

TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING  
October 19, 1977

1. MINUTES-REGULAR COUNCIL MEETING-SEPTEMBER 15, 1977.
2. MINUTES-SPECIAL COUNCIL MEETING-SEPTEMBER 21, 1977.
3. FINANCIAL STATEMENT - SEPTEMBER 1977.
4. ERROR IN UTILITY/FRANCHISE TAXES FROM CENTEL. (Peek)
5. ORDINANCE - ONE TIME READING AS AN EMERGENCY ORDINANCE. Proposes amending the water franchise ordinance and agreement between the Town of Cinco Bayou and City of Fort Walton Beach to reduce the premium charged by the City of Fort Walton Beach, for the furnishing of water to the Town residents and to provide the Town with an option to renew such franchise, and to grant Fort Walton Beach additional easements.
6. ORDINANCE - SECOND AND FINAL READING. Pertaining to rezoning Blocks 4 and 5 from R-1 "Residential" to C-1 "Limited Commercial".
7. CERTIFICATION OF TOWN'S ELECTION RESULTS ON OCTOBER 4, 1977. (Clerk)
8. OATH OF OFFICE FOR MAYOR AND COUNCIL MEMBERS. (Attorney Powell)
9. ADJOURNMENT.

TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING  
October 19, 1977

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

Also present were: Adelia Robblee, W. H. Davis, A. T. Anderson representing CENTEL; Sheila Welsh representing Playground Daily News; Valerie Beatty representing WFTW and Vera Pritchard.

Therefore, a quorum being present, Mayor Kendrick opened the meeting with a silent prayer at 6:58 p.m.

1. MINUTES-REGULAR COUNCIL MEETING-SEPTEMBER 15, 1977. Motion by Mr. Peek to accept as printed, seconded by Mrs. Balsley. Motion carried unanimously.
2. MINUTES-SPECIAL COUNCIL MEETING-SEPTEMBER 21, 1977. Motion by Mr. Peek to accept as printed, seconded by Mrs. Balsley. Motion carried unanimously.
3. FINANCIAL STATEMENT-SEPTEMBER 1977. Motion by Mrs. Balsley to accepted as presented, seconded by Mr. Peek. Motion carried unanimously.
4. ERROR IN UTILITY/FRANCHISE TAXES FROM CENTEL. Mr. Peek informed Council that the Budget Committee had met twice with CENTEL representatives and had worked out a proposal for repayment. He moved that Council acknowledge the alleged overpayment of Utility/Franchise taxes from CENTEL during the period August 74 through June 77, in the amount of \$40,886.95, and the moral obligation to repay same. To repay CENTEL a first payment of \$886.95 and \$300.00 monthly thereafter until overpayment has been repaid, seconded by Mrs. Balsley. Motion carried unanimously.
5. ORDINANCE-ONE TIME READING AS AN EMERGENCY ORDINANCE. Proposes amending the water franchise ordinance and agreement between the Town of Cinco Bayou and City of Fort Walton Beach to reduce the premium charged by the City of Fort Walton Beach, for the furnishing of water to the Town residents and to provide the Town with an option to renew such franchise, and to grant Fort Walton Beach additional easements. Attorney Powell performed the reading of the ordinance. Council voted unanimously to adopt ordinance. (Clerk's note: Ordinance to be #58).
6. ORDINANCE-SECOND AND FINAL READING. Pertaining to rezoning Blocks 4 and 5 from R-1 "Residential" to C-1 "Limited Commercial". Attorney Powell performed the reading of the ordinance. Mayor indicated the floor was open for a public hearing. He read letters from Mr. L. P. Disharoon and Mrs. Joyce Smith indicating their desires for rezoning. Mrs. Pritchard voiced her disapproval of the rezoning. After the public had been heard, Mayor Kendrick called for a vote. Yeas: Mrs. Balsley, Mr. Peek and Mr. Overstreet. Nays: Mr. Johnston and Mr. Usrey. (Clerk's note: Ordinance to be #59).
7. CERTIFICATION OF TOWN'S ELECTION RESULTS ON OCTOBER 4, 1977. Clerk read into the minutes the following election results. Mayor Kendrick was re-elected without opposition. Mrs. Balsley and Mr. Usrey were re-elected for a two year term as Council members and Mr. Ralph Perry was elected for a two year term. Also, referendum item pertaining to changing the Town Marshal from elective to appointive was approved with a vote of 35-4.

