

TOWN OF CINCO BAYOU  
SPECIAL COUNCIL MEETING  
MAY 22, 1978

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

Also present were: Peggy Roberts representing Playground Daily News, Jim Chitwood representing Pensacola News Journal, Bob Henderson representing WFTW, Adelia Robblee, Abbie Tyner, Sarah and Linda Peek, Ruth Usrey, J.T. Culley, and Attorney Mike Chesser.

Therefore, a quorum being present, Mayor Kendrick opened the meeting with silent prayer at 5:30 p.m.

PURPOSE OF SPECIAL MEETING: Called by Mayor Kendrick to discuss Council actions of previous meeting.

1. MINUTES-REGULAR COUNCIL MEETING-MAY 18, 1978.

MOTION: Mr. Peek moved that paragraph 5 of the minutes (YACHT BASIN-J, T. Culley) be read for benefit of attending public, seconded by Mr. Usrey. Motion carried unanimously. Mayor Kendrick read paragraph 5. Mr. Peek requested "for the record" that on line fourteen of paragraph 5, that his vote be changed from "abstaining" to "Nay". Attorney Powell told Mr. Peek his vote could not be changed.

MOTION: Mr. Peek moved that the minutes be accepted as printed, seconded by Mrs. Balsley. After discussion motion carried unanimously.

2. YACHT BASIN. Mayor Kendrick informed Council and attending public of his reason for not attending the Council meeting of May 18, 1978 and expressed his views on the actions taken. He read paragraph 8, Council minutes of March 17, 1977, as follows: 8. ZONING ORDINANCE CHANGE TO ALLOW MARINA C-2. "After an explanation to the attending public and some discussion on the proposed ordinance, Mr. Overstreet moved that the ordinance be read, so the people who came about it could hear what we were talking about, seconded by Mr. Johnston. In discussion, it was determined that this was to be an "Explanatory Reading Only". VOTE: Yeas-Peek, Johnston, Overstreet; Nays-None; Abstaining-Usrey. Attorney read the ordinance. Discussion followed. MOTION: Mr. Peek moved that Council deny the idea of changing the ordinance to include the marina, seconded by Mr. Usrey. Additional discussion followed. Opposition to marinas in Cinco Bayou was heard from Mrs. Peek, Mrs. Usrey, and Mrs. Smith. VOTE: Yeas-Peek, Usrey; Nays-Overstreet, Johnston. Therefore, to break a tie, Mayor Kendrick cast his vote "nay".

(CLERK'S NOTE): For clarification of Mayor Kendrick's vote, the following is quoted from the same minutes:

"12. RECONVENING OF COUNCIL. Immediately after adjournment, it was brought to Mayor Kendrick's attention of his vote on Item (paragraph) 8. Attorney recommended meeting be reconvened to clarify his vote. Mayor Kendrick reconvened the Council and changed his vote to Yea. Meeting then adjourned".

2. YACHT BASIN-CONT. Mayor Kendrick further stated, "with these factors in mind, I just beg you to reconsider your action of last Thursday, in regards to the wishes of your neighbors; and I will intertain a MOTION that this building permit be rescinded and its request be referred back to the Council meeting with our Attorney at a date to be named".

MOTION: Mr. Peek so moved and further requested a public hearing before any action be taken, seconded by Mr. Usrey. After addition discussion by Mr. Johnston, Mrs. Balsley and others, the VOTE was taken as follows: Yeas-Usrey and Peek; Nays-Johnston, Perry, and Balsley.

MOTION: Mr. Peek moved that no action be taken on the second reading of the ordinance until after public hearing was held, seconded by Mr. Perry. Motion carried unanimously.

Attorney Powell explained to Council that the notice would be published, for a second reading of this ordinance, at the June regular meeting. He indicated there would be no reason that the public hearing could not be held at the beginning of that meeting.

3. PRYOR'S SUIT. Attorney Powell informed Council that he had received a notice from Judge Wells denying George Day's motion to file supplemental pleading against the Town of Cinco Bayou and that he would be going to final hearing to pursuit having a temporary injunction made into a permanent injunction, probably within 30 days.

4. ADJOURNMENT. Meeting adjourned at 6:40 p.m.

RESPECTFULLY SUBMITTED AS TRUE AND CORRECT TO BEST OF MY ACKNOWLEDGE. ALTHOUGH I WAS NOT PHYSICALLY PRESENT AT THE MEETING, I UTILIZED THE NOTES TAKEN BY THE RECORDER, MISS ROUSE, AND THE TAPE RECORDING, IN PREPARATION OF THESE MINUTES.



JAMES O. GODWIN, SR.  
Town Manager/Clerk

ATTACHMENTS TO RECORD SET OF MINUTES:

1. News Release.
2. Newspaper Clipping-PGDN & PNJ.

# TOWN OF CINCO BAYOU

KELLY AVE.

