

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
MAY 17, 1979

1. MINUTES-REGULAR COUNCIL MEETING-APRIL 19, 1979.
2. FINANCIAL STATEMENT-APRIL 1979.
3. CONSIDERATION OF AN ORDINANCE TO AMEND ZONING REQUIREMENTS FOR SALES OF INTOXICATING BEVERAGES.
4. RESOLUTION 79-2 - EXTENSION OF INTERLOCAL AGREEMENT WITH COUNTY RE/INSPECTIONS AND APPLICATION FOR FLOOD INSURANCE.
5. CONSIDERATION OF SUBSIDIZING DUES FOR SENIOR CITIZENS.
6. CONSIDERATION OF REVISED LIST OF SEWER USERS.
7. LETTER TO COUNTY COMMISSIONERS REGARDING SEWER INSTALLATION.

TOWN OF CINCO BAYOU
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MAY 17, 1979

Town officials in attendance: Mayor Pro-Tem Max Usrey, Council members Phil Johnston, Harold Peek and Ralph Perry; Attorney Rick Powell, Town Manager Kenneth Espy and Recorder Dee Rouse. Absent: Irene Balsley and Mayor Jim Kendrick.

Also present were: Adelia Robblee, Abbie Tyner, Ruth Usrey, Representative Jerry Melvin, Jean Streetman-PGDN, Dick Bixby, Larry Newberry and Miller Burt.

Therefore, a quorum being present, Mayor Pro-Tem Usrey opened the meeting with a silent prayer at 7:00 p.m.

1. MINUTES-REGULAR COUNCIL MEETING-APRIL 19, 1979. Motion by Mr. Peek to accept as printed, seconded by Mr. Johnston. Motion carried unanimously.
2. FINANCIAL STATEMENT-APRIL 1979. Motion by Mr. Peek to accept as presented, seconded by Mr. Perry. Motion carried unanimously.
3. OKALOOSA INDUSTRIAL DEVELOPMENT COUNCIL. Representative Jerry Melvin was given time on the agenda to explain the functions of the OI DC and on their behalf to request Cinco Bayou's participation in the Council. He advised that a membership fee for a Town the size of Cinco would be \$250 yearly. Mr. Melvin informed Council that the Okaloosa Industrial Development Council was working on thirty active basic individual industries, but he was not at liberty to discuss the names. He also informed Council that the OI DC approved to undertake an \$11,000 advertising program including spaces in Parks and Sights; Southeast Real Estate; Florida Trend; Southern Magazine and American Industrial Property Report. After a brief discussion, Mr. Perry moved the Town actively participate in the OI DC and pay the membership dues at a cost of \$250 yearly, seconded by Mr. Peek. Motion carried unanimously.
4. CONSIDERATION OF AN ORDINANCE TO AMEND ZONING REQUIREMENTS FOR SALES OF INTOXICATING BEVERAGE. Motion by Mr. Peek to amend Ordinance #65 to comply with state regulations. To do so would change the definition of a restaurant decreasing the 5,000 square foot requirement to 2,500 square feet and seating capacity in a restaurant from 200 to 150. Seconded by Mr. Johnston. Motion carried unanimously. First reading of ordinance will be read at the next regular council meeting.
5. RESOLUTION 79-2, EXTENSION OF INTERLOCAL AGREEMENT WITH COUNTY RE/INSPECTIONS AND APPLICATION FOR FLOOD INSURANCE. Motion by Mr. Perry to adopt Resolution 79-2, seconded by Mr. Johnston. Clerk informed the Council that the Town was renewing the inspection agreement with the County and setting up the way for application for Flood Insurance. Motion carried unanimously.
6. CONSIDERATION OF SUBSIDIZING DUES FOR SENIOR CITIZENS. Clerk presented to Council the names of the residents who have attended the Senior Citizen Club and used the building. After lengthy discussion, Mr. Peek moved to participate in the Senior Citizen Program by paying full membership dues for all residents who participates in the program. This motion died for lack of a second. Mr. Perry suggested to Mr. Peek to amend his motion to state the Town pay half membership dues for the citizens. Mr. Peek then moved to participate in Senior Citizen Program and pay half membership dues for qualified Senior Citizens of Cinco Bayou, seconded by Mr. Perry. Motion carried unanimously.

7. CONSIDERATION OF REVISED LIST OF SEWER USERS. Motion by Mr. Perry to submit the revised list of sewer users to the County, seconded by Mr. Peek. Motion carried unanimously.