8. OATH OF OFFICE FOR MAYOR AND COUNCIL MEMBERS. Attorney Powell sworn in the following officials: Mayor Jim Kendrick, Council members Irene Balsley and Max Usrey. Ralph J. Perry will be sworn in at a later date.

9. ADJOURNMENT. Meeting adjourned at 7:30 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. Financial Statement.
2. Memo & Ltr-CENTEL.
3. Ordinance #58.
4. Ordinance #59.
5. Town's Official Ballot.
6. Financial Disclosure Form.
7. Newspaper Report-PGDN.

TOWN OF CINCO BAYOU - JOURNAL OF CHECKS WRITTEN - DEPOSITS MADE

September 1977

Check Number	To Whom	Purpose	Date	Amount Of Check	Bank Bal Fwd And Deposits	ACCOUNTING CODES	
1	--	Bal Fwd	1	--	3055.96	---	
2	--	See Dep 76/77-38	2	--	650.40	---	
3	24 86	Oka Co Com	6	10.00		412	
4	87	FW Auto Parts	6	2.10		404	
5	88	Surplus&Savage	6	23.85		404	
6	89	Salamander Sec Svs	6	400.00		402	
7		Patrol Svs-8/17-9/16				---	
8	90	Gatlin L&S Co	6	68.56		404	
9	91	Stone's Gulf Sta	6	10.40		403	
10	92	Oka W&S Sys	6	1092.00		405-11	
11	93	Madaris Off Sup	6	12.82		414	
12	94	Estergren,FA&P	6	52.26		401-01 401-02	850.00 2.36
13	95	Playground News	6	7.60		401-03	
14	96	Value Oil Co	6	19.50		403	
15	97	Estergren,FA&P	11	35.00		401-02	
16		Suit				---	
17	98	Ralph Sibert	11	36.00		405-10	
18	99	Playground News	11	5.90		401-03	
19	25 00	Joseph Wilkins	11	140.00		413	
20	01	CENDEL	11	79.38		405-01	
21	02	Atlas Ext	11	7.00		406	
22	03	Truner Sup Co	11	117.30		403	
23	04	Barnett Bank	11	371.20		702	
24	05	City of FWB	12	8.99		405-03	
25	06	City of FWB	12	7.18		405-04	
26	07	City of FWB	12	7.18		405-04	
27	08	City of FWB	12	7.18		405-04	
28	09	J.O. Godwin, Sr	13	380.00		427	
29	10	D. Rouse	13	202.20		427	
30	11	A. Davis	13	13.25		427	
31	12	Al's Appliance	15	186.00		403	
32	13	ABLE Sanitation	15	45.00		403	
33		8/3 - 9/3				---	
34	14	Humane Society	15	32.00		418	
35	15	Paul Coates	15	216.00		403	
36		8/16 - 9/12				---	
37	--	See Dep 76/77-39	16	--	3111.20	---	
38	16	Oka W&S Sys	19	52.40		403	
39	17	Gulf Power Co	19	10.62		405-08	
40	18	Gulf Power Co	19	102.81		405-05	

