

TOWN OF CINCO BAYOU
SPECIAL MEETING
SEPTEMBER 24, 1984

The Special Meeting of the Town of Cinco Bayou Town Council was called to order at 7:00 P.M. by Mayor Pro Tem Perry.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Pro Tem Perry requested the Secretary call the roll.

ROLL CALL

Present: Councilman Davis
Councilman Gage
Councilman Johnston
Councilman Laginess
Councilman Perry

Absent: Mayor Usrey

Also Present: Attorney Gontarek Irene Balsley
Thomas G. Miller Abbie Tyner
Sadie Robblee Secretary Knox

REGULAR BUSINESS

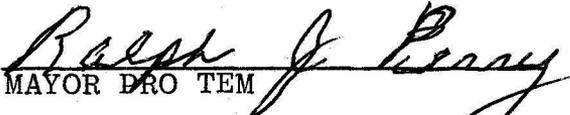
1. PUBLIC HEARING - 1st Reading of Ordinance No. 95 Adopting an Ad Valorem Tax Millage Rate and Resolution 84-4 Adopting the Operating Budget and Capital Improvements Budget for FYE 1985. Attorney Gontarek read Ordinance No. 95 in its entirety. Councilman Laginess moved to approve the first reading of Ordinance No. 95, seconded by Councilman Johnston. The motion passed unanimously on a roll call vote. Attorney Gontarek read Resolution 84-4 by title only. Councilman Laginess moved to approve the first reading of Resolution 84-4, seconded by Councilman Gage. The motion passed unanimously on a roll call vote.

2. Amendment to Ordinance No. 94, Cosmic Communications - Mr. Tom Miller, Cosmic Communications, requested that the Council amend Ordinance No. 94, extending the terms of franchise from six years to 15 years and increasing the time for construction from 12 months to three years. After some discussion, Councilman Davis requested that the section on transferability be amended to require Council approval prior to any franchise transfer. After more discussion, Councilman Davis made a motion to table the amendments for one month until Mayor Usrey's return, seconded by Councilman Laginess. At this time, Attorney Gontarek suggested that the Council enact an emergency ordinance on Thursday, September 27, containing the three amendments. Mr. Tom Miller can present written acceptance of the franchise at that time.

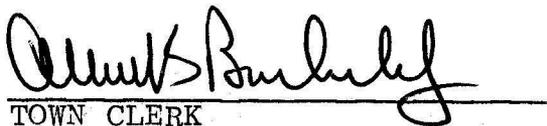
3. Resolution 84-2 - Declaring Max O. Usrey, Mayor Without an Election - Councilman Gage made a motion to adopt Resolution 84-2, declaring Max O. Usrey, Mayor without an election, seconded by Councilman Laginess. The motion was unanimously approved.

4. Resolution 84-3 - Appointment of Clerk and Inspectors for Town Election - Councilman Davis made a motion to adopt Resolution 84-3, appointing Abbie Tyner as Clerk and Adelia Robblee and Marjorie Crawford as Inspectors for the Town Election, seconded by Councilman Laginess. The motion was unanimously approved.

There being no further business, the meeting was adjourned at 7:47 P.M.


MAYOR PRO TEM

Attest:


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.

AN ORDINANCE AMENDING SECTION 14-1 OF THE CODE OF ORDINANCES OF THE TOWN OF CINCO BAYOU, FLORIDA, WITH REFERENCE TO THE ESTABLISHMENT OF AD VALOREM TAXES; PROVIDING FOR A TAX MILLAGE OF 3.0 MILLS UPON REAL AND TANGIBLE PERSONAL PROPERTY LOCATED IN THE TOWN OF CINCO BAYOU, FLORIDA, ON 1 JANUARY 1984; REPEALING ORDINANCES INCONSISTENT WITH SAID ORDINANCE; SEVERING INVALID PORTIONS OF SAID ORDINANCE; PRESCRIBING AN EFFECTIVE DATE THEREOF.

WHEREAS, the Mayor and the Town Council of the Town of Cinco Bayou, Florida, after careful preparation and review of the proposed Operating Budget for the fiscal year ending September 30, 1985, and after conducting public hearings properly advertised, desire to establish the tax millage rate for real and tangible property located in the Town on 1 January 1984.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, THAT:

SECTION 1. That Section 14-1 "Ad Valorem Taxes Established" of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read as follows:

"There is hereby levied upon all real and tangible personal property located in the Town of Cinco Bayou, Florida, on January 1, 1984, an ad valorem tax of 3.0 mills on each dollar of assessed value of such property."

SECTION 2. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion of words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portion thereof.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this 27th day of September, 1984.