8. LETTER TO COUNTY COMMISSIONERS REGARDING SEWER INSTALLATION. Clerk presented the Council with a draft copy of a letter to be sent to County Commissioner Peebles as previously requested by the Council. The letter set forth the Council's feelings concerning the contractors installing water and sewer lines across the Town for the County and closing the Laguna Park to the contractors. Attorney Powell suggested to Council that a sign should be placed in Laguna Park near the construction area below the beach to warn the public of the danger of outcropping cement. Mr. Burt of Polyengineering indicated that he had spoken with the Contractor (O'Tinger) and he stated that the concrete below the beach area will be removed very soon. Mr. Peek asked Mr. Burt if the Contractor had lowered the pipe. Mr. Burt said, "No, they needed a well-point system to lower the pipe and would secure one soon." Council approved the writing of the letter to be sent to Commissioner Peebles.

9. MATTER OF INFORMATION. Clerk informed Council that he had received a check for Ad Valorem Taxes raising the total received to date amounting to \$34,625. The total amount of taxes on the Tax Rolls assessed for Cinco Bayou was \$36,364, therefore, the \$34,625 received falls short only \$1,739 for collection of Real Estate and Personal Property taxes. Clerk also informed Council that he had attended the Intergovernmental Council Meeting, Wednesday, May 16 and he had been asked to bring a list of equipment that could be used in case of a disaster. He reported that the Town has only the CB Radio and a Flashing Yellow Light on the Truck. Also, Commissioner Hersch is trying to get a bill passed in the Florida Legislature to create a Strike Team in the State of Florida who would be available in case of an emergency and they're trying to establish a better communication system between the Cities, Civil Defense, Sheriff's Department, etc.

10. ADJOURNMENT. Meeting adjourned at 8:25 p.m.

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


KENNETH H. ESPY
Town Manager/Clerk

ATTACHMENTS TO RECORD SET OF MINUTES:

1. Financial Statement.
2. Resolution 79-2.
3. Ltr to Commissioner Peebles.
4. Newspaper Clippings-PGDN.

TOWN OF CINCO BAYOU - JOURNAL OF CHECKS WRITTEN - DEPOSITS MADE

APRIL 1979

Check Number	To Whom	Purpose	Date	Amount Of Check	Bank Bal Fwd And Deposits	ACCOUNTING CODES
		Bal Fwd	1	--	10409.25	
34	13 Bargain Spot Ctr	Double Doors for Shed Building	4	236.25		651
		See Dep 78/79-27	5	--	1725.00	
14	Playground News	Change of Mtg Date	10	7.72		401-10
15	CENDEL	Town Hall	10	28.99		405-01
16	Scotty's	Light Bulbs (6)	10	11.94		404
17	Madaris	Supplies	10	4.34		414
18	Gatlin L&S Co	Supplies	10	27.01		404
19	Boyett's	Svs-4/1-5/1/79	10	30.00		401-11
20	Polyengineering	Ret - April	10	100.00		401-06
21	Humane Society	Svs - March	10	8.00		401-09
22	Estergren, FA&P	Ret - March	10	100.00		401-01
23	D. Rouse	2Wks-3/27-4/9	10	214.80		427
24	K. Espy	2Wks-3/27-4/9	10	250.00		427
25	CENDEL	18th Pmt-U/F Taxes	10	300.00		705
26	Oka Co Sheriff	Svs - April	10	400.00		401-08
27	Oka W&S Sys	Sewer Trmt - March	10	1064.00		405-15
		See Dep 78/79-28	13	--	1161.53	
28	A. Robblee	Cake, Cards-Picnic	19	17.78		411
29	Estergren, FA&P	Prep on Appellee's Brief	19	1150.00		401-12
30	Atlas Ext	Svs - April	19	7.00		401-10
31	J.M. Fields	Fertilizers (5)	19	10.00		404
32	City of FWB	Traffic Light Rpr	19	941.67		413
33	City of FWB	Water - Town Hall	19	26.12		405-03 (#6.53)
		" - L/Stas				405-04 (#6.53)
		" - Laguna Pk				405-04 (#6.53)
		" - Francis Pk				405-05 (#6.53)
34	D. Rouse	2Wks-4/10-4/23	24	214.80		427
35	W. Owens	2Wks-4/10-4/23	24	87.00		427
36	K. Espy	2Wks-4/10-4/23	24	278.00		427
37	CENDEL	Loop Lift Stas	24	24.15		405-02
38	Gulf Pwr Co	Street Lights	24	250.31		405-09
39	Gulf Pwr Co	Town Hall	24	71.81		405-07
40	Gulf Pwr Co	Traffic Lights	24	70.56		405-08 (#24.34)
		L/Sta-Kelly				405-10 (#8.06)
		L/Sta-Laguna				405-11 (#23.15)
		Pump-Leyenda				405-12 (#15.01)
41	Thomas Burke	Dues-PNJ-April	24	4.35		412

