

TOWN OF CINCO BAYOU
SPECIAL COUNCIL MEETING
August 17, 1978

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

Also present were: Frank Lane, Margie Crawford, Sarah Peek, Ruth Usrey and Peggy Roberts representing Playground Daily News.

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

1. PUBLIC HEARING-USES OF ENTITLEMENT PERIOD 10 REVENUE SHARING FUNDS. Clerk read Public Hearing Notice which was published in Playground Daily News on August 11, 1978, as follows: "A public hearing will be held at approximately 5:30 p.m., August 17, 1978, at the Cinco Bayou Town Hall. The purpose of this hearing is to offer any citizen of Cinco Bayou an opportunity to present oral or written comments on the possible uses of the Entitlement Period 10 Revenue Sharing Funds." Mr. Johnston suggested that Council take the findings of the Budget Committee and use funds as they suggest. Motion by Mr. Perry to accept Revenue Sharing Funds, seconded by Mr. Johnston. Motion carried unanimously. Clerk indicated the Budget Committee made recommendations to use the funds to pay portion of the fire protection.

2. AUDIT FOR FISCAL YEAR 77-78. Motion by Mr. Perry to proceed with audit as proposed by Creel, Bryan & Gallagher, seconded by Mr. Usrey. Motion carried unanimously.

3. EQUIPMENT REQUESTS-

- A. Two print out Calculators, approximately \$90 each.
- B. Commercial Edger, approximately \$164.00.
- C. Low-Boy Type Utility Trailer, approximately \$350.00.
- D. Typewriter Table, approximately \$60.00.
- E. Two Folding Tables, 30" x 4' foot long, approximately \$30.00.
- F. Gasoline Powered Chain Saw, approximately \$160.00.
- G. Tool Box for Truck, approximately \$80-100.
- H. Copier-Trade or Sell Wet Toshiba Copier-For Dry MITA Copy Star 900-D, approximately \$1200-1500.

Mayor Kendrick suggested to Clerk to wait until next meeting.

4. OCCUPATIONAL LICENSES. Mr. Perry informed Council that he and Clerk met with Mr. Sparks of Mary Esther, Tuesday, August 15, 1978, to discuss the occupational license fees and regulatory fees. Mr. Perry indicated that a special meeting should be called to discuss only fees for occupational licenses. After discussion, Clerk suggested Council meet on September 6, 1978, Wednesday, at 7:00 p.m., to discuss Occupational Licenses and Regulatory Fees.

5. LETTER-MRS. VERA PRICHARD. Mayor Kendrick informed Council that he had received a letter from Mrs. Prichard pertaining to the Disco Center. He asked Clerk to make copies for the Council members and place in each one hands for the next Council meeting.

6. ADJOURNMENT. Meeting adjourned at 6:00 p.m.

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


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

ATTACHMENTS TO RECORD SET OF MINUTES: 1. Pub Hearing Notice; 2. Ltr-Audit FY 77/78;
3. Ltr-Vera Prichard; 4. Newspaper Clippings.

CREEL, BRYAN & GALLAGHER
CERTIFIED PUBLIC ACCOUNTANTS

126 N. EGLIN PARKWAY - P. O. BOX 1443
FORT WALTON BEACH, FLORIDA

32548

L. E. CREEL, C.P.A.
R. BRENTWOOD BRYAN, C.P.A.
WILLIAM P. GALLAGHER, C.P.A.
A. WAYNE WILLIAMS, C.P.A.
J. STEVE JAY, C.P.A.
JOHN R. HAYNES, C.P.A.
JIMMY D. MESSICK, C.P.A.
MARK T. GOFF, C.P.A.

MEMBERS
FLORIDA INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
OFFICES
PENSACOLA, FLORIDA
FT. WALTON BEACH, FLORIDA

July 18, 1978

To The Honorable Mayor and
Members of the Town Council
Town of Cinco Bayou, Florida

Ladies & Gentlemen:

This letter is submitted as our proposal to make an examination of the financial statements of the various funds and account groups of the Town of Cinco Bayou, Florida, for the fiscal year ended September 30, 1978, for the purpose of expressing an opinion as to the fairness of presentation of such financial statements in conformity with generally accepted accounting principles.

We shall examine the financial statements of the Town of Cinco Bayou, Florida, as of September 30, 1978, and provide such accounting and auditing services as deemed necessary, including a review of any capital expenditures made during the fiscal year, and the preparation of appropriate year-end adjustments. We will also assist in the preparation of the Annual Financial Report of Units of Local Government to be filed with the Florida Department of Banking and Finance.

