

TOWN OF CINCO BAYOU  
REGULAR MEETING  
JUNE 21, 1982

The Regular Council Meeting of the Town of Cinco Bayou was called to order by Mayor Usrey at 7:05 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 Peek  
Councilman Wade

Absent: Councilwoman Kelley  
Councilman Perry

Also Present: Town Attorney Powell  
Town Clerk Borchik  
Town Secretary Godwin  
Mrs. Peek  
Mrs. Tyner  
Mrs. Usrey  
Mr. William Abbott, Sr.  
Mr. William Abbott, Jr.

MINUTES. Councilman Peek moved to accept the Minutes of May 10 and May 17, 1982, seconded by Councilman Davis. The motion carried unanimously.

FINANCIAL REPORT. Councilman Davis moved to accept the Financial Report of May, 1982, seconded by Councilman Wade. The motion carried unanimously.

REGULAR BUSINESS

1. Proposed Construction: Private Yacht Club. Mayor Usrey asked for a motion to deny the proposal made by Mr. Abbott, Jr. at the June 14, 1982 Council as Committee Meeting to construct a private yacht club on Lots 1 and 2, Block 2, Cinco Bayou Subdivision. Councilman Peek moved to deny the request due to the fact that the proposal did not conform to the zoning code and the Council probably wouldn't change, seconded by Councilman Davis. Mr. Abbott, Jr., advised the Council that they desired to change their proposal. They will change the private yacht club concept, eliminate the building from the proposed project and make the project a commercial boat dock and lease the boat slips. Mr. Abbott stated that they interpreted the ordinance as allowing for a parking lot in the C-2 zoned area. They also stated that they had been told that this property had been operated before as a

commercial boat dock with a license from the Town of Cinco Bayou. Mr. Abbott asked for a legal opinion from the Town Attorney. Attorney Powell stated the C-2 district zoning did allow for a parking lot, however, it did not allow for a commercial boat dock. Attorney Powell advised the Council and Mr. Abbott that in 1976 Mr. Johnston had registered the commercial boat dock and maintained proper registration until September, 1980. Since there were no commercial boat dock uses permitted in the Cinco Bayou Zoning Ordinance after its adoption, the boat dock would have fallen under the non-conforming uses. No business license was issued in September, 1980, and since 180 days had passed since a business license had required, he would have to assume that this activity had ceased. After more discussion, Mayor Usrey asked for a vote on the motion before the Council. The motion to deny the request carried unanimously.

2. Survey of the Town - Conflicting Points. Councilman Davis moved to pay Baskerville & Donovan for the survey of the Town, seconded by Councilman Peek. The motion carried unanimously. Mayor Usrey advised the Town Council that the Frances Park fence would be placed on the Baskerville & Donovan established lot line.

#### PUBLIC REQUESTS

Mrs. Tyner, 25 Kelly Avenue, asked if the Town still had mosquito control. Mayor Usrey stated that he didn't know but was sure that the Town did. He also stated that he didn't know when they started spraying. The Clerk was directed to contact mosquito control and request spraying of the Town.

#### COMMITTEE REPORTS

1. Streets/Sidewalks/Crime Watch - Councilman Davis. Attorney Powell advised the Council that he had spoken to Finith Jernigan, Assistant State Attorney, County Court Division, about the prosecution of cases involving parking on the sidewalks in Cinco Bayou. Mr. Jernigan stated that if a violation of a town ordinance had been committed, he would prosecute. The Okaloosa County Sheriff's Department is not authorized to write a ticket for municipal ordinance violations but they would come out once and maybe this would help. Mr. Jernigan suggested several ways of handling the situation: 1. Authorize one or more persons to write parking tickets. 2. A criminal summons could be issued by the Clerk's Office. Councilman Peek moved to authorize the Mayor, Mayor Pro Tem and the Town Clerk to write tickets, seconded by Councilman Wade. The motion carried unanimously.

2. Parks/Beautification/Environment - Councilwoman Kelley.  
No Report.

3. Finance - Councilman Peek. No report.
4. Waterfront/Bayou/Health/Civil Defense - Councilman Perry. No report. Mayor Usrey directed the Town Clerk write Councilman Perry requesting him to attend the Hurricane Preparedness Drill at the Shalimar Courthouse Annex, on Thursday, June 24, 1982 at 8:00 a.m.
5. Zoning and Building Codes. No report.
6. Utilities - Mayor Usrey. No report.

CORRESPONDENCE

1. League of Cities - Convention Ad Request. Councilman Davis moved to have Cinco Bayou place an ad in the Special Convention Edition of the Florida Municipal Record, seconded by Councilman Peek. The motion carried unanimously.

ATTORNEY'S REPORT

1. Water and Sewer Proposal. Attorney Powell advised the Council that Mike Chesser, Attorney for Fort Walton Beach, had contacted him to draft a document for the transfer of the sewer system. Mr. Chesser did not know of the letter sent to Fort Walton Beach Mayor Bagley from Mayor Usrey. Attorney Powell sent a copy of the letter to Mr. Chesser and Mr. Chesser said that he would bring it to the Fort Walton Beach Council's attention on June 22, 1982.
2. Glenwood Park Law Suit. Mr. Stewart, Attorney for Osborne Pryor, has filed a motion to withdraw from the case. Mr. Pryor would then have an attorney\_in\_fact, Mr. Lee Madden, who would continue the appeal. Attorney Powell advised the Council that he had not researched the legality of this but stated he would after the hearing on June 22, 1982.

CLERK'S REPORT - No report.

MAYOR'S REPORT AND ANNOUNCEMENTS. None.

There being no further business, Councilman Davis moved to adjourn seconded by Councilman Wade. The motion carried unanimously and the meeting adjourned at 7:58 p.m.

Max O. Isrey  
Mayor

ATTEST:

Olivia B. Burch  
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.