September 1977

Check Number	To Whom	Purpose	Date	Amount Of Check	Bank Bal Fwd And Deposits	ACCOUNTING CODES
-- --		SeeDep 76/77-40	20	--	3089.63	---
25 19	FLOC	Dues-10/1/77 thru 9/30/78	23	120.00		412
20	DNR-Bureau of State Lands	Dredge Prmt-Kidd Bayou	23	50.00		412
21	Gulf Power Co.	Street Lights	23	227.90		405-07
22	VOID	--	--	--		---
23	Gulf Power Co.	Traffic Lights	23	21.78		405-06
24	Gulf Power Co.	Pump - Laguna	23	3.68		405-08
25	Gulf Power Co.	L/S-Laguna	23	31.23		405-08
26	Gulf Power Co.	L/S-Kelly	23	6.25		405-08
27	CENTEL	Loop L/Station	27	24.15		405-02
28	J.O. Godwin, Sr.	2Wks-9/13-9/26	27	380.00		427
29	D. Rouse	2Wks-9/13-9/26	27	202.20		427
30	A. Davis	2Wks-9/13-9/26	27	76.85		427
31	Playground News	Legal Ad-Ord #57	30	8.35		401-03
32	Playground News	Legal Ad-Notice of Election	30	13.50		401-03
33	BMS	Actg-Sept	30	50.00		401-04
INT	Barnett Bank	On Sav's Acct	30	--	282.15*	---
-- --		See Dep 76/77-41	30	--	750.83	---
		Total (Cks Wr)		4977.57	7884.21	(Income for Sept)
		Bal Fwd 1 Sept 77			3055.96	
		Total Funds Available			10940.17	
		Checks Written			-4977.57	
		*Int Credit to Sav Acct			-282.15	
		Cash O/H In Bank	30		5680.45	
		Petty Cash Fund	30		3.91	
		Cash In Bank & P/C	30		5684.36	
		CD's	30		83000.00	
		Sav Acct 1 Sept 77		21000.00		
		*CM Int to Earned		282.15		
		TOTAL SAVINGS	30		21282.15	
		TOTAL FUNDS AVAILABLE	30		109966.51	
TRUE AND CORRECT TO BEST OF MY ACKNOWLEDGE.						
 JAMES O. GODWIN, SR. Town Manager/Clerk						

# TOWN OF CINCO BAYOU

KELLY AVE.

P.O. DRAWER 1710 - CINCO BAYOU  
FORT WALTON BEACH, FLORIDA 32548  
904-244-2712 244-2012

October 31, 1977

Mayor:  
JIM KENDRICK, III

Mayor Pro-Tem:  
IRENE BALSLEY

Council Members:  
PHIL JOHNSTON  
BILL OVERSTREET  
BAROLD PECK  
MAX USREY

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

Town Attorney:  
RICK POWELL

Mr. A. T. Anderson  
District Manager  
Central Telephone Company of Florida  
P. O. Box 1387  
Fort Walton Beach, Florida 32548

Dear Mr. Anderson:

Thank you for your letter of October 19th and your attendance at our Council meeting Thursday night, October 20th.

Paragraph 4, Minutes of Council Meeting, October 20, 1977, is quoted for your information, as follows:

"Mr. Peck moved that Council acknowledge the alleged overpayment of Utility/Franchise taxes from CENTEL during the period August 74 through June 77, in the amount of \$40,886.95, and the moral obligation to repay same. To repay CENTEL a first payment of \$886.95 and \$300.00 monthly thereafter until overpayment has been repaid, seconded by Mrs. Balsley. Motion carried unanimously."

Enclosed please find our check in the amount of \$886.95 for the first payment.

BY DIRECTION OF TOWN COUNCIL:

Sincerely,

  
JAMES O. GODWIN, SR.  
Town Manager/Clerk

JOG/idr

1 Encl

# TOWN OF CINCO BAYOU

KELLY AVE.