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

Mayor:  
JIM KENDRICK, III

May 19, 1978

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

TOWN OF CINCO BAYOU  
NEWS RELEASE

TO: Playground Daily News - Peggy Roberts  
Pensacola News Journal - FWB Branch  
WFTW - John Teelen

This is to inform you that Mayor Jim Kendrick has called a special meeting of the Town Council to be held at the Town Hall, Kelly Avenue, 5:30 p.m., May 22, 1978.

Purpose of Meeting: Discussion of Council actions of the previous meeting.

PLEASE publish/air this meeting so the public may attend.

  
JAMES O. GODWIN, SR.  
Town Manager/Clerk

# Basin Ordinance Postponed

By **PEGGY ROBERTS**

Daily News Staff Writer

The Cinco Bayou Town Council Monday postponed, until after a public hearing, further action on an ordinance that would allow the construction of a yacht basin at the foot of Cinco Bridge.

Mayor Jim Kendrick said the council in his absence approved the ordinance's first reading and stayed a building permit for the structure—had taken action concerning property that doesn't belong to the town.

J.T. Cully plans to construct the yacht basin. The ordinance now being held in abeyance defines what a yacht basin is.

Kendrick said the council the town has an easement but is prohibited by the state to build any

structure on that property.

The actions taken by the council at the May 18 meeting also were said to have "put the cart before the horse" as far as issuing a permit before drafting the proper ordinance.

The ordinance had already been approved when Cinco resident Frank Lane asked the council if they should have an ordinance specifying the term "yacht basin."

It was then the ordinance was drafted and the first reading approved. Cinco Bayou resident Sarah Peek strongly opposed the council's action, claiming the council acted in a "betrayal of trust" by meeting when those involved were not notified.

Councilwoman Irene Balsley

said the agendas for every meeting are available at the town hall the day before a meeting is scheduled.

The mayor also said councilman Harold Peek was correct in saying at the May 18 meeting that Cinco Bayou does have an ordinance prohibiting "outside storage of merchandise" such as boats.

He requested the council to consider rescinding the permit issued Cully.

Attorney Mike Chesser, representing Cully, told the council he opposed rescinding any action previously made, saying that any actions taken are not private toys to be handed back forth easily.

"We will not proceed with any

construction," Chesser said, speaking on behalf of his client, "until the ordinance is approved or rejected."

# Cinco Council Stands Ground On Yacht Basin

By JIM CHITWOOD  
Journal Staff Writer

CINCO BAYOU — A three-year-old marina-yacht basin dispute erupted anew Monday with Mayor Jim Kendrick lambasting the council for approving a permit for a yacht basin while he was at church last week.

Despite the urgently called special meeting by Kendrick, council voted 3-2 not to rescind last Thursday's action to allow J.T. Culley to build a yacht basin adjacent to the Cinco Bridge.

But council agreed to hold a public hearing before voting on an amendment to the town ordinance which would per-

mit yacht basins, as opposed to marinas, in the town.

Kendrick, non-voting mayor, lashed out at the council for its action last Thursday when he attended a church activity.

"While I was on my knees saying prayers of thanks, I should have been on my knees praying for help," said Kendrick, who said he was unaware that Culley's request was on the council agenda or he would have attended.

Kendrick, who had been a strong opponent of Culley's earlier efforts to place a marina at the site on Cinco Bayou, said he "looked with a jaundiced eye on what went on last Thursday."

Kendrick called the council's action "a choo-choo (railroad) job" of an issue which was defeated last year when Culley's marina plans were scuttled by council.

Kendrick, who lives on the waterfront a short distance from the proposed yacht basin, then urged the council to rescind the action granting the permit.

Councilman Phil Johnston then launched his rebuttal of what he called Kendrick's "agonizing statement" and accused the mayor of being "on the wrong track" with his attack of the project.

Johnston, who supports the yacht basin, said Kendrick was "way off base" with his remarks which "compound your insult to this council."

"You're trying to make a mockery of the council meeting," said Johnston, who served as mayor pro-tem in Kendrick's absence. "It certainly was not a mockery. I conducted the meeting like a gentleman.

"When you condemn this council, like you've done, you're insulting me. I take exception to it."

Kendrick said he had asked Town Clerk Jim Godwin about the contents of Thursday's agenda and was not told of the yacht basin request. Godwin was not present Monday.

But Councilwoman Irene Balsley defended the agenda system, saying the items to be considered were set by Wednesday. She suggested the other officials visit city hall more often if they desired to know what was happening.

Attorney Michael Chesser, representing Culley, also challenged Kendrick for "pointing the finger" when it was the mayor who "urgently called this meeting to deal specifically with this question."

Chesser said the fact that Kendrick was absent "does not change what happened in last week's public hearing."

Chesser said Culley faces "some monumental stumbling blocks" to ever get the yacht basin approved.

