

TOWN OF CINCO BAYOU  
REGULAR MEETING  
APRIL 18, 1983

The Regular Meeting of the Town of Cinco Bayou Town Council was called to order by Mayor Usrey at 7:00 P.M.

SILENT PRAYER

PLEDGE OF ALLEGINACE TO THE FLAG

Mayor Usrey requested the Clerk to call the roll

ROLL CALL            Present:    Mayor Usrey  
    Councilman Davis  
    Councilwoman Kelley  
    Councilman Perry

Absent:            Councilman Johnston  
    Councilman Wade

Also Present:    Attorney Powell                    David Whitley  
    Clerk Borchik                      Secretary Borchik

MINUTES - Councilman Davis moved to accept the minutes of March 14 and March 21, 1983, seconded by Councilman Perry. Motion carried unanimously.

FINANCIAL REPORT - Councilwoman Kelley moved to accept the financial report for March, 1983, seconded by Councilman Perry and unanimously approved.

REGULAR BUSINESS

1. Public Hearing Ordinance No. 83 - Attorney Powell read Ordinance 83 by title only. Councilman Perry moved to accept the second reading of Ordinance 83, seconded by Councilwoman Kelley and unanimously approved. Councilwoman Kelley moved to adopt Ordinance No. 83, seconded by Councilman Davis. Motion unanimously approved.
2. Public Hearing Ordinance No. 84 - Attorney Powell read Ordinance 84 by title only. Councilman Davis moved to accept the second reading of Ordinance 84, seconded by Councilman Perry and unanimously approved. Councilwoman Kelley moved to adopt Ordinance No. 84, seconded by Councilman Davis and unanimously approved.
3. Resolution 83-2 Sea Way Boat Ramp - Mayor Usrey advised the Council that in order for the Town to get the State Funding to rebuild the boat ramp, it will be necessary to pass a resolution stating that the Town will maintain the boat ramp for a period of twenty-five (25) years. Councilwoman Kelley moved that the Council adopt Resolution 83-2 covering the Sea Way Boat Ramp. Motion seconded by Councilman Perry. A very lengthy discussion followed. Mayor Usrey requested the Clerk to call the roll. Councilman Davis voted Nay. Councilwoman Kelley and Councilman Perry voted Yea. Motion passed 2 to 1 in favor.
4. House Donation to Bookmobile - Mayor Usrey asked for discussion

on donating the house at 33 Kelly Avenue to the Bookmobile (Orbit, Inc.) Councilman Davis moved that the Town donate the house to the Bookmobile to be moved by Orbit, Inc. at their expense. Motion seconded by Councilwoman Kelley and approve unanimously.

5. Kidd Bayou Oaks Townhomes Plat - No decision. Mayor Usrey suggested Kidd Bayou Oaks Townhomes Plat be removed from the Agenda until the Town receives some information on an agreement between Mr. Overstreet and Baskerville-Donovan Engineers, Inc. No motion is necessary. This subject will be removed from the Agenda until further notice.

6. Air Force Armament Museum Foundation - Mayor Usrey asked for discussion on making a donation to the Air Force Armament Museum Foundation. Discussion followed. Councilman Davis moved to table this request for two (2) months. Motion died for lack of a second. Subject dropped.

7. Small City Coalition - Letter City of Holmes Beach - Mayor Usrey asked for discussion on this matter. Following a lengthy discussion it was decided to make a telephone call to Mayor Charlotte Long, City of Holmes Beach, advising her that the Town is interested in, and backs the actions of the Small City Coalition, and a letter to this affect is also being sent. Motion to make the telephone call and send the letter made by Councilman Davis, seconded by Councilman Perry, and unanimously approved.

PUBLIC REQUEST WILL BE HEARD AT THIS TIME      None

COMMITTEE REPORTS

1. Streets/Sidewalks/Neighborhood Watch - Councilman Davis. No report. The Clerk advised the Council he had again called Mixon Enterprises and Okaloosa Asphalt. Mixon had never returned his call. Okaloosa Asphalt was supposed to send a man out last Thursday, but he never showed up. Councilman Davis and the Clerk will get together and draw up some specifications for street work and request bids from some of these companies.