P.O. DRAWER 1710 · CINCO BAYOU  
FORT WALTON BEACH, FLORIDA 32548  
904-244-2712 244-2012

September 23, 1977

Mayor:  
JIM KENDRICK, III

Mayor Pro-Tem:  
IRENE BALSLEY

Council Members:  
PHIL JOHNSTON  
WILL OVERSTREET  
HAROLD PEEK  
MAX USREY

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

Town Attorney:  
RICK POWELL

MEMO TO: Mayor and Council

FROM : Budget Committee

SUBJECT: Meeting with CENTEL Representatives

1. Mr. Peek, Mrs. Balsley and the undersigned met at 7 p.m., September 22, 1977 with Mr. Al Fields and Mr. A. T. Anderson to discuss ways and means to repay to CENTEL their overpayment to our Town in Utility/Franchise taxes from August 74 thru June 77.
2. Mr. Fields introduced Mr. Anderson as his replacement effective October 1, 1977. He also presented to our Committee a revised Exhibit B. Original Exhibit B indicated an overpayment of \$42,382.32, while the revised Exhibit B had been reduced to \$40,886.95, due to the fact, the 1% franchise tax for Sept 76 thru Aug 77 had not yet been paid to Cinco.
3. In computing what the Town would be getting in the future, approximately \$7200.00, Committee suggested to CENTEL that we could return half of this, or \$300.00 monthly to CENTEL until overpayment had been repaid. Our first payment would be in the amount of \$886.95 to bring the overpayment down to \$40,000.00, then \$300.00 monthly thereafter.
4. Committee will present to Council at the next Council meeting the following recommendation in the form of a motion:  
*the alleged* Acknowledge overpayment of Utility/Franchise taxes from CENTEL during the period August 74 thru June 77, in the amount of \$40,886.95 and the moral obligation to repay same. To repay CENTEL a first payment of \$886.95 in October 1977 and \$300.00 monthly thereafter until overpayment has been repaid.

Respectfully submitted,

  
JAMES O. GODWIN, SR.  
Budget Committee Recorder

ORDINANCE NO. 58

AN ORDINANCE ACCEPTING THE OFFER OF THE CITY OF FORT WALTON BEACH TO SERVE WATER TO THE CITIZENS OF THE TOWN OF CINCO BAYOU; GRANTING A FRANCHISE TO THE CITY OF FORT WALTON BEACH TO SERVE WATER FOR A PERIOD UNTIL MARCH 1, 1981; PROVIDING FOR AN OPTION TO RENEW SUCH FRANCHISE FOR AN ADDITIONAL FIFTEEN (15) YEARS; PROVIDING FOR THE TERMS OF SERVICE; PROVIDING FOR PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS HEREOF; REPEALING ORDINANCES INCONSISTENT WITH SAID ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

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

SECTION 1: That the Town of Cinco Bayou, Florida, accepts the offer of the City of Fort Walton Beach made pursuant to City of Fort Walton Beach Ordinance No. 452.1 to furnish water to the residents of the Town of Cinco Bayou, Florida, according to the terms set out in the Sections of this Ordinance below.

SECTION 2: That the City of Fort Walton Beach will furnish all water required by the residents of the Town of Cinco Bayou at a premium of 25% more than that charged to the residents of the City of Fort Walton Beach. Any increase in rates to the residents of the City of Fort Walton Beach shall immediately increase the rates to the water users in Cinco Bayou accordingly. The City of Fort Walton Beach shall install, at its cost, four (4) fire hydrants within the Town limits of Cinco Bayou at locations selected by the City Engineer of Fort Walton Beach after consultation with the Consulting Engineer for the Town of Cinco Bayou.

SECTION 3: That the City of Fort Walton Beach will charge a 10% utility tax on water sold within the Town of Cinco Bayou and such tax will be remitted to the Town of Cinco Bayou monthly.

SECTION 4: That where more than one unit (such as dwellings, apartments, and commercial businesses, other than mobile homes) is now served by the City of Fort Walton Beach on which the property owner has a meter deposit with the City of Fort Walton Beach and where such property is served by only one meter, the total consumption of that meter shall be divided by the number of different businesses or units in order to arrive at the

average consumption for which to bill each unit for water. The average billing will then be multiplied by the number of units to arrive at the monthly charge for that particular parcel of property or the minimum bill or whichever is greater.

SECTION 5: Where multiple dwelling units are served by one meter, the property owner shall be required to pay the connection fee for each meter if the property owner requires separate meters to be installed. However, if the property owner continues to serve multiple units through one meter, the property owner will be assessed \$1.50 per lineal foot for pipe run by his property less the \$150.00 credit for tap-in fee previously assumed paid, or \$150.00, whichever is greater. Multiple units served by one meter will be permitted only as to existing units in the Town of Cinco Bayou served by the City of Fort Walton Beach as of the effective date of Ordinance No. 452 of the City of Fort Walton Beach.

SECTION 6: All units in existence in the Town of Cinco Bayou, whether dwelling or business or which are constructed in the future that are not currently connected up directly to the City system will be required to pay separate water and connection deposits. Units being served by the system now connected to a two-inch meter serving Oakland Trailer Court will not be considered as receiving water from the City on the effective date of Fort Walton Beach Ordinance No. 452.1, which will prevent units other than the trailer park being served on the one water line.