Our examination will include the Federal Revenue Sharing Trust Fund, but does not anticipate any extended optional audit procedures nor the preparation of a special audit report for the Office of Revenue Sharing, Washington, D.C.

Our examination of the financial statements will be made in accordance with generally accepted auditing standards and will include such tests of the accounting records and such other procedures as we consider necessary in the circumstances and will be directed to the expression of our opinion on the fairness of presentation of the financial statements taken as a whole in conformity with generally accepted accounting principles.

An examination directed to the expression of an opinion on the financial statements is not primarily or specifically designed, and cannot be relied upon, to disclose defalcations or other similar irregularities should any exist, although their discovery may result.

We will from time to time require the assistance of the Town Clerk and/or your other office personnel to prepare schedules or locate and submit to us invoices, vouchers, cancelled checks and other documents and records which we request. This will serve to expedite the completion of our field work and the audit report.

Our fee for the services enumerated above will be primarily dependent upon the time required to complete the engagement. Based upon our experience in auditing prior

(Continued)

July 18, 1978

years for the Town of Cinco Bayou, Florida, and subject to the books and records being up-to-date and maintained in accordance with generally accepted accounting principles, we estimate that our fee will range between \$1,750.00 and \$2,150.00. If we should encounter unexpected problems and it becomes apparent that our bill will exceed the maximum amount of \$2,150.00, we will bring the matter to your attention immediately. Every effort will be made to keep our time at a minimum consistent with quality professional services required by the engagement. Our bill will be due and payable upon receipt.

Assuming the arrangements outlined above are acceptable to you, please so indicate by signing and returning the enclosed copy of this letter.

If you have any questions or comments, please do not hesitate to let us know.

Sincerely,



CREEL, BRYAN & GALLAGHER
Certified Public Accountants

RBB:sp

Town of Cinco Bayou, Florida

Signed: _____

Date: _____

TOWN OF CINCO BAYOU
P. O. Drawer 1710 (Cinco Bayou)
FT. WALTON BEACH, FLORIDA 32548

LETTER

904 244-2712

Date August 9, 1978

To Playground Daliy News

Subject TOWN OF CINCO BAYOU
PUBLIC HEARING

ATTN: Legal Ad

FEDERAL REVENUE SHARING

A public hearing will be held at approximately 5:30 p.m., August 17, 1978, at the Cinco Bayou Town Hall. The purpose of this hearing is to offer any citizen of Cinco Bayou an opportunity to present oral or written coments on the possible uses of the Entitlement Period 10 Revenue Sharing Funds.

Request the above public hearing be printed one time as soon as possible.

Please make print one size larger than usual.

Published Aug 11, 1978
 Please reply No reply necessary

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

Since I am unable to attend
the meeting, I feel I should
state my opinion as to the

Teen age ^{org. work of} ~~Disc~~ ^{Disc} ^{co} being located
here in Conio

I really believe we are depending
too much on Federal funds to
give us the things we need and
want - It results in the gov-
spending our money - and more
and more inflation and more
socialist ~~gov~~ gov

* Even if this center is ^{to be} well planned
* as ^{at} various ^{age} certain groups meeting together
will supervised, I believe ^{groups of} Conio
is too small a municipality ^{to}
assume the responsibility of ^{further} planning
financing of security - A larger
municipality ^{such} as Fort Walton maybe
on Miracle strip, the Plaza, ^{or elsewhere,}
Lover

Vera S. Richard

I talked to some one well versed in
security - They He agreed with the
started section -

Judge Halts Cinco Park Improvements

By **SHEILA WELSH**

Daily News Staff Writer

Circuit Court Judge Charles Wade signed a temporary restraining order in the Cinco Bayou-Osborne Pryor dispute Tuesday, then removed himself from further involvement in the local contractor's suit against the town.

Wade recused himself for "personal reasons," adding that he once presided over a case in which Pryor was involved.

The case has been reassigned to Circuit Court Judge Jere Tolton.

The temporary restraining order signed Tuesday will prohibit town officials and Pryor from "altering" a public park in Cinco Bayou that Pryor claims he owns.

Pryor brought suit against the town in late July, claiming that he, not Cinco Bayou, holds legal title to Glenwood Park.

Pryor attorney Robison Harrell requested the restraining order last week to keep town officials from improving, cleaning or altering the park in any manner until the suit is decided.

