

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
APRIL 17, 1980

1. APPROVAL-MINUTES-SPECIAL COUNCIL MEETING-MARCH 13, 1980.
2. APPROVAL-MINUTES-REGULAR COUNCIL MEETING-MARCH 20, 1980.
3. APPROVAL-FINANCIAL STATEMENT-MARCH 1980.
4. ENGINEER'S REPORT: A. Opp Boulevard Sewer Extension
B. Sleepy Oaks Subdivision
5. SECOND READING-ORDINANCE #68-ADOPTION OF COMPREHENSIVE PLAN.
6. DISCUSSION-BILLING REQUESTER FOR LEGAL EXPENSES. (Mayor)
7. ATTORNEY'S REPORT-COURT DECISION-TOWN OF CINCO BAYOU VS. OSBORNE PRYOR.
8. DISCUSSION OF ATTORNEY'S RETAINER STATEMENT. (Mayor)
9. PROPOSED TRANSPORTATION ROUTING SYSTEM.
10. OKALCOSA LEAGUE OF CITIES DINNER, APRIL 24.
11. CLERK'S REPORT: A. Sign Ordinance Status
B. Frances Park Status
C. Fire Inspection
12. APPOINTMENT OF COMMITTEE CHAIRMEN. (Mayor)

MINUTES OF REGULAR MEETING
TOWN COUNCIL

APRIL 17, 1980

THE REGULAR MEETING of the Town of Cinco Bayou Town Council was called to order by Mayor Balsley at 7:00 P.M.

ROLL CALL: Present: Councilman Davis Councilman Perry
Councilman Johnston Councilman Usrey
Councilman Peek

Also Present: Town Clerk Borchik Adelia Robblee
Town Recorder Carter Abbie Tyner
Town Engineer Burt Ruth Usrey
Town Attorney Powell

SILENT PRAYER

MINUTES Regular Meeting April 17, 1980

1. MINUTES-SPECIAL COUNCIL MEETING-MARCH 13, 1980. Motion by Mr. Johnston to accept as printed, seconded by Mr. Usrey. Motion carried unanimously.
2. MINUTES-REGULAR COUNCIL MEETING-MARCH 20, 1980. Motion by Mr. Johnston to accept as printed, seconded by Mr. Usrey. Motion carried unanimously.
3. FINANCIAL STATEMENT-MARCH 1980. Motion by Mr. Johnston to accept as presented, seconded by Mr. Davis. Motion carried unanimously.
4. ENGINEER'S REPORT:
 - A. Opp Boulevard Sewer Extension-Mr. Burt reported that Mr. Crowder had received all his equipment for the sewer project and that he will begin working on the project by April 18, 1980.
 - B. Sleepy Oaks Subdivision-A review of the legal description contained in the Cinco Bayou Town Charter and the legal description contained in the recorded plat of Sleepy Oaks Subdivision indicated that there is a conflict and an apparent overlap at the point where both plats touch Kidd Bayou. Further, resolution is necessary and discussion with Mr. Overstreet, surveyor for the Sleepy Oaks plat may solve this conflict. Referred matter to Town Clerk for further study.
5. SECOND READING-ORDINANCE #68, ADOPTION OF COMPREHENSIVE PLAN. Attorney Powell recommended that Council should not approve the second reading of this ordinance. He pointed out that he needed to study the existing zoning ordinance and that the Council needed to appoint a Board of Adjustment. Mrs. Usrey informed Council that the drainage map in the Comprehensive Plan needs correcting.

6. DISCUSSION-BILLING FOR LEGAL EXPENSES. Motion by Mr. Peek for the Attorney to compose a resolution supporting the billing of the individual requesting a variance and/or ordinance revision for any associated legal expenses, seconded by Mr. Usrey. Motion carried unanimously. Motion by Mr. Perry to pursue collection for billing on legal expenses from Quatre, seconded by Mr. Usrey. Motion carried unanimously.

7. ATTORNEY'S REPORT-COURT DECISION-TOWN OF CINCO BAYOU VS. OSBORNE PRYOR.

Attorney Powell informed Council that Judge Tolton denied the motion for a judgement on the pleadings on the dispute case of Glenwood Park versus Cinco Bayou.

8. DISCUSSION OF ATTORNEY'S RETAINER STATEMENT. Clerk informed Council that the Committee met on Tuesday, April 15 and agreed that the retainer for the Attorney should cover the following: (1)-Attend two meetings per month, if unable to attend any meetings, the Attorney shall be responsible to provide adequate representation (at his own expense if necessary); (2)-Accept telephone calls within reason, i.e., question and answer type for legal position or opinion and do not require any research or written matter. Motion by Mr. Johnston to accept the Committee's report as presented, seconded by Mr. Davis. Motion carried unanimously. Later in discussion, a motion was made by Mr. Peek to pay the Attorney's retainer fee for the month of March, seconded by Mr. Perry. Motion carried unanimously.

9. PROPOSED TRANSPORTATION ROUTING SYSTEM. Motion by Mr. Peek to accept the letter from the County as a matter of record, seconded by Mr. Perry. Motion carried unanimously.