SECTION 7: That the meter deposit of multiple units in the Town of Cinco Bayou now being served will be double the minimum monthly bill but not less than \$15.00.

SECTION 8: Every person residing in the Town of Cinco Bayou, Florida, who owns or occupies a structure using water shall connect to the water system installed or to be installed by the City of Fort Walton Beach under this franchise with the Town of Cinco Bayou within the limits of the Town of Cinco Bayou at such time as such water system becomes available to each particular resident.

SECTION 9: The connection fee and meter fee payable by the aforesaid residents shall be equal to the charge made by the City of Fort Walton Beach to its residents at the time such connection is made or at such time as the meter deposit is deposited with the City of Fort Walton Beach.

SECTION 10: The Town of Cinco Bayou, Florida, does and it hereby grants to the City of Fort Walton Beach, Florida, easements for all water lines, on, through and along rights-of-way in the Town of Cinco Bayou, Florida, without cost to the City of Fort Walton Beach, Florida; provided, however, the City of Fort Walton Beach, Florida, will, at its cost, repair all damage to such rights-of-way occurring in the installation, maintenance or operation of its water lines in such rights-of-way and shall indemnify the Town of Cinco Bayou, Florida, against all liability for damage to the property of third persons caused by the City of Fort Walton Beach or its agents and employees in the installation, operation or maintenance of its water lines within the limits of the Town of Cinco Bayou, Florida. The City of Fort Walton Beach shall, within a reasonable time after adoption of this Ordinance, begin installation of a water system within the limits of the Town of Cinco Bayou, which system shall meet all applicable local, state and federal requirements.

SECTION 11: The Town of Cinco Bayou, Florida, does and hereby grants the City of Fort Walton Beach, Florida, a franchise for a period from date hereof until March 1, 1981, to furnish water service to water users residing within the town limits of the Town of Cinco Bayou, Florida, in accordance with the terms hereof. Provided, however, the Town of Cinco Bayou shall have an option to renew this franchise on the same terms and provisions for an additional fifteen (15) years thereafter.

SECTION 12: No water user residing within the town limits of Cinco Bayou, Florida, shall run a water line to an adjacent water user without the consent of the City of Fort Walton Beach.

SECTION 13: The person occupying or owning real property serviced by water furnished by the City of Fort Walton Beach shall be liable for damage to any water meters located on private property and for damage to any portion of the water system installed by the City of Fort Walton Beach which meter or property has been negligently or willfully or maliciously damaged. The City of Fort Walton Beach shall be empowered to sue persons liable under this ordinance for such damage directly and in its own name and recover their lawful damages for the same.

SECTION 14: Trailer parks within the Town limits of the Town of Cinco Bayou shall be charged in accordance with the rates charged to trailer parks in the City of Fort Walton Beach, Florida, plus a premium of 25% as prescribed in Section 2 of this Ordinance.

SECTION 15: No person, unless properly authorized by written permission of the City Engineer of Fort Walton Beach, Florida, shall be permitted to tap or make any connection to the mains or distribution system or water pipes of the Cinco Bayou City Water System.

SECTION 16: Application for water service shall be made at the Fort Walton Beach City Hall upon an application form provided by such City. The applicant shall furnish a description of the property to which service is requested.

SECTION 17: No person, except duly authorized members of the Water Department of the City of Fort Walton Beach shall hereafter be permitted to turn on water without written permission of the Superintendent of the Fort Walton Beach Water Distribution System, the Fort Walton Beach City Engineer, or the Fort Walton Beach City Manager. No licensed plumber will be permitted to turn on water for any user except for the purpose of testing his work, service pipe or fixture. After testing these, he shall immediately turn off the water. All applicable connection fees shall be paid to the City of Fort Walton Beach before connection shall be made and the City shall make the connection at its cost.

SECTION 18: The applicant, user or owner of the property serviced by city water shall be responsible for maintaining

the water pipes between the plumbing fixtures on the property to the property line or water meter in good operating condition and free from all internal obstructions.