Wade signed the order Tuesday after both parties agreed it was needed.

Pryor's claim to the park is twofold. Not only was the park never legally conveyed to the town, Harrell argues, but it has never been used or improved by the town.

State law gives political subdivisions such as Cinco Bayou "adverse possession" of property that they have occupied and used for more than seven years.

Because he will argue that the town has never made an attempt to improve or use the park for municipal purposes, Harrell wants an order prohibiting improvements from being made before the case is decided.

Order Bans Cinco Bayou Park Work

By JIM CHITWOOD
Journal Bureau Chief

SHALIMAR — Circuit Judge Charles Wade issued a temporary restraining order Tuesday stopping both the Town of Cinco Bayou or Osborne Pryor from improving a public park which the Fort Walton Beach contractor says he owns.

After making the ruling, however, Wade immediately recused himself from the case and ordered that the matter be heard by another circuit judge.

Wade said he has "personal reasons" for turning the Pryor case over to another judge.

But when Wade suggested that the case be assigned to Judge Clyde Wells, Fort Walton Beach attorney Robison Harrell, representing Pryor, said he preferred yet a different judge.

Wade said he would contact Chief Circuit Judge M.C. Blanchard to assign the case, but the case was assigned to Judge Jere Tolton, who had recused himself in an earlier case involving claims to Cinco Bayou bottomlands.

Wade granted the temporary restraining order after learning Cinco Bayou attorney Richard Powell and Harrell had stipulated that neither the town nor Pryor would alter "the present natural site" of Glenwood Park.

Powell was not present for the ruling but later said, "This does not mean the town is conceding anything." He said he agreed to the stipulation because the town has no plans to do work on the park this week.

"We are going to oppose the motion," Powell said. "There are plans designating the park as a natural wilderness park."

Powell said an architect's rendering of those plans referred to the park as "Swamp Island Park."

Pryor sued the town in July claiming he holds title to land where the town has the park. His suit alleges a 1955 resolution in which the town accepted the park was based on a plat that didn't include the park property.

Harrell also maintains that the park was never legally conveyed to Cinco Bayou and has never been used or improved by the town.

Harrell said the "undeveloped, natu-

ral site" of the park will be used as evidence to prove the town never used the site for municipal purposes.

Harrell said he sought the restraining order because "we're not sure what they're going to do" but any action would constitute "willful destruction of essential material evidence."

The order prohibits the cutting or removal of trees, bushes or other natural growth and the placing of any shell on the property."

Cinco Bayou Clerk Selected For IIMC Education Committee

Cinco Bayou Town Clerk Jim Godwin has been appointed to serve on the Education Committee of the International Institute of Municipal Clerks for the second consecutive time. The IIMC is the professional association of nearly 4,300 city, village, town and township clerks with memberships in every state.

IIMC President Rex E. Layton, CMC, City Clerk of Los Angeles, Calif., said he is appointing Godwin because "he has

the experience and knowledge to advise the profession of the educational and training needs of this key office of local government.' Godwin will be called upon to advise and to recommend educational programs meeting current and long-range educational needs of the IIMC membership,' he added.

Godwin, who has been clerk of Cinco Bayou since April 1974, has been a member of IIMC since Nov. 1974.

Pryor Claims He Owns It

Judge Asked To Halt Park Improvements

BY SHEILA WELSH
Daily News Staff Writer

Okaloosa resident Osborne W. Pryor asked for a temporary restraining order Thursday to stop Cinco Bayou town officials from improving a public park which Pryor says belongs to him.

Circuit Judge Charles Wade will consider Pryor's request at 1:30 p.m. Tuesday in his Shalimar Courthouse office.

In the court motion, Pryor attorney Robison Harrell said the existing "undeveloped, natural state" of Glenwood Park will be used as evidence to prove that Cinco Bayou has never used the park for municipal purposes.

State law gives political subdivisions such as Cinco Bayou "adverse possession" of property that they have occupied and used for more than seven years.

Pryor, a Fort Walton Beach contractor, sued the town in late July, claiming he holds legal title to the park and saying a 1955 resolution in which the town accepted the park was based on a plat that didn't include park property.

Harrell claims that not only was the park never legally conveyed to Cinco

Bayou, it has never been used or improved by the town.

In his motion Thursday, Harrell accused Cinco Bayou representatives of preparing to "alter" the present natural state of the park.

Such action, according to Harrell, constitutes the "willful destruction of essential material evidence... and a trespass, a waste and a destruction" of Pryor's property.

