

**TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
JUNE 1, 1993**

Mayor Laginess called the Cinco Bayou Town Council Meeting to order at 6:02 PM.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL Present: Mayor Laginess
 Councilwoman Balsley
 Councilman Broxson
 Councilman Gage
 Councilman Kendrick
 Councilman Skelly

Also Present: Attorney McInnis Manager Borchik Engineer King
 Secretary Kelley Abbie Tyner Sadie Robblee
 Tom Leach Ray Cochran

PUBLIC HEARING

1. Ordinance No. 153 - Second reading and proposed adoption of Ordinance No. 153, an Ordinance granting an exclusive franchise to Environmental Waste Systems to operate and maintain sanitary service for the collection and disposal of garbage, trash and yard waste within the town limits of the Town of Cinco Bayou, Florida. Councilman Gage made a motion to approve and adopt Ordinance No. 153, seconded by Councilman Skelly.

A discussion followed concerning the letter received from Powell Sanitation pertaining to the Environmental Waste Systems franchise renewal. The letter stated that Powell Sanitation believed that the exclusive rights granted to EWS for roll-off container service was an illegal restraint of trade. Attorney McInnis reminded the Council that although he represents Environmental Waste Systems in his private law practice, he has not represented Environmental Waste Systems in regard to their franchise renewal with the Town. The proposed franchise was prepared by the Town Manager in direct contact with Environmental Waste Systems. Councilman Skelly asked for an opinion on the comments concerning the restraint of free trade made in the Powell Sanitation letter. Attorney McInnis stated that to preclude any appearance of a conflict of interest, he could not give an opinion on this matter and recommended the Town obtain an independent legal opinion if desired. On the matter of the roll-off containers, Attorney McInnis suggested the Council table this item for the moment and contact Environmental Waste Systems to obtain their position on exclusive roll-off container service. Following a short discussion, the motion was unanimously approved.

2. Resolution 93-4 - Proposed adoption of Resolution 93-4, a Resolution of the Town of Cinco Bayou, Okaloosa County, Florida, revising the General Operating Budget for the Town of Cinco Bayou for the fiscal year October 1, 1992 through September 30, 1993. Councilman Kendrick made a motion to adopt Resolution 93-4. seconded by Councilman Gage. The motion was unanimously approved.

REGULAR BUSINESS

1. Minutes - May 4, 1993 - Councilman Gage made a motion to approve the minutes of May 4, 1993, seconded by Councilwoman Balsley. The motion was unanimously approved.

2. Financial Report - May, 1993 - Councilman Kendrick made a motion to approve the Financial Report of May, 1993, seconded by Councilman Broxson. The motion was unanimously approved.

3. Cinco Baptist Church Parking - Councilman Skelly reported that the Town has not been advised of any actions by the Church to resolve the Kidd Street right-of-way parking problems. Mayor Laginess advised the Council that action was needed to grant a 60 day extension to allow the Church to continue to park on the Kidd Street right-of-way. Councilman Skelly made a motion to extend the Cinco Baptist Church's deadline to resolve their right-of-way parking problem until 60 days from tonight, seconded by Councilman Gage. The motion was unanimously approved.

4. Sound System Bids - Following a review of the sound system bids, Councilman Kendrick made a motion to accept the bid from Mancini Music and that the Town proceed to find a lectern, seconded by Councilman Skelly. After a discussion concerning the necessity and cost of a sound system, the motion was unanimously approved.

5. Tree Planting Project - Manager Borchik reported that he has located the trees needed for the SBA Tree Planting Grant Project, and he will ask the state forester to look at the trees to be certain they will qualify for certification. A discussion followed regarding the conditions of the grant, the cost involved to the Town for maintaining the trees, the possibility of the trees not surviving, and cost of replacing the trees. Councilman Gage made a motion to turn the grant back, and to allocate the money to the next fiscal year budget for the landscaping project that would have been covered by the grant, not to exceed \$8,000.00, seconded by Councilman Skelly. Councilman Gage stated that the funds for this project could come from the reserve funds so that there would not have to be an increase in raising revenues. The motion was unanimously approved.

COUNCILMEMBERS REPORTS/COMMENTS

Councilman Gage

1. Presented Okaloosa League of Cities Resolution 93-02 opposing a proposal by Governor Lawton Chiles to allow the Department of Corrections to site juvenile detention and related facilities within municipalities without regard to the municipality's planning & zoning process. The resolution requests intervention from the state senators and representatives. Councilman Gage made a motion to adopt this resolution and send copies to the respective senators and representatives, seconded by Councilman Kendrick. The motion was unanimously approved.