SECTION 19: It shall be unlawful for any person to use water within the town limits of Cinco Bayou after the water has been turned off by the City of Fort Walton Beach for non-payment, and said person or persons in possession of the premises shall be deemed to have violated the provisions of this Section.

SECTION 20: Each person, firm or corporation using water within the town limits of Cinco Bayou, Florida, furnished by the City of Fort Walton Beach shall pay to the City of Fort Walton Beach a fee of \$5.00 to turn on the water where the water has been turned off by the City of Fort Walton Beach for the non-payment of a water bill.

SECTION 21: Any violation of the provisions of this Ordinance shall be considered a misdemeanor and shall subject the offender to punishment by a fine not exceeding \$200.00 or imprisonment not exceeding 60 days or by both such fine and imprisonment. Each day any such violation shall continue shall constitute a separate offense. The authorities of the Town of Cinco Bayou, Florida, agree to cooperate with the authorities of the City of Fort Walton Beach, Florida, in the prosecution of any violations hereof.

SECTION 22: All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 23: If any section, portion or clause of this ordinance, for any reason, shall be void, inoperative or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remaining sections or provisions.

SECTION 24: This ordinance shall be enacted as an emergency ordinance without the necessary readings and public notices required by Florida Statute 166.041 (3) (A) because of the deadline for use of federal funds by the City of Fort Walton Beach, Florida, for the installation of additional

water lines.

SECTION 25: This ordinance shall take effect immediately upon passage hereof.

PASSED AND ADOPTED BY A TWO-THIRDS MAJORITY THIS \_\_\_\_\_ DAY OF OCTOBER, 1977.

\_\_\_\_\_  
Jim Kendrick, III, Mayor  
Town of Cinco Bayou, Florida

ATTEST:

\_\_\_\_\_  
James O. Godwin, Sr., Town Clerk

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF OCTOBER, 1977.

\_\_\_\_\_  
Winston G. Walker, City Manager  
City of Fort Walton Beach, Florida

ORDINANCE NO. 59

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING ORDINANCE ADOPTED AUGUST 3, 1964, BY THE TOWN OF CINCO BAYOU, FLORIDA; BEING AN ORDINANCE ESTABLISHING A ZONING PLAN WITHIN THE TOWN OF CINCO BAYOU, FLORIDA; CREATING THREE DISTRICTS, REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES OR OTHER PURPOSES, THE HEIGHT AND SIZE OF STRUCTURES, THE SIZE OF OPEN SPACES FOR LIGHT AND VENTILATION; ADOPTING A MAP OF SAID DISTRICTS, DEFINING TERMS USED; PROVIDING FOR THE ADJUSTMENT, ENFORCEMENT AND AMENDMENT THEREOF, DESCRIBING PENALTIES FOR VIOLATIONS THEREOF, SAID AMENDING ORDINANCE CHANGING THE BOUNDARIES OF THE R-1 "MULTIPLE FAMILY DWELLING DISTRICT" WITH RESPECT TO BLOCKS 4 and 5, CINCO BAYOU SUBDIVISION TO C-1 "LIMITED COMMERCIAL DISTRICT" UPON THE OFFICIAL ZONING MAP ADOPTED AUGUST 3, 1964; SEVERING INVALID PORTIONS OF SAID AMENDED ORDINANCE; REPEALING ORDINANCES INCONSISTENT WITH SAID AMENDED ORDINANCE AND PRESCRIBING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED by the Town Council of the Town of Cinco Bayou, Florida, as follows:

SECTION 1: From and after the effective date of this ordinance, Section 3 of that ordinance adopted August 3, 1964, creating various districts in the Town of Cinco Bayou, Florida, be and it is hereby amended to change the districts designated on this zoning map and accompanying the foregoing ordinance of August 3, 1964, so as to redistrict the following described blocks:

Blocks 4 and 5, Cinco Bayou Subdivision, according to plat thereof on record in the public records of Okaloosa County, Florida,

from an R-1 "Multiple Family Dwelling District" to a C-1 "Limited Commercial District" zoning designation. The boundaries of the district reflected upon the map accompanying the original zoning ordinance dated August 3, 1964, as amended, are hereby changed upon the map accompanying such ordinance and made a part thereof and shall be designated the "Official Zoning Map of the Town of Cinco Bayou, Florida," dated August 3, 1964. Said map and all other notations, references and other information shown thereon are as much a part of this ordinance as if the information set forth thereon were fully described and set out herein.