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

Also present were: Peggy Roberts representing Playground Daily News, Jim Chitwood representing Pensacola News Journal, Bob Henderson representing WFTW, Adelia Robblee, Abbie Tyner, Sarah Peek, Ruth Usrey, Linda Peek, J. T. Culley, and Mike Chesser.

Therefore, a quorum being present, Mayor Kendrick opened the special meeting with silent prayer at 5:30 p.m.

1. YACHT BASIN. MOTION by Mr. Peek to read Item #5 of the minutes, to inform those who did not attend the Regular Council Meeting Thursday night, seconded by Mr. Usrey. Motion carried unanimously. After Mayor Kendrick read Item #5, Mr. Peek requested "for the record" that on Line #14 of the minutes, on Item #5, that he changes his vote from an "abstaining" to a "Nay" vote. Attorney Powell told Mr. Peek that at this time his vote could not be changed. MOTION by Mr. Peek to accept as printed, seconded by Mrs. Balsley. In discussion, Mr. Johnston indicated to Council that these minutes were copied from the tape recorder and he would like to amend the motion, so that the minutes inconjunction with the tape recorder be accepted as read. Mr. Peek asked, if there was a difference between the minutes and tapes. Mr. Johnston answered, there could be alot of differences interpreted, the tape is quite a garble thing to read and listen. Mayor Kendrick asked Mr. Peek if he would accept this as a change in his motion. Mr. Peek answered "No". Mr. Johnston withdrew his amended motion. After Mayor Kendrick explain to Council his reasons for not attending Thursday's night meeting, he pointed out to Council that they undertook a discussion in a passage for granting a permit on property that does not belong to the Town, its not in jurisdiction of the Town. He also pointed out that the boundary of this Town ends at the riparian rights status and there's an easement going across the waterfront. He indicated to Council that recently they took action given permission to the County to proceed with work which is on the right-of-way and that the Town is not allowed to build a structure across that area. Mayor felt the meeting was a "choo choo" job. He also felt that the ordinance was "rush" prepared ordinance of submittance and that it involves health and safety to the residents of this community.

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Mayor Kendrick presented to Council copies of March 17, 1977 minutes, Item #8 on the Zoning Change to allow Marina C-2. He read as follows; After an explanation to the attending public and some discussion on the proposed ordinance, Mr. Overstreet moved that the ordinance be read, so the people who came about it could hear what we were talking about, seconded by Mr. Johnston. In discussion, it was determined that this was to be an "Explanatory Reading Only". VOTE: Yeas-Peek, Johnston, Overstreet; Nays-None; Abstaining-Usrey. Attorney read the ordinance. Discussion followed. MOTION: Mr. Peek moved that Council deny the idea of changing the ordinance to include the marina, seconded by Mr. Usrey. Additional discussion followed. Opposition to marinas in Cinco Bayou was heard from Mrs. Peek, Mrs. Usrey, and Mrs. Smith. Mayor Kendrick indicated he had received letters from other property owners opposing this ordinance change. "Mayor stated, Mrs. Block who owns property on the other side of the park and people who doesn't reside in the Town, but down further from his property. He also stated that he has letters of record from people who has homes along the bayou that oppose to this marina. VOTE: Yeas-Peek, Usrey; Nays-Overstreet, Johnston. Therefore, to break a tie, Mayor Kendrick cast his vote nay. <sup>11</sup> Mayor felt that Council

flaunted the desire of those living in the vicinity of the area under discussion. He mentioned that ~~they~~ <sup>we</sup> have responsibilities to problems of traffic hazards that will be created on the highway and on the water. He asked Council to reconsider their action of last Thursday, in regard for the wishes of their neighbors.

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with these factors in mind, I just ~~Mayor innertain a motion to have the building permit rescinded, and ~~the~~ the request be referred back to the Council meeting with Attorney at a date to be named.~~ MOTION: ~~by Mr. Peek to have a public hearing before any action~~ <sup>be</sup> <sup>NO</sup> <sup>that this our</sup> <sup>was peek so moved and he requested</sup>

be taken, seconded by Mr. Usrey. In discussion, Mr. Johnston replied to Mr. Kendrick so called "agonizing statements". He accused Mayor Kendrick of being on the wrong track with his attack of the project. He felt that Mayor Kendrick was way off base compounding an insult to the Council, himself and to the people of the Town. He also felt that Mayor Kendrick was trying to make a mockery of the Council meeting, as Mayor Pro-Tem, he stated he conducted the meeting as a gentleman. He also stated that when Mayor Kendrick condemned the Council like he has done, he's insulting him (Johnston) and the intelligence to the rest of the people. Mrs. Balsley pointed out to Council that on Wednesday noon, the agenda is closed and that the Yacht Basin item had to be in before Wednesday. She suggested that if Officials would come by the City Hall to find out what's happening. Mayor Kendrick said that he was told by Mr. Godwin what was on the agenda. Mr. Johnston indicated that Mr. Gullett request was in several days before the agenda was made of

just before to reconsider your action of last Thursday