2. Announced that the Okaloosa County League of Cities quarterly dinner meeting will be hosted by the City of Destin on June 17, 1993 at the Indian Bayou Country Club.

3. Announced that the Panhandle League of Cities annual dinner meeting will be held in Panama City on June 11, 1993 at the Harbor House Restaurant.

At this time, Mayor Laginess asked the Town Engineer if he had any comments. Engineer King reported that the drainage data and calculations submitted with the land development permit application for the Fred Astaire Dance Studio parking area were incomplete as they did not address drainage from the parking area and stormwater retention. Manager Borchik advised that a letter has been sent to Mr. Overstreet notifying him of the discrepancies. Any further action on this matter will be handled by the Code Enforcement Board.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME - None.

COMMITTEE REPORTS

- 1. Administrative Committee - No Report.
- 2. Finance & Budget Committee - No Report.
- 3. Comprehensive Plan Committee - No Report.

CORRESPONDENCE

- 1. Minutes, Okaloosa County League of Cities Meeting - No action.
- 2. Letter, Kelley's IGA - No action.
- 3. Letter, Mr. Jim Bratton - No action.
- 4. Notice, Panhandle LOC Dinner Meeting - June 11, 1993 - No action.
- 5. Notice, Panhandle LOC Breakfast Mtgs - Aug 13 & 14, 1993
No action.

TOWN MANAGER'S REPORT

- 1. Planning to start some necessary maintenance work in Frances Park to include repairing the irrigation system, rebuilding part of the sea wall, fill and laying sod.
- 2. An EWS truck tore off a tree limb, 20 inches in diameter, from a tree in Frances Park. A Tree Surgeon will be contacted to determine if the tree can be saved.

3. When the parking area at Frances Park was paved the number of parking area was reduced from 15 spaces to 6 spaces. It appears that the parking area can easily be increased by 4 more spaces. This will be discussed with the Town Engineer.

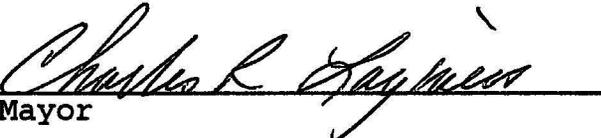
4. Requested the Council's opinion on lights being on all night in Laguna and Frances Parks. The Council was in favor of the lights being left on to help deter mischief in the parks.

5. Reminded the Council that Municipal Code Corporation is working on the Town's Land Development Regulation and suggested setting up some workshops to discuss changes/additions/deletions to be made in the LDR and Town's Code of Ordinances.

6. Received the preliminary property value for ad valorem purposes for the FYE 1994 - \$19,464,000.00. The proposed budget and budget actions/adoption schedule will be ready for presentation at the July Council meeting.

MAYOR'S ANNOUNCEMENTS - Mayor Laginess reminded everyone of the Town Picnic scheduled for Tuesday, June 15 and asked everyone to invite a neighbor.

There being no further business, the meeting was adjourned at 7:12 PM.



Mayor

ATTEST:



Town Manager/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 Manager/Clerk.

RECEIVED
5/25/93
KSR

OKALOOSA COUNTY LEAGUE OF CITIES
BOARD OF DIRECTORS MEETING
MAY 20, 1993
12:00 NOON

MINUTES

THE BOARD OF DIRECTORS DINNER MEETING was called to order by President Bill Lamb at 12:20 p.m. on the above date at Mother Earth's Restaurant.

MEMBERS PRESENT:

President Bill Lamb
Vice President Nick Nicholson
Treasurer Bob Lloyd
Reid Gilland, Valparaiso
Harry Montague, Shalimar
Ted Mathis, Crestview

ABSENT:

Laurel Hill
Al Swihart, Niceville

ALSO PRESENT:

Cornelia Taylor, recorder
Helen Spencer, FWB

President Lamb asked the Board if they wanted to cancel the Okaloosa League of Cities Dinner in June since the Panhandle League of Cities is hosting their dinner meeting in June also. The Panhandle League of Cities Dinner Meeting will be held June 11, 1993.

The general consensus of the Board was to hold the Okaloosa County League of Cities Dinner Meeting on June 17, 1993.