2. Parks/Beautification/Environment - Councilwoman Kelley. Councilwoman Kelley asked for discussion on the purchase of a shelter for Laguna Park. A lengthy discussion followed. Councilwoman Kelley moved that the Town allow her to purchase a 20'X 28' shelter to be erected in Laguna Park. Motion seconded by Councilman Davis and unanimously approved.

3. Finance - Councilman Wade. Absent. No report.

4. Waterfront/Bayou/Health/Civil Defense - Councilman Perry. No report.

5. Special Committee Reports

a. Bicycle Path - Councilman Johnston. Absent. No report.

ATTORNEY'S REPORT None. Mayor Usrey read a letter from Attorney Powell asking the Town to reimburse him for his expenses to attend the Second Annual Municipal Attorneys' Association Seminar

and Workshop. Councilwoman Kelley moved that the Town pay Attorney Powell's expenses to attend this meeting. Motion seconded by Councilman Perry and unanimously approved. Mayor Usrey asked the Clerk to contact a travel agency and see if he could get a cheaper quote on a round trip air fare for the Attorney's trip to the seminar. The attorney was quoted a price of \$207.00 from one of the airlines.

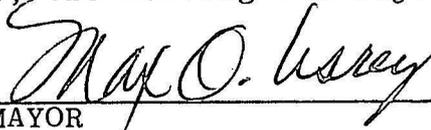
CORRESPONDENCE

1. Letter - Committee of 100. Mayor Usrey advised the Council that the Town, as a "Fair Share" participant in the Committee of 100, is entitled to a seat on the Board of Directors. Mayor Usrey said he would make an appointment to fill this position and let the Council know in a few days.
2. Letter - March of Dimes. Mayor Usrey told the Council the March of Dimes is requesting a permit for a walk-a-thon. This request was discussed at length. The Clerk was advised to send the March of Dimes project coordinator a copy of the Ordinance covering parades and an application for a parade permit.
3. Letter - Humane Society. Mayor Usrey told the Council they are invited to the Humane Society Open House on Saturday, April 23, 1983, from 10:00 A.M. to 2:00 P.M.
4. Letter - Daytona Beach Shores. Discussed under regular business item 7;

CLERK'S REPORT The Clerk advised the Council that he had stopped the Moorings from bringing in anymore red clay to use as a paving base. Use of red clay in this area is a direct violation of Okaloosa County Ordinance No. 81-24 and a misdemeanor punishable under Florida Statutes.

MAYOR'S ANNOUNCEMENTS Mayor Usrey reminded everyone that the Town Supper would be held on Tuesday night at 6:30 P.M. in the Town Hall.

There being no further business, the meeting was adjourned at 8:30 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.

RESOLUTION 83-2

WHEREAS, the Town of Cinco Bayou, Cinco Bayou, Florida, has submitted a grant application to the Department of Natural Resources for the funding of the construction of a boat launching facility to be located on Sea Way, Cinco Bayou, Florida; and

WHEREAS, the County has agreed to sponsor the project and execute the project agreement with the Department of Natural Resources subject to the Town's adoption of a resolution agreeing to the terms and conditions set forth in the project agreement:

NOW THEREFORE, be it ordained by the Town Council of the Town of Cinco Bayou, Cinco Bayou, Florida, that the Council does hereby agree to abide by and honor the following condition of the project agreement:

"The Town agrees that the project when completed will be operated and maintained as a public recreational boating facility in satisfactory condition for twenty-five (25) years from the date of project completion. The TOWN further agrees to return to the DEPARTMENT all funds tendered for the project in the event the project becomes utilized for other than boating related purposes during this period.

Adopted this 18th day of April, 1983.

Approved:

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
TOWN CLERK

**ESTERGREN, FORTUNE, ANCHORS & POWELL, P. A.**

ATTORNEYS AND COUNSELLORS AT LAW

F. B. ESTERGREN  
JOHNNY A. FORTUNE  
C. LEDON ANCHORS  
RICHARD H. POWELL

FT. WALTON BEACH, FLORIDA 32549

IN RE: FILE

P. O. DRAWER 216,  
92 N. E. EGLIN PARKWAY  
(904) 243-7184  
244-2148

April 18, 1983

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

Re: Second Annual Florida Municipal Attorneys' Association Seminar and Workshop

Dear Mayor Usrey:

On May 19 and 20, 1983 at the Hyatt Orlando in Kissimmee, Florida, the Florida Municipal Attorneys' Association will conduct a seminar and workshop. A copy of the program is attached for your review.

