

TOWN OF CINCO BAYOU  
REGULAR MEETING  
MAY 16, 1983

The Regular Meeting of the Town of Cinco Bayou Town Council was called to order by Mayor Usrey at 7:02 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk to call the roll.

ROLL CALL

Present: Mayor Usrey  
Councilman Davis  
Councilman Johnston  
Councilwoman Kelley  
Councilman Perry  
Councilman Wade

Absent: Attorney Powell

Also Present: Clerk Borchik                      W. E. Overstreet  
Secretary Borchik                      G. K. Frazier  
Wm. Sullivan

MINUTES - Councilman Davis moved to accept the minutes of April 11 and April 18, 1983, seconded by Councilman Perry. Motion carried unanimously.

FINANCIAL REPORT - Councilman Wade moved to accept the financial report for April, 1983, seconded by Councilman Davis and unanimously approved.

REGULAR BUSINESS

1. Kidd Bayou Oaks Lot Line. Mayor Usrey asked for a motion to accept the lot lines as marked by Baskerville - Donovan, the surveyors hired by the Town. No motion was made. Mayor Usrey asked for a motion to accept the lot lines as marked by W. E. Overstreet, the surveyor hired by Kidd Bayou Oaks Townhomes. Councilman Perry moved that the Town accept the lot lines as surveyed by W.E. Overstreet, seconded by Councilwoman Kelley. Mayor Usrey requested the Clerk to call the roll. The roll call vote, approved the motion unanimously. (Councilman Perry and Councilwoman Kelley signed Form 4's, "Memo of Voting Conflict," as both own property on Kidd Street).
2. AAA Employment Agency Complaint. Mayor Usrey asked for discussion on Mr. Lester Smith's complaint. Following a short discussion, it was determined that while Mr. Smith may have a legitimate complaint, there was no action required by the Council. It was suggested that Mr. Smith seek legal advice or go to small claims court.
3. Outer Continental Shelf Revenue Sharing Resolution. Mayor Usrey asked for a motion to adopt a Resolution supporting Outer Continental Shelf Revenue Sharing. Councilman Johnston moved the Council adopt the Resolution, seconded by Councilman Perry and unanimously approved.

4. Winter Park Resolution on Damage Liability No. 83-3. Mayor Usrey asked for a motion to adopt Resolution No. 83-3. Councilman Johnston moved the Council adopt Resolution No. 83-3, seconded by Councilman Perry. Motion approved unanimously.

5. Flood Plain Management Ordinance. Clerk told the Council that the Council would have to have a 1st and 2nd reading on this ordinance. Passing this ordinance would not put the Town in the regular category but would make their position stronger in the emergency category and Flood Plain Management. Lengthy discussion followed.

6. Chamber of Commerce Membership 7/83 thru 6/84. Mayor Usrey asked for a motion to pay the Chamber of Commerce bill for 1983/84 dues. Councilman Johnston moved the Town pay the bill, seconded by Councilman Davis. Motion approved unanimously.

7. Merger of Municipalities Resolution No 83-4. Mayor Usrey asked for a motion to adopt Resolution No. 83-4. Councilman Johnston moved the Council adopt Resolution No. 83-4, seconded by Councilman Perry. Motion approved unanimously.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME. None.

COMMITTEE REPORTS

1. Streets/Sidewalks/Neighborhood Watch - Councilman Davis. No report.

2. Parks/Beautification/Environment - Councilwoman Kelley.

1. Shelter - Laguna Park. No report.

2. Cannon - Laguna Park. Mayor Usrey thanked Councilman Wade and his Reserve Civil Engineering Squadron for building the pad for the cannon in Laguna Park. Mayor Usrey asked the Clerk to send a letter of thanks to the Squadron for all of their work.

3. Fence/Gate - Francis Park. A lengthy discussion followed. Councilwoman Kelley moved that the Town correct the east lot line fence in Francis Park and put in new gates. Motion seconded by Councilman Wade and unanimously approved.

3. Finance - Councilman Wade. No report.

4. Waterfront/Bayou/Health/Civil Defense - Councilman Perry.

Councilman Perry told the Council that Mr. Nichols, Okaloosa County Civil Defense Director, was still in the hospital and since he had not been able to talk to Mr. Nichols, Councilman Perry had no report.