President Lamb stated he researched Mayor Arnold's question on Honorary Members of the Okaloosa County League of Cities and he found nothing.

The general consensus of the Board was not to have Honorary Memberships.

President Lamb stated there was nothing in the By-Laws about Honorary Memberships. However, if Mayor Arnold wanted to pursue the matter he could put his recommendations in writing and submit them to the Board.

President Lamb asked for comments from the members present.

Harry Montague, Shalimar - no comment.

President Bill Lamb noted the Political Pandemonium on June 4, 1993.

Vice President Nick Nicholson - no comment.

Treasurer Bob Lloyd noted all League dues had been paid and there was \$870.33 in the League's checking account

Ted Mathis, Crestview, gave an update on the progress at the Bob Sikes Airport in Crestview. Also he noted Mercedes Benz Corporation was looking for a site to build on. He stated Crestview was working hard to attract this corporation. Further, he noted a training session for newly elected officials would be sponsored by the Panhandle League of Cities in Crestview in the near future. He said he would give more details at a later date.

ADJOURN: 12:50 p.m.

RECEIVED
5/28/93
1183

Kelley's SUPER MARKETS

MAY 17, 1993

TO OUR COMMUNITY LEADERS:

Kelley's Supermarkets is soliciting your support for a community wide promotional event to raise money for the Fourth of July activities. We are asking that you donate several hours of your time to carry out groceries on Saturday, June 26, 1993 in conjunction with a tremendous one day sale event we will be supporting. Kelleys will be donating one percent of our total gross sales for that day in addition to the amounts you are able to collect as tips, and donations for the carry out service you will provide. This is not a profitable event for Kelleys as our donation will be at or above our net profit margin. Your benefit will be exposure and interaction with the public on that day as well as your photograph in a full page advertisement to be run Friday, June 25th. Additionally we will be running twice a week promotional photos in our weekly ad beginning June 2 and will be running radio spots on the leading radio stations. This is an ideal opportunity to associate yourself with a worthwhile fund raising project, meet the general public, and further a patriotic cause that all will enjoy.

If you are interested in participating, our Store Manager will coordinate the details for you. We appreciate your cooperation and look forward to working with you on this project.

Sincerely,

Chuck Kelley

Mike Kelley

Bill Holston
Bill Holston
243-1022

THE

PANHANDLE LEAGUE OF CITIES

c/o The University of West Florida
THE WHITMAN CENTER for STATE and LOCAL GOVERNMENT
11000 University Parkway
Pensacola, Florida 32514-5751
Larry N. Walker, League Coordinator
(904) 474-2370

NOTICE OF ANNUAL SUMMER DINNER MEETING Panhandle League of Cities

WHO: Representatives of member cities and associate members, spouses, and guests

WHAT: Annual Summer Dinner

WHEN: Friday, June 11, 1993. Reception at 5:30 p.m. dinner at 7:00 p.m.

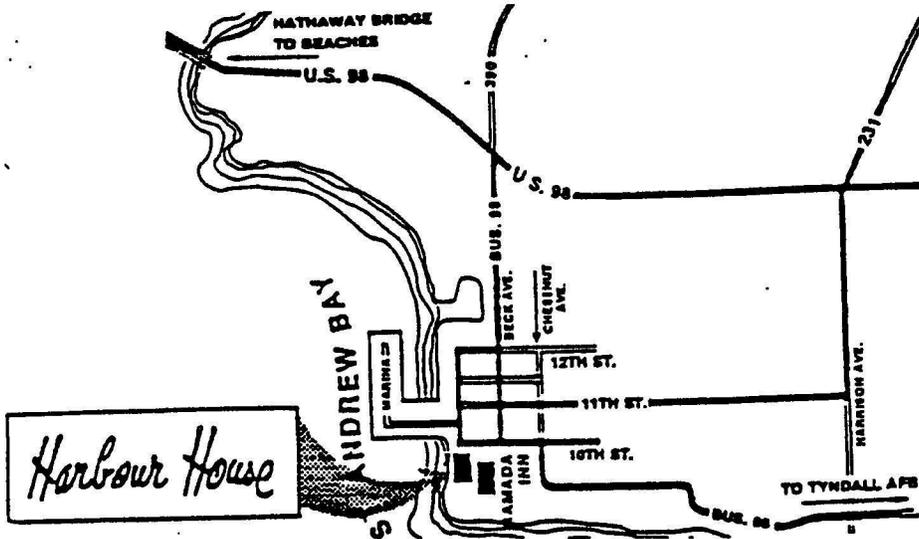
WHERE: Harbour House restaurant, Panama City (at the Ramada Inn, St. Andrews' Bay)