SECTION 2: Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the

ordinance as a whole or any part thereof, other than the parts so declared to be invalid.

SECTION 3: All ordinances or partial ordinances in conflict herewith by the Town of Cinco Bayou, Florida, are hereby repealed.

SECTION 4: This ordinance shall become effective immediately upon the passage and approval by the Mayor.

ADOPTED the 20<sup>th</sup> day of October, 1977.

APPROVED:

Clude James Kendrick  
Mayor

ATTEST:

James O. Godwin Sr.  
Town Clerk

TOWN OF CINCO BAYOU  
OFFICIAL BALLOT  
October 4, 1977

FOR COUNCILMAN - PLEASE VOTE THREE - ONLY.

IRENE E. BALSLEY----- (30)  
W. E. OVERSTREET----- (20)  
RALPH J. PERRY----- (31)  
MAX O. USREY----- (32)

REFERENDUM

Proposed amendment to Section IV (E) (3)  
of the Charter of the Town of Cinco Bayou,  
Florida, providing for the elimination of  
the election of the Town Marshal and pro-  
viding for the appointment of a Town Marshal  
by the Town Council, to perform such duties  
for such term and for such compensation as  
the Council by ordinance shall provide.

FOR----- (35)  
AGAINST--- (4)

ELECTION OFFICIALS CERTIFICATE

We, the undersigned officials of the Election of the  
Town of Cinco Bayou, Florida, do hereby certify the above  
results, this 4th day of October 1977.

CLERK:

Abbie Syner

INSPECTOR:

Adelia Robbalee

INSPECTOR:

Rhelia Breaner

STATE OF FLORIDA  
COMMISSION ON ETHICS

DISCLOSURE OF CONFLICTS OF INTEREST  
BY PUBLIC OFFICERS IN VOTING SITUATIONS

(Section 112.3145(1) (c), F.S., as created by Ch. 74-177, Laws of Florida, 1974)

Name: Harold F. Peek Telephone: 243-3519

Address: 254 Seaway Cinco Bayou Okaloosa  
(street) (city) (county)

Title or Position: Council Member

Governmental Body: Town Council of Cinco Bayou Florida

Present Term Began: November 1, 1976  
(month) (year)

Present Term Ends: October 31, 1978  
(month) (year)

If any matter coming before you for voting consideration by you in your official capacity directly or indirectly inures to your particular private gain as opposed to your private gain as a member of a special class, or creates a conflict between your private interests and your public duties, explain either:

- a. How the matter under consideration will inure to your particular private gain:

Proposed ordinance to relone Blocks 4 & 5,  
Cinco Bayou s/d from R-1 residential to C-1 limited  
commercial affects land (Lot 1 Blk.4) owned by me and could  
increase value of my property.

OR

- b. How the matter being considered will create a conflict between your private interests and your public duties:

See above

27 Oct 77  
(Date of Filing)

Harold F. Peek  
(Signature of Person Disclosing)

Under provisions of Chapter 74-177, Laws of Florida, intentional violation of any disclosure requirement shall constitute grounds for dismissal from employment, removal from office or removal from the ballot.

NOTE: Questions concerning this form or Chapter 74-177, Laws of Florida, may be directed to: State of Florida, Commission on Ethics, P. O. Box 6, Tallahassee, Florida, 32302.

# Cinco Rezones Land For Commercial Use

By SHEILA WELSH  
Daily News Staff Writer

Cinco Bayou town commissioners rezoned two blocks of formerly residential property Thursday to accommodate future commercial ventures along Kidd's Bayou. The 3-2 vote authorizing a change in the zoning of Blocks Four and Five were made



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over the protests of 73-year-old Vera Prichard.

The Lucille Street resident owns 200 feet of waterfront property that she argues should remain residential.