I would like to attend this seminar if the Town of Cinco Bayou believes that it would be beneficial to it and would reimburse me for my expenditures. The following expenditures are known to me at this time:

1. Registration Fee	\$ 75.00
2. Hotel reservation (2 nights)	100.00
3. Round trip air fair	207.00
Total	<u>\$382.00</u>

Thank you for your consideration of this matter.

Respectfully,

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



Richard H. Powell

RHP:bjy

Attachment

# SEMINAR & WORKSHOP PROGRAM

THURSDAY, MAY 19, 1983

8:30 - Registration Desk Opens  
8:45 a.m.

8:45 - Announcements & Introduction - James R. Wolf, League  
8:50 a.m. Counsel, Tallahassee

8:50 - Welcome, Frank Gummey, III, President, FMAA, Daytona  
9:00 a.m. Beach

8:30 - "Economic & Business Regulation, Home Rule Aspects, Pitfalls  
10:15 a.m. of Regulation and How to Avoid Liability"

Chairman: Don J. Caton, Pensacola

Panelists: David Coffey, Gainesville  
Thomas A. Bustin, Clearwater  
William H. Adams, III, Jacksonville

There will be a discussion of municipal regulation of business and various business roles played by municipalities in awarding contracts and the pitfalls of business regulation, business relationships and how to avoid liability in this undertaking.

10:30 - "Municipal Administrative and Quasi-Judicial Boards"  
11:45 a.m.

Chairman: Robert L. Hamilton, Orlando

Panelists: Paul S. Buchman, Plant City  
James R. Wolf, Tallahassee  
William P. Doney, West Palm Beach

There will be a discussion of practice and procedures of administrative and quasi-judicial boards of the City and how to advise those boards, the home-rule powers to create such boards and the judicial review of decisions of such boards.

12:00 noon Guest Speaker - Attorney General Jim Smith

12:30 - Lunch Break  
2:00 p.m.

2:00 - "The City Attorney and Relationship with Other City Officials"  
3:30 p.m.

Chairman: Nicholas F. Tsamoutales, Palm Bay

Panelists: Claude L. Mullis, Jacksonville  
J. T. Frankenberger, Gainesville  
Douglas J. Sale, Panama City

There will be a discussion concerning the City Attorney and his relationships with the City Manager, City Council, the Department of Public Works, and the Department of Public Safety of those people as clients, and what to do in case of conflict.

3:30 - "The Role of the City as an Employer"  
5:00 p.m.

Chairman: Frank Gummey, III, Daytona

Panelists: Leonard A. Carson, Tallahassee  
Mikele S. Carter, Miami  
Frank C. Kruppenbacher, Orlando

A discussion of the City as an employer and its relationships with employees and the concept of collective bargaining issues and the best ways to approach collective bargaining. Also, a discussion of employment discrimination and employee pensions.

5:30 - Reception  
6:30 p.m.

FRIDAY, MAY 20, 1983

9:00 - "Impact Fees"  
10:30 a.m.

Chairman: Carl V. M. Coffin, West Palm Beach

Panelists: Dwight W. Severs, Titusville  
John G. Hubbard, Dunedin  
Frank Craig Richardson, Jr., Boca Raton

A discussion on the legislative authority, innovative use of impact fees and taxes and constitutional questions related thereto; along with an update of recent court decisions in this area.

10:30 a.m. - "Sovereign Immunity"  
12:00 noon

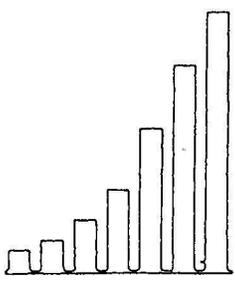
Chairman: Michael S. Davis, St. Petersburg

Panelists: Victor M. Halbach, Jr., Jacksonville  
George P. Roberts, Jr., West Palm Beach  
William N. Drake, Jr., St. Petersburg  
David C. Carter, Jacksonville

A discussion concerning present status of tort liability of municipalities including a discussion of the planning v. operational distinction, duty to warn of dangerous condition, and liability of building officials in light of the *Trianon* decision.