GUEST OF HONOR: Senator Ander Crenshaw, President of Senate and Governatorial Candidate

PANHANDLE LEGISLATOR OF THE YEAR AWARD: Senator Pat Thomas

COST: Only \$5.00 per person (for full seafood buffet)

TO RSVP: Please return enclosed response form or call, by June 9, 1993, (904) 474-2374 (Suncom 680-2374), no later than 5:00 p.m.



- | | | | | | |
|------------------------|----------------------------|-------------------------|-------------------------------|--------------------------|---------------------------------|
| President | Vice-President | Vice-President | Treasurer | Past President | FLC Director |
| Guy Thompson
Milton | Hubert Rodgers
Callaway | Ted Mathis
Crestview | Albert Borchik
Cinco Bayou | Dick Gage
Cinco Bayou | John Lawson
DeFuniak Springs |

RECEIVED
5/28/93

THE

PANHANDLE LEAGUE OF CITIES

c/o The University of West Florida

THE WHITMAN CENTER for STATE and LOCAL GOVERNMENT

11000 University Parkway

Pensacola, Florida 32514-5751

Larry N. Walker, League Coordinator

(904) 474-2370

Notice of Meeting Panhandle League of Cities

The Panhandle League of Cities will host two breakfast meetings at the annual convention of the Florida League of Cities, at Fort Lauderdale. These meetings will take place on Friday, August 13, and Saturday, August 14. All representatives of member cities and of associate-member firms who will be present in Fort Lauderdale are urged to attend these meetings.

It is important, for the sake of an accurate guarantee by the Panhandle League, that the Whitman Center be informed of the number of person who will attend these events. Please inform the Whitman Center, by July 15, of the number who will attend the breakfasts as representatives of your city or firm. If possible, please return the enclosed response form.

The combined charge for the two breakfasts will be only \$13.00 per person. This charge--which is the cost of only one meal, actually--will be applied to each person who is pre-registered for either or both breakfast meals. (In other words, the charge is the same--\$13.00--whether for one meal or for both.)

Your City/firm will be billed \$13.00 for each person who is pre-registered as of July 15. Cancellations after that date will be honored if submitted in time for the guarantee to the hotel to be adjusted.

Persons not pre-registered are welcome to attend the breakfast on a space-available basis.

For further information, contact Deanna Anderson or Dr. Larry Walker at (904) 474-2374 (Suncom 680-2374).

LNW/dla

Enclosure

President	Vice-President	Vice-President	Treasurer	Past President	FLC Director
Guy Thompson Milton	Hubert Rodgers Callaway	Ted Mathis Crestview	Albert Borchik Cinco Bayou	Dick Gage Cinco Bayou	John Lawson DeFuniak Springs

James M. Bratton
288 Kidd St NE
Cinco Bayou FL 32548

Councilman Joe Skelly
10 NE Yacht Club Dr
Cinco Bayou FL 32548

Dear Councilman,

11 May 1993

Recently, you solicited my input concerning the town's decision on the right-of-way variance application of the Cinco Baptist Church. I am pleased to provide my comments on this issue.

I feel that the town should grant a variance for handicapped parking, but these should be limited to a maximum of four spaces. As you know, the church currently has only three handicapped slots on Kidd St. It also has nine senior adult parking slots. "Senior adult" is a rather vague parking limitation, as evidenced by the fact that the vast majority of people parking there do so for convenience, not age. Such a restriction is unenforceable.

Churchgoers have never practiced parking discipline. On one Sunday, there were five churchgoers parked on my land. The church has had great difficulty enforcing parking in its parking lot. There is no reason to believe this would change.

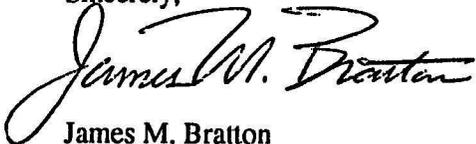
There are three reasons why we should move with due haste to eliminate the current practice of parking on the right-of-way. First, the existing situation is causing the bayou to fill with sediment. This must stop immediately. Second, it creates an unnecessary traffic hazard. We are fortunate that thus far, a pet dog is the only casualty. Third, the practice of parking on the right-of-way creates an eyesore and gives the town a "low rent" appearance. In the rental business, low rent should be avoided. The visible scars left on town land, and church property, are having a detrimental effect on the value of my property and that of my neighbors.

