

TOWN OF CINCO BAYOU
"Council As Committee"
September 8, 1977

1. ERROR IN UTILITY TAX - Franchise Tax received from Central Telephone.
(Mr. Al Fields)
2. UP-DATE ON SEAWALL FOR FRANCIS PARK. (Mr. Miller Burt)
3. COUNTY'S REQUEST TO RUN SEWER LINES THROUGH CINCO. (Mr. Miller Burt)
4. CHRISTMAS DECORATIONS. (Mayor Jim Kendrick)
5. PETITIONS FOR ELECTION, OCT 4, 1977. (Clerk)

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POLYENGINEERING OF FLORIDA

"A Corporation of Registered Professional Engineers and Surveyors"

*File
Cinco Bayou
Park*

September 14, 1977

Mr. P. A. Flanagan, P.E.
ATTN: SAMOP-S
Mobile District, Corps of Engineers
P. O. Box 2288
Mobile, Alabama 36628

Dear Mr. Flanagan:

In reply to your letter of September 12, reference Public Notice No. FL77-00378-E, I note that the Fish and Wildlife Service is recommending in their letter to you of September 6 a condition that rip-rap be placed at the waterward face of the bulkhead.

This bulkhead is to be placed in the park of the Town of Cinco Bayou, which is their primary swimming area. The use of rip-rap at this location would be highly unsatisfactory as it would endanger the bathers.

The project has been inspected by two (2) of the DER's Field Representatives, and we have already made extensive changes to concur with their recommendations. The City has no intention of putting rip-rap in front of this seawall for the above safety reasons; therefore, we request our permit be issued without this stipulation.

Yours very truly,

H. M. Burt

H. M. Burt, P.E.
Assist. Vice-Pres.

HMB:pm

cc: Messrs. Thomas S. Talley, Sam B. Marley, P. Doherty,
and the Town of Cinco Bayou

*Mayor Kendrick,
This is copy of Let Mr. Burt write in reply to letter he
gave you yesterday. JMB*

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

Also present were: Al Fields representing CENTEL; Honey Reeves representing Playground Daily News; Miller Burt representing Polyengineering; Allen Davis and Vera Pritchard.

Therefore, a quorum being present, Mayor Kendrick opened the meeting at 7:01 p.m.

1. ERROR IN UTILITY TAX. After lengthy discussion, recommendations were made by Mr. Johnston to have Attorney Powell research the legal aspects on the reimbursement of the utility taxes (franchise) that is owed to CENTEL. Decision will be made until Attorney Powell has made research.
2. UPDATE ON SEAWALL FOR FRANCIS PARK. Miller Burt informed Council on the Seawall for Francis Park stating that the Boat Ramp will be handle by the County. Permits for Seawall, he has not received. Also, he suggested that if Council would permit him to make design for seawall or some one else to draw design.
3. COUNTY'S REQUEST TO RUN SEWER LINES THROUGH CINCO. After discussion, Mayor Kendrick suggested to Mr. Usrey to make recommendations to approve this request to run sewer lines through Cinco at the next regular council meeting. Also Attorney will write an addition clause to this contract. Also, Mr. Usrey informed Council that he had went to see the City Clerk of FWB, but was not able to see ^{him,} because he was in the hospital, but he did talk with the Engineer on the right-of-ways and easement, did not received no words from him. He feels that the Town should place fire hydrants on this 16 inch man hole. He also questioned them on how close sewer lines and water lines will be allowed in the easement. Sewer and water lines will be nine to ten feet apart.
4. CHRISTMAS DECORATIONS. Mayor Kendrick presented Council with the Xmas decorations that will be placed on the poles in Cinco Bayou from Eglin Parkway to Yacht Club Drive and Beal Pkwy and the total cost for ten, \$2,000. Decision will be made at the regular council meeting.

5. PETITIONS FOR ELECTION. Clerk informed Council that they're in the period of time between the 6th and 19th of September when petitions could be handed out and will be accepted back by the Clerk's office for the coming election on October 4.

~~0. BUDGET 11-7-78. Mr. Overstreet pointed out to Council that he felt that the Town has gone into philosophy of expenditures on the budget.~~

6. ADJOURNMENT. Meeting adjourned at 8:09 p.m.

Centel Computer Costly to Cinco

By **HONEY REEVES**

Daily News Staff Writer

A computer error by Central Telephone Company may cost Cinco Bayou more than \$42,000 in revenues.

Cinco's council members were asked Thursday night to return the franchise fees that a Centel computer has inadvertently paid the town during the past four years.

Due to the computer scramble in 1974, the telephone company has paid Cinco the fees that should have gone to Mary Esther.

Cinco has received \$57,787.83 in fees, while Mary Esther has been limited to \$15,405.51. The revenues were determined from a percentage of the gross sales in each area. Now Centel says Cinco must pay the difference—\$42,382.32.

The franchise fees are computed at three percent tax on gross sales. The taxes were paid at a rate of two percent each month and one percent annually.

Centel representative Al Fields could not tell the council just how many phones required service in any given month only the total revenue figures were available.

"This determination was made from those revenue figures. It could be audited, but that would probably cost more than the check," Fields said.

Cinco must now find a way to pay the money—if it decides to pay at all. The council told its attorney to check the town's status and the statute of limitations in the matter.

Town Attorney Rick Powell told the

council it was more than a legal problem—rather a moral one. "Unjust enrichment on the town's part could be subject to a lawsuit," he said.

Fields told the council Centel does not plan a lawsuit. "The mistake should have been caught," Fields said. "We didn't catch it, neither did Mary Esther or Cinco. I know it is a problem for a small town to be faced with such a large check. Mary Esther's reaction is, 'Hey, you owe us,' and all we can do is put it before you and let you decide," Fields added.

"We only hope that this can be worked out mutually with you making a proposal of how to pay it and having Mary Esther accepting it," Fields said.