Harrell wants an order prohibiting the town from cutting any natural growth, from removing any debris or of altering the park in any other manner.

Cinco Bayou Okays Funds To Pay Fees

In a public hearing Thursday, Cinco Bayou councilmen voted to spend \$6,901 in federal revenue sharing funds as partial payment for Fort Walton Beach-provided fire protection.

The town, which has no fire department, currently pays the city between \$22,000 and \$23,000 each year for fire emergency services.

In a separate matter, the council gave the go-ahead for the annual audit of the town to begin next week.

Also at the hearing, councilmen scheduled a special meeting Sept. 6 to discuss occupational licensing and regulatory fees for the town's 80-some businesses. Cinco Bayou had never had any type of regulatory or occupational licensing fees.

Against Pryor

Cinco Files Counterclaim

By **JIM SHOFFNER**

Daily News Staff Writer

The town of Cinco Bayou filed a counterclaim Wednesday against Osborne Pryor, asking the court to dismiss Pryor's recent Glenwood Park lawsuit and to make Pryor pay the costs of the litigation.

The counterclaim, filed in Okaloosa County Circuit Court, also states the case for the town having valid title to Glenwood Park's nine acres.

Pryor, a Fort Walton Beach contractor, sued Cinco Bayou July 26, claiming the park is rightfully his and saying a 1955 resolution in which the town accepted the park was based on a plat that didn't include the park land.

According to Pryor's suit, Glenwood Park was acquired by Fred C. Cocke, who in 1940 filed a Cinco Bayou Subdivision plat that included the park and a reservation retaining "all rights, easements and ownerships in and to all parks" until such land was assigned to

and accepted by a governmental agency. Pryor says the land was never assigned.

The Pryor suit claims the town's 1955 resolution accepting the park was based on a 1937 plat that didn't include the park land and that had been superseded by Cocke's 1940 plat. It also says Cinco Bayou has not maintained or improved the park — thus taking away the "adverse possession" the town could claim if the park had been used for seven years.

Pryor's suit asks the court to "quiet" his title to the park, which he says he acquired in 1976.

The town's counterclaim refutes Pryor's allegations:

- Cocke's reservation of rights to all parks, says Town Attorney Richard Powell, "is void and of no effect due to the lack of proper execution."

- Glenwood Park was dedicated to the public by Cocke, says Powell, and accepted by the town upon its incorporation in 1950 and its adoption of the resolution in 1955.

- The town acquired title to the park, maintains Powell, "by adverse possession ... having been in actual continued occupation of the real property for more than seven years and having improved the same."

- Powell adds that Pryor and his predecessors in title "failed to assert any claim to the subject property ... for over 23 years from the time (the town) accepted such property."

Cinco Bayou's counterclaim asks the court to not only dismiss Pryor's suit but to "quiet and confirm" the town's claimed title to Glenwood Park.

Cinco Bayou Looks at Proposal For Teen-Oriented Discotheque

By **PEGGY ROBERTS**

Daily News Staff Writer

The Cinco Bayou Town Council Thursday discussed but took no action on a proposed discotheque that would cater exclusively to persons aged 17 and under.

Cinco resident Harry Harrell asked the council-as-committee to consider his proposal, saying "The kids around here don't have anywhere to go to call their own, besides a bowling alley or skating rink."

The disco would be located on Troy Street directly behind Moore-Handley Homecrafters, Harrell said.

"We'd like to be open from 7 p.m. to midnight," Harrell added. "And, during the school year, three times a week — Wednesday, Friday and Saturday. Security guards will be located in the parking lot and inside the building. We will have a snack bar and a few pinball machines."

Council members said they were concerned about young disco patrons outside the building, fire hazards and late hours on school nights.

Harrell was asked to come to next month's meeting and bring more information on fire precautions, sound-proofing and security schedules. Council members will view a similar disco in Pensacola before making up their minds.

In another matter, members of the Audubon Society presented a report on what they've done in preserving Glenwood Park.

Eric Lefstad and Betty Rapp showed the council a map of the 7.2-acre park and told of how trails have been marked and what the condition of the park is now.

"We have quite a few landmarks, and an area that is 6 to 8 inches under water because of low ground," Lefstad said. "A few bridges may have to be constructed over a drainage stream and some catwalks built over the wet land."

The council, when a formal map of the park is complete, will submit it to the state for a grant to help the town make Glenwood Park a nature preserve.