I know that it is highly unusual for the town to grant a variance of this kind, and I strongly support your policy of managed growth and environmental preservation. However, four handicapped spaces near the church entrance will help those who truly need easy access to their place of worship. If the church promises to maintain the right-of-way consistent with the town engineer's recommendations, this compromise should be acceptable to Cinco's taxpayers.

If Cinco Baptist Church does not agree to this compromise, I strongly urge that the variance be denied in the best interests of Cinco Bayou.

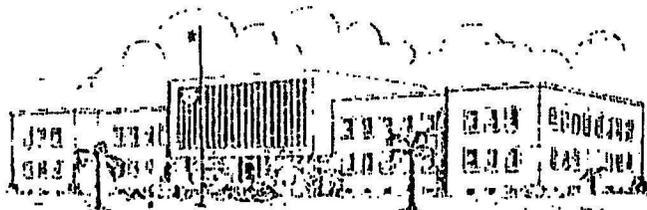
Please share my concerns with the Mayor and Council.

Sincerely,



James M. Bratton

TIMOTHY P. SMITH
PROPERTY APPRAISER
COURT HOUSE
CRESTVIEW, FLORIDA
689-5900



SHALIMAR ANNEX
651-7240



OKALOOSA COUNTY
CRESTVIEW, FLORIDA
32536

June 1, 1993

HAND DELIVERED

Town of Cinco Bayou
ATTN: Albert Borchik
10 Yacht Club Dr.
Ft. Walton Bch., Fl. 32548

Dear Mr. Borchik:

Pursuant to Chapter 200.065(7), Florida Statutes, we are hereby providing an estimate of taxable value for the 1993 tax roll for your budget planning purposes.

Our estimate of taxable value as of June 1, 1993 for Cinco Bayou is \$19,464,687.

Respectfully,

Pete Smith
Property Appraiser
Okaloosa County

TPS/bd



TOWN OF CINCO BAYOU

10 YACHT CLUB DRIVE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548-4436

904-244-2712

MEMORANDUM

Mayor:
CHARLES R. LAGINESS

Council Members:
IRENE E. BALSLEY
EUGENE E. BROXSON
RICHARD K. GAGE
JIM KENDRICK
JOSEPH P. SKELLY

Town Attorney:
C. JEFFREY McINNIS

Town Manager/Clerk:
ALBERT S. BORCHIK, JR.

TO: MAYOR & COUNCILMEMBERS

FROM: TOWN MANAGER/CLERK *MSB*

DATE: JUNE 4, 1993

SUBJECT: EWS FRANCHISE

During the discussion on the adoption of the ordinance granting an exclusive franchise to EWS, the matter of including industrial roll-off container service was presented in reference to comments contained in Mr. Stanley's letter. (The Powell Sanitation letter) The Attorney assured the Council that it was within their authority to grant an exclusive franchise and offered the Council the opportunity to seek outside counsel on the matter. Ordinance No 153 was adopted granting EWS an exclusive franchise for all sanitation service within the Town.

The enclosed letter from Moore, Kessler & Moore was received Wednesday afternoon again questioning the Council's authority to grant an exclusive franchise specifically concerning roll-off service. This appears to be a "Tempest in a Tea Pot" as the total roll-off business in Cinco Bayou is limited to 5 or 6 containers a year. Attorney McInnis has reviewed this letter and discussed it with Mr. Schnitzius, EWS, and Mr. Schnitzius has no objection to removing roll-off service from the "exclusive" right in the franchise. As the Town Attorney, Mr. McInnis recommends that the Council amend the franchise ordinance accordingly. In this manner, any and all objections that are stated in the Moore letter are satisfied.

Mayor Laginess has agreed with the Attorney's recommendations and has called Special Town Council meetings for Monday, June 7 and Monday, June 14, 1993 at 5PM to satisfy the amending ordinance first and second reading and adoption requirements. A copy of Ordinance 154 is enclosed and you will note that "Industrial roll-off" service is deleted as an exclusive right and added as an additional service.