

TOWN OF CINCO BAYOU
COUNCIL AS COMMITTEE MEETING
OCTOBER 8, 1984

The Town Council as Committee Meeting of the Town of Cinco Bayou was called to order by Mayor Usrey at 7 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk call the roll.

ROLL CALL

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

Also Present: Attorney Gontarek Sadie Robblee
Marjorie Crawford Clerk Borchik
Abbie Tyner Secretary Knox
Irene Balsley

MINUTES - Mayor Usrey called the Council's attention to the September 24, 1984 minutes, Regular Business Item #2, where a motion was made and seconded but no vote was taken. Following a short discussion, it was agreed that no further action would be necessary concerning the motion. Mayor Usrey asked the Council to review the minutes of the September 6, September 10, September 17, September 24, and September 27, 1984 Town Council Meetings for approval at the next council meeting.

FINANCIAL REPORT - Mayor Usrey asked the Council to review the financial report for September, 1984 for approval at the next council meeting.

REGULAR BUSINESS

1. Run-Off Election - October 9, 1984 - The Mayor advised that there would be a run-off election tomorrow and encouraged everyone to vote.
2. Cinco Bayou Code of Ordinances - Mayor Usrey advised that a letter had been received from the Municipal Code Corporation concerning the Town's Code of Ordinances. The Municipal Code Corporation is suggesting that the code be republished with the uncodified ordinances included rather than prepare an extensive supplement to the present code. In this manner, the conflicts with current Florida Statutes can be corrected. Total cost would be approximately \$3,500. After a lengthy discussion, Mayor Usrey requested each Councilmember review the Code of Ordinances and a decision will be made at next week's meeting as to what action should be taken in this matter.

3. Request to Use Dead End Street - Baughn Alignment - Mayor Usrey advised the Council that Mr. Childers, Baughn Alignment had requested use of the dead end street (Luverne) adjacent to his property. Councilman Davis advised that after looking into the matter, he would suggest not granting a franchise for the use of the street. After a lengthy discussion, the Mayor advised that this matter would be voted on at next week's meetin .

4. Taxable Value Adjustment - The Clerk advised that an error has been made by the Property Appraiser in the Taxable Value certified to the Town, reducing the taxable values from \$13,544,576 to \$12,857,837 (\$686,739.) which would allow an increase in the millage rate to 3.16 mills. The Clerk advised that the Property Appraiser and Tax Collector have been advised that the Council does not wish to raise the millage rate.

5. Veteran's Day Ceremony, November 12, 1984 - Mayor Usrey advised the Council that there will be a Veteran's Day Memorial Service at the Beal Memorial Cemetery at 11:00 a.m., Monday, November 12 and he will attend and place a wreath during the ceremony.

6. Clean-Up - November 4-10 - Mayor Usrey advised that the Fall Clean-Up will be November 4-10. Residents will be notified of the Clean-Up in the next newsletter. The Clerk advised that letters will be sent to selected property owners whose property requires special attention advising them of the Clean-Up.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME. At this time Councilman Johnston brought up the question of paying the Inspectors and Clerks when a Town election is conducted in conjunction with any other election. Following a discussion, the Clerk was asked to put this item on the agenda for action at next week's meeting.

COMMITTEE REPORTS

Standing Committees

1. Streets & Sidewalks - Councilman Davis. No report.
2. Parks - No report
3. Finance & Budget - Councilman Johnston. The Clerk advised that the audit has begun as of October 1.
4. Waterfront - Councilman Perry. No report
5. Civil Defense - Councilman Perry. No report
6. Neighborhood Watch - Councilman Laginess. No report

Special Committees

1. Bicycle Path - Councilman Johnston. No report
2. Building Codes - Councilman Laginess. No report

3. Comprehensive Plan Review - Councilman Perry. The Clerk advised that the Comprehensive Plan Review Report will be ready in December for the Council's review.