Approved:

MAYOR

ATTEST:

TOWN CLERK

RESOLUTION NO. 84-2

A RESOLUTION DECLARING THE CANDIDATE FOR THE OFFICE OF MAYOR FOR WHICH A VACANCY EXISTS IN THE TOWN OF CINCO BAYOU, FLORIDA TO BE DULY ELECTED AS THERE IS NO OPPOSITION AND DECLARING THAT NO NECESSITY EXISTS FOR AN ELECTION AS ONLY ONE PERSON QUALIFIED FOR THE VACANCY THAT EXISTS.

WHEREAS the Town of Cinco Bayou General Election is scheduled for Tuesday, October 2, 1984 and

WHEREAS this General Election is to fill the vacancy of Mayor and two Councilmembers respectfully for the Town of Cinco Bayou, and

WHEREAS no necessity exists for formal balloting or election for the position of Mayor as only one person qualified as a candidate for the position of Mayor, Town of Cinco Bayou.

NOW THEREFORE, be it resolved that MAX O. USREY, candidate for Mayor, is hereby duly elected Mayor for a period of one (1) year, beginning November 1, 1984.

Be it further resolved that the date of the General Election having been formally announced as October 2, 1984, and whereas the necessity exists whereby cancellation of the Mayoral election must be announced, such cancellation and announcement thereof are considered accomplished by adoption of this Resolution.

Adopted this 24th day of September, 1984.

Approved:

MAYOR PRO TEM

Attest:

TOWN CLERK

A RESOLUTION DESIGNATING THE CLERK AND TWO INSPECTORS OF THE ELECTION OF OCTOBER 2, 1984, FOR THE TOWN OF CINCO BAYOU, FLORIDA.

WHEREAS, an election ordinance dated August 30, 1951, for the Town of Cinco Bayou, Florida at Section 4, thereof, requires the Town Council to designate three persons, not candidates, to act as Clerk and Inspectors of said election, and

WHEREAS, the annual election to fill the municipal offices of two Town Councilmembers will be held October 2, 1984.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Cinco Bayou, Florida:

That _____ is designated as Clerk, and _____ and _____ are designated as Inspectors of election to conduct the annual elections, canvas the returns and certify the results of such election to the Town Clerk immediately upon conclusion of the voting in such annual election.

Adopted this 24th day of September, 1984.

Approved:

MAYOR PRO TEM

Attest:

TOWN CLERK

RESOLUTION OF THE TOWN OF CINCO BAYOU, FLORIDA ADOPTING THE FINAL OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR THE TOWN OF CINCO BAYOU FOR THE FISCAL YEAR OCTOBER 1, 1984 THROUGH SEPTEMBER 30, 1985.

WHEREAS, the Town Council of the Town of Cinco Bayou adopted the tentative Operating Budget and Capital Improvement Budget on September 17, 1984; and

WHEREAS, the Town Council of the Town of Cinco Bayou has enacted Ordinance No. 95 establishing the tax millage rate upon real and tangible personal property for the Town of Cinco Bayou.

NOW THEREFORE, be it resolved that the proposed Operating Budget (\$134,425.00) and Capital Improvements Budget (\$30,700.00) for FYE 1985 for the Town of Cinco Bayou are hereby adopted by unanimous decision of the Town Council of the Town of Cinco Bayou, Florida, without objection, at a public hearing held after due notice upon the same. This Resolution shall take effect immediately upon its passage and approval by the Mayor.

Adopted this 27th day of September, 1984.

Approved:

MAYOR

ATTEST:

TOWN CLERK

COSMIC COMMUNICATIONS INC.

2 HICKORY LANE

VALPARAISO, FLORIDA 32580

COMMUNICATION
SERVICE

PHONE
(904) 678-7914

September 21, 1984

Mayor Max O. Usrey
Town of Cinco Bayou
35 Kelly Avenue
Fort Walton Beach, FL 32548



Honorable Mayor Usrey:

In regards to Ordinance No. 94, an ordinance granting to Cosmic Communications, Inc. a non-exclusive cable television franchise, the following changes are requested:

A. The Term of Franchise, as specified in the above referenced ordinance, is for a period of (6) six years. During my presentation to the Council, I had verbally requested a period of (15) fifteen years. With your concurrence, I hereby request that the ordinance be amended to read:

"The Term of Franchise, for Cosmic Communications, Inc., shall be for a period of fifteen (15) years, commencing on the effective date of the franchise, and continuing for a total of fifteen years thereafter."

B. The requirement that Cosmic Communications, Inc. must have an operational television service within twelve (12) months from the effective date of the ordinance is unreasonable and unacceptable. As you know, the engineering, make ready, and dependence upon utility companies to complete all necessary work prior to construction, could delay the completion for years. I recommend that this requirement be amended to require that within three (3) years, cable service be made available to a minimum of 50 living units. The Federal Communications Commission requires notification when fifty (50) subscribers are connected to a CATV system, therefore, this seems a reasonable request.

I can be contacted at home 678-7914, or office 678-2922, should you have any questions concerning my requests.

Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Miller".

Thomas G. Miller
President

TGM:hb