5. Special Committee Reports

A. Bicycle Path - Councilman Johnston. No report.

B. Sign Ordinance - Councilman Johnston. No report.

ATTORNEY'S REPORT None

CORRESPONDENCE None

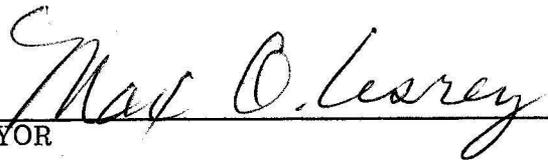
CLERK'S REPORT

1. The Clerk told the Council that he had spoken with DOT and they have agreed to mark the Yacht Club-Eglin Parkway intersection with thermo-plastic material. The Okaloosa County Road Department has been advised that there are some Pot-holes that need to be patched before the intersection is marked. The Clerk told the Council he would make the necessary arrangements with Fort Walton Beach to change the traffic signals at the Yacht Club-Eglin Parkway intersection when the marking is completed.
2. The Clerk has received no estimates on the repairs and resurfacing of Kidd Street at Francis Park and Lucile Street.

MAYOR'S ANNOUNCEMENTS

1. Mayor Usrey asked the Council if anyone wished to participate in the Billy Bowlegs Parade, to please let Clerk Borchik know as soon as possible.
2. Mayor Usrey reminded the Council that Tuesday night is the Town picnic and will be held in Laguna Park at 6:30 P.M.

There being no further business, the meeting was adjourned at 8:27 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.

# FORM 4 MEMORANDUM OF VOTING CONFLICT

LAST NAME — FIRST NAME — MIDDLE NAME <i>Kelley Ruth E</i>	AGENCY is unit of: <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> MUNICIPALITY <input type="checkbox"/> OTHER	DATE ON WHICH VOTE OCCURRED <i>May 16, 1983</i>
MAILING ADDRESS <i>286 Kidd St</i>	NAME OF PERSON RECORDING MINUTES <i>Albert S. Borchert</i>	
ZIP COUNTY <i>32548 OKALOOSA</i>	TITLE OF PERSON RECORDING MINUTES <i>Town Clerk</i>	
NAME OF AGENCY	SPECIFY	

## MEMORANDUM OF CONFLICT OF INTEREST IN A VOTING SITUATION [Required by Florida Statutes §112.3143 (1979) ]

If you have voted in your official capacity upon any measure in which you had a personal, private, or professional interest which inures to your special private gain or the special private gain of any principal by whom you are retained, please disclose the nature of your interest below.

1. Description of the matter upon which you voted in your official capacity: *Frances Park Lot line on Kidd St*

2. Description of the personal, private, or professional interest you have in the above matter which inures to your special private gain or the special private gain of any principal by whom you are retained: *I own property on Kidd St*

3. Person or principal to whom the special gain described above will inure:  
 a.  Yourself    b.  Principal by whom you are retained: \_\_\_\_\_ (NAME)

SIGNATURE <i>Ruth E. Kelley</i>	DATE ON WHICH FORM 4 WAS FILED WITH THE PERSON RESPONSIBLE FOR RECORDING MINUTES OF THE MEETING AT WHICH THE VOTE OCCURRED: <i>May 16, 1983</i>
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### FILING INSTRUCTIONS

This memorandum must be filed within fifteen (15) days following the meeting during which the voting conflict occurred with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the meeting minutes. This form need not be filed merely to indicate the absence of a voting conflict. Florida law permits but does not require you to abstain from voting when a conflict of interest arises; if you vote, however, the conflict must be disclosed pursuant to the requirements described above.

**NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1979), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.**

# FORM 4 MEMORANDUM OF VOTING CONFLICT

LAST NAME — FIRST NAME — MIDDLE NAME <i>PERRY RALPH J.</i>	AGENCY is unit of: <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> MUNICIPALITY <input type="checkbox"/> OTHER	DATE ON WHICH VOTE OCCURRED <i>5-16-73</i> NAME OF PERSON RECORDING MINUTES <i>AL. BORSCHIK</i> TITLE OF PERSON RECORDING MINUTES <i>TOWN CLERK</i> SPECIFY
MAILING ADDRESS <i>CINCO BAYOU O.K.A.</i> ZIP COUNTY <i>PO. BOX 931 FT. WALTON BCH</i>		
NAME OF AGENCY <i>CINCO BAYOU COUNCIL</i>		

**MEMORANDUM OF CONFLICT OF INTEREST IN A VOTING SITUATION [Required by Florida Statutes §112.3143 (1979) ]**

If you have voted in your official capacity upon any measure in which you had a personal, private, or professional interest which inures to your special private gain or the special private gain of any principal by whom you are retained, please disclose the nature of your interest below.

1. Description of the matter upon which you voted in your official capacity:

Francis Park Lot line on Kidd St.

2. Description of the personal, private, or professional interest you have in the above matter which inures to your special private gain or the special private gain of any principal by whom you are retained:

I own property on Kidd St.