4. Glenwood Park - The Clerk advised that Quatre, Inc. has begun work in the park and should begin setting poles tomorrow. The Clerk advised that they have 60 days left to complete the construction.

ATTORNEY'S REPORT. None

CORRESPONDENCE. None

CLERK'S REPORT

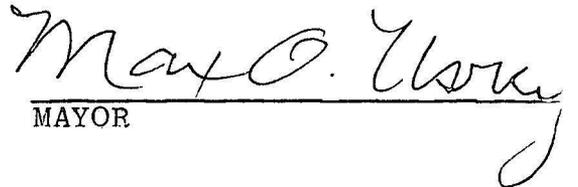
1. The Clerk advised that Mr. Tinsley, First Federal had asked that the Council consider setting rules concerning the parking and use of the boat ramp. A lengthy discussion followed.

Councilman Laginess then gave a report of a robbery in the K-Mart parking lot.

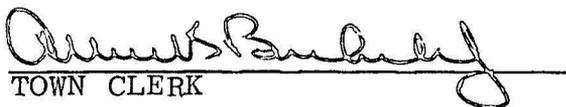
MAYOR'S ANNOUNCEMENTS

1. Mayor Usrey reminded everyone to vote tomorrow.

There being no further business, the meeting was adjourned at 8:06 P.M.


MAYOR

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.

Municipal Code Corporation

Law and Ordinance Codification

RECEIVED
9/29/84

POST OFFICE BOX 2236
TALLAHASSEE, FLORIDA 32316

1700 CAPITAL CIRCLE S. W.
TELEPHONE (904) 576-3171
Toll Free Numbers:
1-800-342-CODE (Florida only)
1-800-262-CODE

September 27, 1984

Mr. Albert S. Borchik, Jr.
Town Clerk
Town of Cinco Bayou
35 Kelly Avenue
Fort Walton Beach, Florida 32548

Dear Mr. Borchik:

Pursuant to your recent telephone conversation with Ms. Jacobs, we are pleased to enclose the memorandum covering the analysis of the Cinco Bayou Code of Ordinances, with current state laws, as requested in your letter of June 27, 1984. In accordance with your discussion, we are also enclosing our proposed contract for republication of the Town Code.

The contract provides for incorporating the ordinances not included in the 1973 Code and any approved changes desired to be included as a result of the analyzation. The Code would be republished in its entirety. We would appropriately mark the Code submitted to us, thereby designating the styles of type and page format.

We would update the general cross references as well as update the existing state law references as necessary. We would also update the Table of Contents and Comparative Table.

We offer to prepare a comprehensive general word Index for the entire Code, if desired. We have recently developed the software for the preparation of a comprehensive computerized word Index for the new Codes which are entered into our computer systems. Indexing, which is a specialty in itself, is performed by experienced people, devoting full time to indexing our Codes and Supplements.

The new Code would be committed to our sophisticated computerized typesetting system. Our computer system is not simply a "word processing" unit but has unlimited capabilities and usage as to storage, retrieval, indexing and conversion to professional camera-ready typeset styles and formats, as illustrated by the sample pages attached to the contract. We would furnish proofs for review prior to final printing.

The desired number of copies of the Code would be bound in our three-post mechanical looseleaf binders, which open easily for insertion of the supplemental pages and provide minimum wear and tear on the pages during use.

*Nation's Leading Law Publisher Specializing in Ordinance Codification
Serving over 1,800 local governments in 47 states*

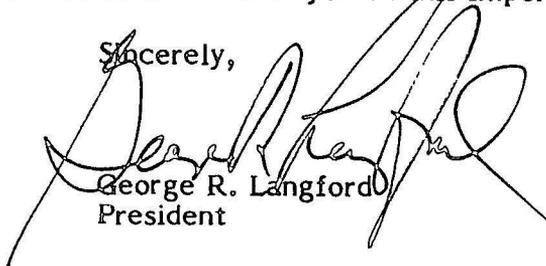
Mr. Albert S. Borchik, Jr.
September 27, 1984
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After delivery of the Code, we would publish Looseleaf Supplements, whereby the new ordinances would be incorporated into their appropriate places on a schedule designed to meet the legislative requirements of the Town. Our cost for publishing the Supplements is on a straight per page basis with no annual minimum charge.