10. OKALOOSA LEAGUE OF CITIES DINNER, APRIL 24. Mayor Balsley informed Council that the City of Fort Walton Beach will be hosting the Okaloosa League of Cities Dinner on April 24, 1980, at the Sheraton Miramar.

11. CLERK'S REPORT:

A. Sign Ordinance Status-Sign Committee met on April 15. Fort Walton and Okaloosa County zoning ordinance pertaining to signs were reviewed. Committee decided that any Cinco Bayou sign ordinance revision should follow the County ordinance, However, final decision was delayed and recommended discussion with a representative of a local sign company and further investigation of County sign ordinance. Clerk will follow up on committee recommendation.

B. Frances Park Status-Park will be opened next week. Erosion by the drive appears to have been corrected with placement of shell, However, additional shell is needed to complete covering of parking area.

C. Fire Inspection-As a result of Mr. Davis' question pertaining to fire inspectors, the Fort Walton Beach Fire Chief was contacted and in turn, Captain Owens, Chief Inspector, was given a copy of Cinco Bayou resolution giving him the authority to act as Cinco Bayou's fire inspector. Captain Owens indicated that the Town would need to adopt ordinances to support the Fire Prevention and Fire Inspection Program. Clerk to follow up.

12. APPOINTMENT OF COMMITTEE CHAIRMEN. Mayor Balsley appointed the following Councilman as committee chairman: Davis-Streets; Johnston-Health, Waterfront and Bayou; Peek-Finance: Perry-Parks and Usrey-Utilities.
13. ADJOURNMENT: The Council adjourned at approximately 8:12 P.M., on Thursday, April 17, 1980.

Irvin E. Balsley
MAYOR

ATTEST:

Arthur Borchert
TOWN CLERK

NOTE: A mechanical recording has been made of the foregoing procedures of which these minutes are a part, and is on file in the office of the Town Clerk

Playground Daily News
April 11, 1980

Cinco Bayou Sign Ordinance May Be Headed for Change

By STEVE CHEW
Daily News Staff Writer

Cinco Bayou councilmen, after being told a town ordinance still on the books prohibits any sign from standing more than 10 feet off the ground, formed a committee Thursday to bring the law closer to county requirements.

Al Borchik, the newly appointed town clerk, said Cinco Bayou's sign ordinance conflicts with Okaloosa County's, which allows no sign to be constructed less than 14 feet off the ground.

In a related matter, Mayor Irene Balsley instructed Borchik to find out why the town's K-Mart Department Store has not been permitted to raise its store sign on Beal Parkway, similar to the one on the Eglin Parkway side of the store.

Balsley said she understood store officials had been told not to erect the sign, but she said no official from the town had issued that order.

Balsley said the town's sign ordinance should be adjusted and appointed a committee to draw up a plan to be presented to

the council next week. The committee members are councilmen Phil Johnson, Winfield Davis and Max Usery.

In an unrelated matter, Town Attorney Rick Powell said a judgment on pleadings is scheduled Tuesday concerning a court battle between the town and Fort Walton Beach contractor Osborne Pryor.

Pryor claims title to a nine-acre tract of land the town has designated as Glenwood Park.

The hearing is scheduled in Circuit Court Judge Jere Tolton's chamber at 11 a.m.

Powell also told councilmen the Florida Supreme Court recently ruled it had no jurisdiction in another suit the town filed against Pryor after Pryor began erecting a fence around Cinco Bayou's Francis Park in November 1977.

Powell said the high court's decision upheld a lower court ruling that said Pryor could not control the bayou's water rights, as he had claimed.

"I would think that's the end of that litigation," Powell added.

Playground Daily News
April 7 & 10, 1980

Leg. 9105
NOTICE OF PROPOSED ENACTMENT OF ORDINANCE

The Town Council of the Town of Cinco Bayou, Florida, proposes to enact an Ordinance adopting a comprehensive plan for the Town of Cinco Bayou in accordance with Florida's Local Government Comprehensive Planning Act of 1975. Such Ordinance may be inspected by the public at the Town Hall of the Town of Cinco Bayou, Florida, and it is proposed that the first reading of this Ordinance shall be heard by the Town Council at a special council meeting to be held at 7:00 o'clock P.M., April 10, 1980, at the Town Hall, and shall be heard for second reading and be considered for enactment by the Town Council of the Town of Cinco Bayou, Florida, at the day of regular council meeting to be held at 7:00 o'clock P.M., April 17, 1980, at the Town Hall. At the time of each scheduled meeting, interested parties may appear and be heard with respect to the proposed Ordinance.

ALBERT S. BORCHIK, JR.
Town Clerk

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Florida, at the day of regular council meeting to be held at 7:00 o'clock P.M., April 17, 1980, at the Town Hall. At the time of each scheduled meeting, interested parties may appear and be heard with respect to the proposed Ordinance.

ALBERT S. BORCHIK, JR
Town Clerk

April 7, 10, 17, 1980