APRIL 1979

Check Number	To Whom	Purpose	Date	Amount Of Check	Bank Bal Fwd And Deposits	ACCOUNTING CODES
1	---	See Dep 78/79-29	24	--	1507.13	
2	34 42 Barnett Bank	P/R Dep - March	27	150.60		702
3	---	See Dep 78/79-30	30	--	741.96	
4	Total Cks Wr			6087.20	5135.62	(Income for April)
5	Bal Fwd 1 Apr 79				10409.25	
6	Total Funds Available				15541.87	
7	Cks Wr				-6087.20	
8	Cash O/H In Bank			30	9457.67	
9	Petty Cash Fund			30	.04	
10	Cash In Bank & P/C			30	9457.71	
11	Sav's #200-004-0			30	6808.13	
12	Sav's #200-067-9			30	728.67	
13	CD's			30	120000.00	
14	TOTAL FUNDS AVAILABLE			30	136994.47	

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

[Signature]
 KENNETH H. BOPP
 Town Manager/Clerk

COLUMN WRITE

RESOLUTION NO. 79-2

A RESOLUTION TO EXTEND THE EFFECTIVE DATE OF THE AGREEMENT WITH OKALOOSA COUNTY RELATING TO INSPECTION SERVICES AND ADDITION OF SUCH SERVICES AS PERTAINS TO CLAIMS FOR FLOOD INSURANCE

WHEREAS, the Town of Cinco Bayou, Florida, entered into a INTERLOCAL AGREEMENT with Okaloosa County, Florida, to contract for services such as, quote, "The county will provide, through the Okaloosa County Inspection Department, inspections of all new installations and re-inspection of all installations in accordance with the Okaloosa County Code of Ordinance. More specifically, the County will provide building, electrical, plumbing, heat and air conditioning inspections" unquote.

WHEREAS, this AGREEMENT was fully consumated on the 1ST day of MAY 1975, and by its terms expired on the 31ST day of DECEMBER 1978.

WHEREAS, the terms of the AGREEMENT provide for renewable periods of four years upon the consent of the governing body of the County.

WHEREAS, the governing body of the County has agreed to renew said AGREEMENT for another four year period APRIL 24, 1979 to APRIL 24, 1983, with original conditions remaining valid.

THEREFORE BE IT RESOLVED by the Town Council of the Town of Cinco Bayou, Florida, to accept the offer from Okaloosa County and to consider that INTERLOCAL AGREEMENT renewed and effective date extended for the period as stated above.

BE IT FURTHER RESOLVED as the "Okaloosa County Code of Ordinance" pertaining to Inspections described herein are enough to be acceptable to the "Department of Housing and Urban Development, Federal Insurance Administration, as pertains to "Permit Requirements" when claims relating to "Flood Insurance" are involved, THAT, the "Okaloosa County Code of Ordinance" be acceptable when inspections are performed in connection with Flood Insurance claims in this Town.

WHEREAS, the INTERLOCAL AGREEMENT with Okaloosa County Inspection Department has been renewed for an additional four years, and,

WHEREAS, the Inspection Department of Okaloosa County has agreed to include inspections for "permits" relating to claims for Flood Insurance, in services performed under that agreement.

BE IT FURTHER RESOLVED that the Town of Cinco Bayou will furnish a copy of the INTERLOCAL AGREEMENT and this RESOLUTION to the Department of Housing and Urban Development, Federal Insurance Administration, when establishing eligibility in the National Flood Insurance Program to meet the requirements of 1910.3 (b) of the Federal Insurance Administration regulations.

ADOPTED 17th day of May 1979.


MAYOR

ATTEST:


TOWN MANAGER/CLERK

TOWN OF CINCO BAYOU

KELLY AVE.

P.O. DRAWER 1710 · CINCO BAYOU
FORT WALTON BEACH, FLORIDA 32548
904-244-2712 244-2012

May 21, 1979

Mayor
JIM KENDRICK, III

Mayor Pro-Tem.
IRENE BALSLEY

Council Members:
PHIL JOHNSTON
WILL OVERSTREET
HAROLD PEEK
MAX USREY

Town Manager/Clerk.
JAMES O. GODWIN, SR.

Town Attorney:
RICK POWELL

Mr. Bill Peebles
Commissioner District II
Board of County Commissioners
Crestview, Florida 32536

Dear Sir:

Enclosed is a copy of each of two letters from the Board of County Commissioners relative to the installation of a water main and sewer line across the Town of Cinco Bayou and the City of Fort Walton Beach. Also, a representative of Polyengineering, Consulting Engineer for the County, made a request of our Town Council the evening of April 20, 1978, to have a letter prepared giving the County permission to install these lines, stating such a request was in line with the long range study made by West Florida Planning Council and identified by number 208. A copy of the Attorney's letter is attached.