Under separate cover we are forwarding a copy of one of our Codes in the 8-1/2 x 11 inch single column format. If you have any questions or desire additional information, please do not hesitate to call us on our toll free number.

We appreciate your interest and hope that we will have the pleasure of working with you and being of further service to the Town of Cinco Bayou on this important project.

Sincerely,



George R. Langford
President

GRL/js

enc.

MEMORANDUM

TO: Town of Cinco Bayou, Florida

FROM: Roger D. Merriam, Supervising Editor, Municipal Code Corporation

SUBJECT: The Code of Ordinances of the Town of Cinco Bayou, Florida

DATE: September 14, 1984

This memorandum is an analysis of the Code of Ordinances, Town of Cinco Bayou, Florida. All references in this memorandum to sections are to sections of such Code unless stated otherwise.

It should be noted that the editor recommends deletion of many provisions as covered by a cited section of Florida Statutes. This is because section 12-1 adopts all state misdemeanors by reference. Thus, the sections are not necessary.

- (1) Section 1-2. The Town should delete the "official time" provision; the Town is in the Central Time Zone and this provision is not necessary.
- (2) Section 1-2. The "computation of time" provision should be conformed to Fla. Rule Civ. Proc. Rule 3.040.
- (3) Section 1-6. Covered by F.S. § 839.13 --- delete.
- (4) Section 2-1. It appears that under F.S. § 166.041(1) an ordinance is required. In any event, this section is not necessary as adequate authority for municipal borrowing is found in F.S. § 166.1 et seq. Delete.
- (5) Section 2-16. As § 2-35 (adopted long after § 2-16) provides for appointment of town clerk, the words "the town clerk" should be deleted from § 2-16.
- (6) Section 2-41. This is covered by F.S. § 104.31 and should be deleted.
- (7) Section 4-2. The Town should update to 1982 Standard Building Code with 1983 and 1984 Revisions.

(21) Section 11-1.

References to F.S. Ch. 316 should be deleted. A municipality cannot so "duplicate" F.S. Ch. 316. See F.S. § 316.007. The remaining provisions can be deleted as covered by Code § 12-1.

(22) Section 14-1.

Delete as obsolete.

(23) Section 14-2.

Delete as not necessary. Florida Statutes control this entirely.

(24) Ordinance No. 91,
§ 8, P.

References to "indecent" or "immoral" should be deleted as unconstitutional. What remains is a prohibition against obscenity. That provision is preempted by F.S. § 847.09(1) and should be deleted.

PLAYGROUND CHAPTER 72, INC.
DISABLED AMERICAN VETERANS

P.O. BOX 2275
FT. WALTON BEACH, FLA. 32549

RECEIVED
11/2/84



October 1, 1984

The Disabled American Veterans, Playground Chapter 72, will host the annual Veterans Day Ceremonies at Beal Memorial Cemetery on Monday, November 12, 1984 at 11:00 A.M.

We cordially extend to you, your organization, and families an invitation to participate with us in these ceremonies honoring all veterans who have unselfishly given themselves in service to our great nation.

In order that appropriate homage be paid to the deceased veterans who were members of your organization, we respectfully request that at your earliest convenience you forward to us a "Roll Call" listing the names of those veterans who have expired since May 30, 1984.

As in the past, it is customary at these ceremonies for the organizations to place a floral wreath at the memorial. Consequently, if your organization desires to participate in this function, please advise us accordingly. It should be noted that the person designated by you to place the wreath should be in place no later than 10:45 A.M., all others should arrive prior to 11:00 A.M.

In order to establish our agenda and listing of participating organizations, please reply to the above address as soon as possible to indicate your desires and intentions.

Respectfully;

William T. Hall
Project co-ordinator