

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING

May 8, 1975

Town Officials in attendance: Mayor Ken Smith, Councilmembers Irene Balsley, Iva Booher, Phil Johnston, Harold Peek; Marshal Ray Elliott; Attorney Rick Powell, and Recorder Dee Rouse. Absent: Councilman Robert Powell.

Also present were: Calvin C. Speed and Jerry Fitzgerald representing Moore-Handley Incorporated; Dean Crowder and his Attorney, James Middleton and Ruth Usrey.

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

1. MINUTES - REGULAR COUNCIL MEETING - APRIL 10, 1975. Motion to approve as presented, by Mr. Peek, seconded by Mrs. Balsley carried unanimously.
2. FINANCIAL STATEMENT - APRIL 1975. Motion to approve as presented by Mrs. Balsley seconded by Mrs. Booher. In discussion Mr. Johnston questioned Clerk on checks 1325 and 1351, also Deposit 74/75-21. After receiving satisfactory answers, Council approved unanimously.
3. FINAL PAYMENT TO FOOD FAIR FOR SEWER. Mayor Smith explained to Council that the Town owed a balance of \$10,000. to Food Fair Stores Inc., on the original sewer installation and that we were presently paying this off at \$1,000 per month plus accrued interest at 4% per annum. In discussion, it was felt by the Council that receiving 5½% interest on Certificate of Deposits would be better than paying off this 4% note. Mrs. Booher moved that the Town continue their present payment plan with a second by Mr. Johnston. Motion carried unanimously.
4. REQUEST MOORE-HANDLEY - FENCE. Moore-Handley representatives explained to Council their request for a proposed installation of a six foot chain link fence with two twenty five foot sliding gates to be installed at the front of their store. After discussion, Mr. Peek moved that request be approved with a second by Mr. Johnston. Motion carried unanimously. (Copy of request and drawing to be attached to permanent set of minutes).
5. ORDINANCE - BUSINESS REGISTRATION. Attorney Powell explained to Council that this Ordinance, which Council had previously requested he draw up, requires registration of all persons engaging in or managing any business, occupation or profession within the limits of the Town of Cinco Bayou, Florida; establishing an administrative procedure for registration; providing for notice of annual registration; prescribing penalties for violation; reserving the right and power to create and implement a business license requirement and system and prescribing an effective date hereof. Mr. Johnston moved to table the first reading until next meeting to allow Council to study Ordinance and make any changes desired. Motion died for like of second. Mr. Peek moved for first reading of ordinance with a second by Mrs. Balsley. Motion carried with three yea votes: Mr. Peek, Mrs. Balsley, and Mrs. Booher with Mr. Johnston abstaining. Attorney Powell performed the first reading.

6. THIRD ADDITON TO SEWER - EASEMENTS. Attorney Powell informed Council that he was in the process of sending letters to property owners in regards to the necessary easements required for the sewer addition. He indicated that possibly by next meeting he would have answers on all his letters.

7. RESIGNATION - COUNCILMAN ROBERT POWELL. Mayor Smith read letter to Council from Mr. Powell stating his reasons for having to resign. Council regrettably accepted his resignation and Mr. Peek suggested the Mayor Smith write Mr. Powell on behalf of the Council in this regard. (Letter attached to permanent set of minutes).

8. TOWN MAINTENANCE - MR. SAM BASS.

a. Clerk explained that Mr. Sam Bass would like to be paid \$5.00 per hour for the use of his equipment in addition to the labor wage of \$2.10 being paid from the CETA fund. Clerk further informed Council that under the guidelines of the CETA Program funds could be used only for wages and that Mr. Bass had put in 16 hours using his equipment. Mr. Bass had declined to use the Town's mower. After discussion, Mr. Peek moved that the Town pay Mr. Bass for 16 hours of equipment usage, seconded by Mrs. Balsley. Motion carried unanimously.

b. In further discussion, Mr. Peek moved that Mr. Bass be terminated, seconded by Mrs. Booher. Motion carried unanimously.

c. Replacement for Mr. Bass was discussed with Council agreeing for Mr. Ray Elliott, who is already under the CETA Program, to use the Town mower and cut grass as necessary. Mayor Smith indicated he would discuss the use of the mower with Mr. Davis and felt that the mower should remain under his care.

9. LEASE OF JOHNSTON PROPERTY TO DEAN CROWDER FOR OYSTER SHELL BUSINESS. Attorney James Middleton, representing his client Dean Crowder, appeared before the Council to explain that Mr. Crowder had leased some of Mr. Phil Johnston property (parts of Lots 1 & 2, Block 2, zoned C-2) and desired to establish an oyster shell business. Attorney Powell informed the Council that he knew of no restrictions within our ordinances to prohibit the establishment of such a business. In general discussion it was brought out that a number of nearby residents were against such an enterprise. Mayor Smith indicated a letter from Mr. Jim Kendrick addressed to Radcliff Materials in Mobile was in his possession as well as their answer which indicated Radcliff had decided that in no way will they further entertain the thought of unloading shells or establishing a yard for anyone in our immediate area. (Both letters to be attached to permanent set of minutes). Mrs. Ruth Usrey voiced her disapproval as the closest living neighbor and indicated that others near her was also opposed.

10. DISCONTINUING COMMITTEE MEETINGS. Clerk suggested to Council that during the summer months the planning committee meeting be discontinued. Council as a whole agreed.

11. FINANCIAL DISCLOSURE. Attorney Powell gave out additional forms to Council.

12. ADJOURNMENT. On motion by Mr. Peek and second by Mrs. Booher meeting was adjourned at 9:09 p.m.

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


JAMES O. GODWIN, SR., Town Clerk