: In late October 1978, the contractor to install the water main (O'Tinger Construction Company) began to store pipe and equipment in the Town's Laguna Park on Yacht Club Drive.

That line has been installed along the Bayshore line, across the park and the Town.

In late March 1979, Boan Construction Company, the contractor to install the sewer line also began storing pipe and equipment for that line in the Laguna Park.

That line has also been installed across the park and Town, but not along the waterfront.

The following has been and is cause for the Town Council's displeasure, annoyance and consideration of closing the park to contractors:

A. Because the park was the only public property along the route of the two lines it seems to have been used as a storage and parking lot for the contractors for the past eight months, rather than a public park.

B. The water main has been improperly laid along the waterfront not meeting the requirements of the "plans and specifications"

and causing the need of a large amount of cement to be poured at the same level as the original sand beach.

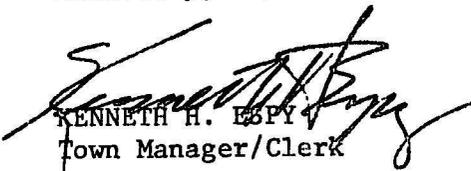
C. At the present time, the normal flow of the bay waters has exposed this cement and there exists rough jagged edges about 18" thick protruding into the water and very dangerous to park visitors.

D. Poor grade of street repair including constant loose dirt and debris and irate residents along the route.

In summary, the trenches across the park and Town have been filled, the sprinkler system repaired and back in service. Of course, we are awaiting black top and curbing where required. However, we do not have a suitable sandy swimming beach as before, nor is the black topping being placed in the streets smooth with existing surface or of equal quality.

Any assistance you can provide to enhance the authority and work of your Consulting Engineers and bring these projects to an early completion and restoring the Town to its normal peace and tranquillity will be greatly appreciated.

Sincerely, :


KENNETH H. ESPY
Town Manager/Clerk

Cinco Plans New Liquor Ordinance

By JEAN STREETMAN

Daily News Staff Writer

Cinco Bayou councilmen voted unanimously Thursday to draft an ordinance that will comply with state regulations and at the same time lessen structural requirements for restaurants whose owners want to sell liquor on the premises.

The ordinance will decrease the distance required between a restaurant selling alcoholic beverages, and schools and churches. The requirement now is 2,500 feet. The state is in the process of changing it to 500 feet.

According to Town Manager Kenneth Espy, Okaloosa County's requirement for seating capacity inside a restaurant selling alcoholic beverages is 5,000 square feet, and "the state is considering changing it to 2,500 square feet."

Also included in the county's requirements is a minimum of seating for 200 people in an establishment serving liquor. The state legislature may lower this to 150.

The first reading of the ordinance will be scheduled after the state makes its own changes, according to Espy, who added that Town Attorney Rick Powell said a special meeting can be called in order to have the second reading and save a month's time in passing the ordinance.

In other business Thursday, council members voted unanimously to help pay for Cinco Bayou senior citizens' membership in the Fort Walton Beach Senior Citizens Club.

"I'd like to treat our citizens like Fort Walton Beach treats theirs," Councilmen Harold Peek said Thursday. He made the motion to pay the full amount of dues for all senior citizens in Cinco Bayou, but the motion was not seconded.

Peek then changed his motion to include that half of the amount due per person be paid by Cinco Bayou. The new motion carried unanimously after some discussion.

Cinco Bayou Will Consider Alcoholic Beverage Ordinance

By **JEAN STREETMAN**

Daily News Staff Writer

Cinco Bayou Town Council members, meeting as a committee Thursday, agreed to consider next week an ordinance that would decrease the location and seating-capacity requirements for restaurants whose owners want to sell liquor.

According to Town Manager Kenneth Espy, the ordinance would comply with state zoning requirements for establishments that sell intoxicating beverages.

The distance between a restaurant establishment selling alcoholic beverages and schools and churches is required to be 2,500 feet now, according to Espy. He said the state is in the process of changing that to 500 feet.

Espy added that Okaloosa County has a requirement of 5,000 square feet within a building selling liquor and "the state is considering changing it to 2,500 square feet."

Okaloosa County's requirements also include a seating-capacity minimum of 200 people for the restaurant serving the liquor, according to Espy. If the state legislature changes it the capacity will be lowered to 150.

Two restaurant owners in Cinco Bayou expressed their desire Thursday to obtain the kind of liquor license which states that 51 percent of their business income has to be derived from food.

Larry Newberry, owner of Luigi's Pizza at 213 Eglin Parkway, and Dick Bixby, owner of The Captain's Table at 232 Eglin Parkway, both said they would be able to purchase the license if Cinco Bayou lowered the seating capacity to 150.

Luigi's seats 162 people, according to Newberry. Bixby said he seats 164 in his restaurant but that it could be arranged to seat 200 people.