

TOWN OF CINCO BAYOU
REGULAR MEETING
OCTOBER 18, 1982

The Regular Council Meeting of the Town of Cinco Bayou Town Council was called to order by Mayor Usrey at 7:00 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
Councilwoman Kelley
Councilman Perry
Councilman Wade

Also Present: Attorney Powell Freida Troy
Clerk Borchik Agnes Mahoney
Sally Borchik Joyce Bryan
Mr. P. Auer

MINUTES - Councilwoman Kelley moved to accept the minutes of September 13, September 15, September 20, and September 29, 1982, seconded by Councilman Perry. The motion carried unanimously.

FINANCIAL REPORT - Councilman Davis moved to accept the Financial Report for September, 1982, seconded by Councilwoman Kelley and unanimously approved.

REGULAR BUSINESS

1. Guardian Corporation Proposal - Councilman Davis moved that the Council delay for one month, until the Town has a full Council, any decision on the Guardian Corporation Proposal. Motion was seconded by Councilwoman Kelley. The motion carried on a 3 to 1 vote with Councilman Perry voting Nay.
2. Sea Way Boat Ramp - P. Auer. Mr. Auer reported to the Council that he had received two (2) rough estimates ranging from \$6,000.00 to \$12,000.00 for the repairs and reconstruction of the boat ramp. Clerk Borchik stated that he had talked with Commissioner Peebles and that the next step was to meet with the County Waterways Advisory Committee. The Mayor instructed the Clerk to get all of the necessary information from the County regarding the meeting time, date, etc. of the Waterways Advisory Committee so that Councilman Perry and Mr. Auer could attend the next meeting.
3. Renting of House on Adjacent Property - Clerk Borchik. Clerk Borchik introduced Mrs. Troy and Mrs. Mahoney who would like to rent the house adjacent to the Town Hall for a shop to be called "Country Lovables". They would like to rent the house for thirteen (13) months on a lease, the first month being rent free. In this first month, they plan to fix up the building

including painting, wiring, plumbing and heating at their own expense. Following a short discussion, the Council agreed to rent the house to Mrs. Troy and Mrs. Mahoney for thirteen (13) months on a lease, the first month being rent free and the remaining twelve (12) months, at \$200.00 per month. Mayor Usrey directed Attorney Powell to draw up the necessary papers and lease. Councilman Davis moved that the Town of Cinco Bayou rent the house at 33 Kelly Avenue to Mrs. Troy and Mrs. Mahoney for \$200.00 per month and according to the terms of the contract to be drawn up by Attorney Powell. The motion was seconded by Councilwoman Kelley and unanimously approved.

4. Tractor Purchase - Clerk Borchik. Clerk Borchik advised the Council that he had again talked to the salesman at Sears and the previously discussed 18 Horsepower Tractor was still available and would cost \$3,019.00. The Town will not be able to get a Maintenance Agreement for the tractor since its use is considered "commercial". Councilman Davis moved the Town purchase the tractor and accessories, seconded by Councilman Perry. Motion carried unanimously.

PUBLIC REQUESTS. None.

COMMITTEE REPORTS

1. Streets/Sidewalks/Neighborhood Watch - Councilman Davis. Councilman Davis reported he had talked with the Sheriff's Department and that there were no Crime Watch calls from Cinco Bayou in the month of September. The problem that Mrs. Crawford had with a prowler appears to be cleared up. Councilman Davis also asked the Clerk about the pot hole on Yacht Club Drive. The Clerk said the hole had been filled with shells but had no word on the sinking of the street over the culvert. The Clerk will check with the County on proposed repairs.
2. Parks/Beautification/Environment - Councilwoman Kelley. No report.
3. Finance. No report.
4. Waterfront/Bayou/Civil Defense - Councilman Perry. No report.
5. Utilities - Mayor Usrey. Mayor Usrey reported to the Council that the new High Pressure Sodium Street Lights were being installed in the Town starting on the east side of Town. The Clerk said these new lights should reduce the electric bill for street lighting.