3. Person or principal to whom the special gain described above will inure:

a.  Yourself    b.  Principal by whom you are retained: *Ralph J Perry* (NAME)

SIGNATURE  
*X*  
*Ralph J Perry*

DATE ON WHICH FORM 4 WAS FILED WITH THE PERSON RESPONSIBLE FOR RECORDING MINUTES OF THE MEETING AT WHICH THE VOTE OCCURRED:

**FILING INSTRUCTIONS**

This memorandum must be filed within fifteen (15) days following the meeting during which the voting conflict occurred with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the meeting minutes. This form need not be filed merely to indicate the absence of a voting conflict. Florida law permits but does not require you to abstain from voting when a conflict of interest arises; if you vote, however, the conflict must be disclosed pursuant to the requirements described above.

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# CITY OF HOLLY HILL

TEN SIXTY-FIVE RIDGEWOOD AVENUE

HOLLY HILL, FLORIDA 32017

April 5, 1983

OFFICE OF THE CITY MANAGER

To: Mayors, Councils, City Managers of all Municipalities in Florida

Dear City Officials:

Attached you will find a Resolution which is a duplicate of one which was passed recently by the City of Ormond Beach. This Resolution has also been passed by the Cities of South Daytona and Daytona Beach Shores, and will soon be passed by the City of Holly Hill and the Town of Ponce de Leon. The Volusia Council of Governments (VCOG) also passed, on an eleven to one vote, a resolution against the "winner-take-all" referendum. This is the council of all the mayors in our County.

These communities are currently being confronted with a proposal that they be consolidated with the City of Daytona Beach by means of a "winner-take-all" referendum. (Ormond Beach is not proposed for consolidation but has been involved in the consolidation issue by a proposal made by Daytona Beach officials.)

It may seem to you that this is a local issue which would not be of concern to your community; however, due to recent developments at the State government level, we feel it is imperative that communities across the State adopt this Resolution, or one similar to it, in order to make sure that the rights of our citizens are not usurped.

The current State law on mergers and annexations contained within Chapters 165 and 171 of the Florida Statutes, provides that the method of annexation, merger or consolidation of one city with another, or a city with an unincorporated area, shall be by means of an "inside-outside vote". This is to say that the residents inside the area proposing the merger must vote in the majority in favor of the plan, and those citizens in the area to be merged with, must also vote in a similar manner, for the merger to take place.

Recently, however, some representatives of the Advisory Commission of Intergovernmental Relations (ACIR) have proposed that the referendum method be done away with and that an appointed boundary adjustment commission (AC) be appointed to supervise and order mergers to occur.

The ACIR is an advisory body to the Governor, Cabinet, and the Legislature. Perhaps of even greater concern is the fact that Dr. John DeGrove, principal advisor to the ACIR, and the "author" of the BAC plan, has been appointed by the Governor to be the new head of the Department of Community and Veterans Affairs.

Letter to Municipalities  
April 5, 1983  
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At this same time, a number of State Legislators are beginning to move in the direction of the BAC proposal. In our opinion, as an outgrowth of this BAC plan, the local delegation has supported a proposal to conduct consolidation of several of our local cities on the basis of a special legislative act which would allow for a single area-wide vote.

We believe that this action, coming at this time, in conjunction with movements afoot at the State level, could set a dangerous precedent for all the communities in the State of Florida; not only the smaller communities such as Holly Hill and South Daytona, but also larger communities such as Ormond Beach and even some of the larger cities in our major urban areas.

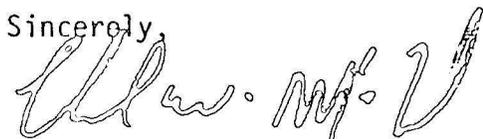
If you pass this Resolution now, perhaps this course which the State seems to be embarking upon can be averted. Please feel free to call us with any questions you may have about this. We would appreciate it if you would forward a copy of your Resolution back to this office for our records. Send your Resolution after it has been passed, immediately, to your Legislators. Action must be taken now!

*NA  
attaches*  
Attached you will find a recent newspaper article from this area which may shed further light on the complexities involved in this matter, and to underscore the need for urgent, immediate action.

More correspondence will follow in the future regarding this issue and its constitutional implications.

Thank you for your attention to this correspondence and the attachments. If we can be of any assistance to you, please do not hesitate to call upon us.

Sincerely,



Charles W. McCool  
City Manager  
City of Holly Hill

On behalf of Daytona Beach Shores, Holly Hill, Ponce Inlet and South Daytona.

Attachments

/jd