefore billing you for failing to registered your business in the amount of $100.00.

Any questions concerning the above information, come to the Town Hall. Open Monday through Friday, 9 a.m. to 12'noon, telephone 244-2712.

Sincerely,

James O. Godwin

JAMES O. GODWIN, SR.
Town Clerk

JOG/idr

1 Atchmt

I hereby acknowledge receipt of this letter this date 3/4/76.

NAME Al Blender

TITLE Manager

3/4/76: Mr. Blender asked to appear before Council on this Matter, & agreed & placed him on Agenda for Thur Mar 11, 76. JB

Attchmt #3
Minutes 3/17/76 JB

RESOLUTION NO. 76-2

ACCEPTANCE OF SANITARY SEWER BID FOR THIRD ADDITION

WHEREAS, the Town of Cinco Bayou, Florida, on February 12, 1976, authorized the Town Clerk to advertise in the Playground Daily News and the Pensacola News-Journal inviting bids for construction of the third addition to the Town's sanitary sewer system in accordance with the approved plans and specifications; and

WHEREAS, such advertisements stipulated that all bids would be opened on March 11, 1976; and

WHEREAS, on March 11, 1976, at the regular monthly meeting of the Town Council, the bids submitted by McDonald Plumbing Company of Fort Walton Beach, Florida; Hartley Plumbing Co. of Dothan, Alabama; Couch Construction Company of Dothan, Alabama; and Bill Lee Contractor of Dothan, Alabama, were opened; and

WHEREAS, McDonald Plumbing Company of Fort Walton Beach, Florida, submitted the low bid of $52,331.00 and otherwise complied with all bid specifications;

NOW, THEREFORE, BE IT RESOLVED the bid submitted by McDonald Plumbing Company of Fort Walton Beach, Florida, for construction of the third addition to the Town sanitary sewer system is hereby accepted by the Town of Cinco Bayou, Florida.

ADOPTED this 17th day of March, 1976.

Harold K. Smith
Harold K. Smith
Mayor, Town of Cinco Bayou

ATTEST:

James O. Godwin Sr
James O. Godwin
Town Clerk

atch #1
minutes 3/17/76

TOWN OF CINCO BAYOU
P. O. DRAWER 1710 – CINCO BAYOU
FORT WALTON BEACH, FLORIDA 32548
904-244-2712

MARCH 11, 1976

MEMORANDUM

FROM: BUDGET & PERSONNEL COMMITTEE

TO: TOWN COUNCIL

1. THE FOLLOWING ITEMS ARE SUGGESTED FOR CONSIDERATION BY COUNCIL:

A. RECOMMEND CLERK BE REIMBURSED FOR TRAVEL PAY FROM APRIL 74 TO DECEMBER 75 IN THE AMOUNT OF $582.12. FORMULA USED TO COMPUTE: 198 AVERAGE MILES PER MONTH X 21 MONTHS X $ .14 PER MILE.

B. RECOMMEND CLERK BE REIMBURSED FOR MILEAGE FOR JANUARY - FEBRUARY 1976 IN AMOUNT OF $32.60 + $86.60 = $115.20.

C. RECOMMEND COUNCIL ~~APPROVE AND ADOPT A RESOLUTION~~ Per ATTORNEY AUTHORIZING PAYMENT, AT RATE OF $ .14 PER MILE, TO ANY TOWN OFFICIAL PERFORMING TRAVEL ON BEHALF OF CINCO BAYOU.

2. COMMITTEE IS WORKING ON ORDINANCES PERTAINING TO THE FOLLOWING:

A. SEWER.

B. BUSINESS LICENSES.

C. JOB DESCRIPTION FOR MR. GODWIN'S POSITION.

RESPECTFULLY SUBMITTED,

Max O. Usrey

IRENE BALSLEY
CHAIRMAN

MAX O. USREY
MEMBER

Atch 2
Minutes 3/17/76
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