12:00 noon Adjournment

RECEIVED  
4-14-83



**THE COMMITTEE OF 100 OKALOOSA COUNTY, FLORIDA, INC.**  
P.O. Drawer 640 • Fort Walton Beach, FL 32548 • (904) 243-5812

April 12, 1983

**Carl McInnis**  
PRESIDENT

**Fred Pryor**  
1ST VICE PRESIDENT

**Glenn Kitchin**  
2ND VICE PRESIDENT

**Frank Cox**  
SECRETARY/TREASURER

The Honorable Max Usrey  
Mayor, Town of Cinco Bayou  
35 Kelly Ave.  
Fort Walton Beach, Fla. 32548

**Jerry G. Molin**  
EXECUTIVE  
VICE PRESIDENT

Dear Mayor Usrey:

As a "Fair Share" participant in the Committee of 100 of Okaloosa County, Fla., Inc., the By-Laws provide for your designating one individual to sit as an active member of the Board of Directors. I am enclosing a copy of the By-Laws and will appreciate your referring to Article III, Section 3, Government Directors: for information.

I will appreciate your furnishing me with the name of the individual you wish to be placed on the board. It is important that we receive the information as soon as possible since the next meeting will be held the second Thursday in May.

With appreciation for your cooperation and your interest, I am

Sincerely,

*Carl McInnis*  
Carl McInnis  
President

CM/sr

City of Daytona Beach Shores

POST OFFICE BOX 7196

Daytona Beach Shores, Florida 32016

RECEIVED  
4-18-83 MB

OFFICE OF  
THE CITY MANAGER

April 11, 1983

TELEPHONE  
904 / 67-7121

Mayor Charlotte Long  
City of Holmes Beach  
5901 Marina Drive  
Holmes Beach, Florida 33510

Dear Mayor Long:

This is to inform you of a Public Hearing on Consolidation of Smaller Cities by Larger Cities Legislation which may be forthcoming during the 1983 Legislative Session. The time is 7:00 P.M., April 21, 1983, which is a Thursday. The place is St. Petersburg Beach City Hall, 7701 Boca Ceiga Drive, St. Petersburg Beach, Fl.

Please contact as many cities as you can in your area and request their presence at this meeting as it addresses their future.

Sincerely,

*Robert D. Holmquist*  
Robert D. Holmquist,  
City Manager

RDH:jm

To: Anna Maria, Bradenton Beach, Longwood Key, Venice, Sanibel  
Cocoa Bayou, Mexico Beach, Panama City Beach, St Marks, Winter Haven.

This is an issue of vital importance to all  
of us. Please plan to attend if you possibly can.

*Charlotte Long*  
4/14/83



March of Dimes  
BIRTH DEFECTS FOUNDATION

Gateway Chapter  
420 N. Palafox Street, Pensacola, Florida 32501, 904 434-2454



April 12, 1983

Town of Cinco Bayou  
35 Kelly Avenue  
Ft. Walton Beach, Florida 32548

Dear Sir,

The March of Dimes Birth Defects Foundation has applied for a walk permit for May 14th. I have enclosed a copy of the request and a map of the route for your convenience. We sincerely request your permission for the event.

If more information is needed, please call me collect at 434-2454 in Pensacola.

Sincerely,

Bobby Roberts  
Project Coordinator  
Gateway March of Dimes

RCR/r1h

RECEIVED  
4-18-83  
MB

THE  
HUMANE SOCIETY  
OF FORT WALTON  
BEACH, INC.

Lovejoy Road  
P. O. Box 1331  
Fort Walton Beach, Florida 32548  
(904) 243-1525

April 16, 1983

The Honorable Max O. Usrey  
Mayor of Cinco Bayou

Dear Mayor Usrey,

The Humane Society of Ft. Walton Beach cordially invites you and members of your Council to their open house on Saturday, April 23, 1983. The open house is from 10 until 2.

Very truly yours,  
*Westrick Norris*  
Westrick Norris  
Pres. Board of Directors

WN/sn