ATTORNEY'S REPORT

1. Water and Sewer Agreement. Attorney Powell said he had written another letter to Attorney Chesser regarding the Water and Sewer Agreement with Fort Walton Beach. Attorney Powell feels there has been a misunderstanding on Attorney Chesser's part with regard to the original agreement. Mayor Usrey said he had contacted Mayor Bagley about Attorney Chesser's misunderstanding and that Mayor Bagley is going to look in to it and

call him back. Mayor Bagley has not returned his call as yet

2. Pryor/Glenwood Park Appeal. Attorney Powell also said that he had no order yet from District Court on the reply that was to be filed by Mr. Madden, documenting the fact that he is a licensed attorney.

CORRESPONDENCE

1. City of Cocoa Beach Letter - Community Service Tax Resolution. Mayor Usrey asked for a motion to support the request from the City of Cocoa Beach. No motion was made, the item was dropped.

2. Blue Ribbon Marina Committee Letter - Meetings October 19, 20 and 21. Mayor Usrey asked Councilman Perry if he could please attend some of the meetings on behalf of the Town. Councilman Perry will get the necessary information from the Town Clerk regarding the times, dates, location etc..

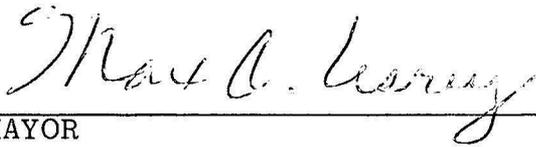
CLERK'S REPORT

1. Clerk Borchik reported that there are three (3) businesses in Cinco Bayou that have not renewed their Occupational Licenses for 1982/83 and are still doing business. The matter was referred to Attorney Powell for action. He will contact Mr. Newberry at Luigi's; William H. Hughes, Mortgage Broker; and Mr. Bunge, Bunge Corporation Realtors; the three (3) businesses that are delinquent.

MAYOR'S ANNOUNCEMENTS

1. A reminder - the Town Picnic will be held on Tuesday evening October 19th. in Laguna Park at 6:30 P.M.

There being no further business, the Council adjourned at 7:49 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.

ESTERGREN, FORTUNE, ANCHORS & POWELL, P. A.

ATTORNEYS AND COUNSELLORS AT LAW

10/14/82
ASB

F. B. ESTERGREN
JOHNNY A. FORTUNE
C. LEDON ANCHORS
RICHARD H. POWELL

FT. WALTON BEACH, FLORIDA 32549

IN RE: FILE

P. O. DRAWER 2167
92 N. E. EGLIN PARKWAY
(904) 243-184
244-148

October 13, 1982

D. Michael Chesser, Esquire
SELBY, CHESSER, WINGARD & BARR
838 North Eglin Parkway, Suite 601
Fort Walton Beach, Florida 32548

Re: Your letter of October 8, 1982 .

Dear Mike:

I received your letter of October 8, 1982 today. I believe that you have a basic misunderstanding of the original agreement between the parties. The Town of Cinco Bayou proposed to convey its interest in the Town's sewer system to the City of Fort Walton Beach in exchange for the City of Fort Walton Beach providing water and sewer services to the users within the Town. Aside from the twenty five percent (25%) surcharge on the water and the agreement to pay for one-half (1/2) of the costs of tie-in to the Town's sewer system with the City's sewer system, all future costs of construction, maintenance and operation are to be borne by the City of Fort Walton Beach.

Please consult with your council and if this is not their understanding of the agreement, then there has been no meeting of the minds at all and we need to begin anew in seeking an agreement. I might add that the Town of Cinco Bayou is firm on its position that once the systems are united together and the initial costs of hook-up have been equally borne by the parties, the users within the Town of Cinco Bayou must receive equal treatment as that of the users of City of Fort Walton Beach except for the 25% surcharge to the Town's users for water services provided by the City.

D. Michael Chesser, Esquire
October 13, 1982
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I will continue to attempt to contact you by telephone and communicate this to you. However, I thought it best to send this off to you in the event we cannot get together by telephone.

Sincerely,

ESTERGRN, FORTUNE, ANCHORS & POWELL, P.A.



Richard H. Powell

RHP:bjy

cc: Town of Cinco Bayou