Council members Phil Johnston and Max Usrey opposed the change in zoning designations, while Irene Balsley, W.E. Overstreet and Harold Peek supported the motion. Peek owns property in one of the rezoned blocks, according to town officials.

Although she is not the only affected property owner opposed to the zoning change, Prichard's protests have been the strongest.

"I do not wish to see the little town of Cinco Bayou set the precedent for destroying the world's beauty and ecology," she told council members Thursday.

"I think it unethical that this council chose to lump zoning both these blocks together — one is waterfront and one is internal — that's an important difference," she added. "It's like slipping a good bill in to get a bad bill through."

Cinco Mayor Jim Kendrick criticized Prichard's repeated remarks concerning an "unethical" decision. "Everything has been in the sunshine and above-board," the mayor said. "I resent you saying otherwise."

Prichard told reporters following Thursday's brief public hearing that the council's "unethical" actions did not deal with unlawful acts, but with the board's "complete disregard for the beauty and quality of nature."

Prichard told council members she would take her protests to Circuit Court if

# Cinco Bayou Voters Elect Council Today

News-Journal Bureau

FORT WALTON BEACH — Three Cinco Bayou council seats will be up for grabs today with voters asked to make their choices from a slate of four.

Elections will be held in the Cinco Bayou Town Hall from 7 a.m. until 7 p.m.

The four candidates are:

- Irene E. Balsley
- W.E. Overstreet
- Ralph J. Perry
- Max Om Usrey

The current mayor of Cinco Bayou, James Kendrick, is unopposed.

Also on the paper ballot is a referendum eliminating the election of the town marshal, making it an appointive rather than elective position.

The city council seats are for two years and the mayor's post is for one year.

# Cinco Bayou Elects Officials

Forty-one Cinco Bayou voters went to city polls Tuesday and elected three councilmen from a field of four, and re-elected their mayor who ran unopposed.

Incumbent Irene Balsley was re-elected to her post as councilwoman for the fifth term, collecting 30 votes.

Ralph J. Perry, who sought election for the first time, gathered 31 votes to gain his council seat.

The second incumbent in the race, Mike O. Usrey, tallied 32 votes to gain his council post.

The lone incumbent to be unseated in the Tuesday race was W.E. Overstreet, who logged only 20 votes of the 41 cast.

Mayor Jim Kendrick will again take up the gavel for the tiny municipality after finding no opposition on Tuesday's ballot.

Also approved by a 35 to 4 vote was a proposed amendment to the town charter which eliminated the town marshal's post from the elected office ledger and made it an appointive post.

The new councilmen will take office Nov. 1 and serve a two-year term. The next meeting of the council is scheduled for Oct. 20.

# Cinco Bayou Voters Pick Councilmen

By JIM SHOFFNER  
Daily News Staff Writer

The voters of Cinco Bayou will go to the polls today to elect a mayor and three councilmen in a race that will have only one loser.

The loser will be one of the four council candidates running for the three available town council seats.

Incumbent Irene Balsley is seeking her fifth two-year term on the council, while Max Usrey and Will Overstreet both are seeking second terms. Ralph Perry, a newcomer to Cinco Bayou politics, also is seeking one of the council seats.

Mayor Jim Kendrick is running without opposition for his second one-year term.

Cinco Bayou's 135 registered voters will also vote today on a referendum to change the town marshal's position from an elective to an appointive one.

Voting will take place from 7 a.m. to 7 p.m. at the Cinco Bayou Town Hall, located on Kelly Avenue. During the election, no regular business will be conducted at the town hall.

# Cinco Bayou Council Elected

News-Journal Bureau

CINCO BAYOU — Voters here Tuesday elected three town councilmen and overwhelmingly passed an amendment to the charter making the post of town marshal appointive rather than elective.

Councilmen elected were Max Usrey, 32 votes; Ralph J. Perry, 31 votes; and Irene E. Balsley, 30 votes.

W.E. Overstreet, who was seeking a second two-year term, polled 20 votes.

Mayor Jim Kendrick was unopposed for his second one-year term.

The vote gave Balsley her fifth two-year term on the council. Usrey was seeking a second two-year term and Perry was a newcomer.