

MINUTES OF REGULAR MEETING
TOWN COUNCIL

OCTOBER 20, 1980

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

ROLL CALL: Present: Councilman Johnston Councilman Davis
Councilman Peek Councilman Perry (late)

Also Present: Town Clerk Borchik Joe M. Petro
Town Attorney Powell Marna L. Miles
Town Engineer Burt Mel Odum
Town Recorder Hembree Steve Chew-PGDN
Ruth Kelley Howard Kelley
Kitti Buckelew Susan Johnston
Simone Sakey Phillip Sakey
Charles Laginess Pat Laginess
Dick Bixby Mr. Perez (late)

Absent: Mayor Balsley

SILENT PRAYER

1. MINUTES. Councilman Peek moved to accept the minutes as written, for the September 2, September 15, September 17 and September 24 meetings, seconded by Councilman Johnston. The motion carried unanimously.
2. FINANCIAL STATEMENT - SEPTEMBER 1980. Councilman Johnston moved to accept the financial statement as presented, seconded by Councilman Peek. The motion carried unanimously.
3. TRAFFIC LIGHT, EGLIN PARKWAY AND YACHT CLUB DRIVE. Mayor Pro Tem Usrey opened the discussion by presenting the DOT proposal for a new traffic light controller for the Eglin Parkway and Yacht Club Drive intersection. The proposal states that the estimated cost of the new controller is approximately \$7,000.00, and the Town's share will be \$2,800.00, with delivery to be within 60 days. The Town must also pay for the cost of installation. Following the discussion pertaining to the need for a new controller and the use of a permissive left turn signal, Councilman Peek moved to accept the DOT proposal and to pay the Town's share (\$2,300.00) of the controller. Councilman Perry arriving at this point, stated that although he agrees that a new traffic light controller is needed for the intersection, he is against the use of a permissive left turn for this intersection. Following a short discussion, Councilman Peek amended his motion to prohibit the use of a permissive left turn signal, seconded by Councilman Perry. Before the motion came to a vote, Town Attorney Powell informed the Council that the proposal package received from DOT includes a draft resolution for the Town's use in formalizing the acceptance of the DOT proposal. The motion carried unanimously.

4. MR. PEREZ - BOTTLE CLUB, 85 BEAL PARKWAY. Mr. Perez was not present and Simone Sakey addressed the Council. The parking requirements for the club were discussed. It appears that there is insufficient parking space for a club of this nature. The ordinances state that there shall be one parking space for every four members. Mrs. Sakey informed the Council that they have permission to use the 300' x 300' area behind the building for parking. At the October 13, 1980, Council as Committee, Mr. Perez was asked to provide the Council with drawings indicating the proposed parking plan. As of this meeting, no plans have been received. Councilman Davis moved that this matter be tabled until the Council receives plans and has a chance to review them, seconded by Councilman Johnston. The motion carried unanimously. Mayor Pro Tem Usrey informed Mrs. Sakey that this matter will be brought up at the next meeting, November 10, 1980, and that plans must be submitted before that time.

5. WARNER CABLE - REQUEST FOR RATE INCREASE. Mr. Joe M. Petro, Area Manager for Warner Cable, Marna L. Miles and Mel Odum were present to answer questions from the Council. Councilman Johnston opened the discussion questioning Warner Cable's approach of raising rates rather than seeking tax relief. Mr. Petro indicated that the rate increase was the best avenue for their purpose. Councilman Peek then asked if through the rate increase, service would be improved. He explained that after moving into a new Townhome project on Opp Boulevard, he and other tenants waited two months for Cable T.V. service. Mr. Odum explained various problems that could cause such a delay. Following the discussion on service, Councilman Johnston suggested a rate increase of 6 percent. Mr. Petro explained that this would not help them, and that a 10 percent increase was the lowest they could accept. Councilman Johnston then moved that the Council grant the request for a 10 percent hike in rates, seconded by Councilman Peek. The motion carried unanimously.

6. MR. RAYNOR - WFRPC. Mr. Raynor from the West Florida Regional Planning Council appeared before the Council and prior to presenting the 208 Plan, outlined the basic functions and roles of the WFRPC. Mr. Raynor then explained the 208 Clean Water Plan. This plan and the federally mandated update process has been successful in assisting local elected officials in the fight against water pollution and to restore fishable and swimmable water. The U.S. Environmental Protection Agency (EPA) is now requiring that each local government within the 208 planning area adopt a resolution or letter of "willingness to proceed". Simply, this resolution or letter defines what each government is going to do to implement the 208 Plan. Mr. Raynor also informed the Council that failure to comply with the EPA requirement could possibly result in the loss of eligibility for Federal Revenue Sharing Funds! Mr. Raynor then passed out a package containing information concerning Cinco Bayou's requirements for support of the 208 Plan. After a lengthy discussion, Mayor Pro Tem Usrey informed Mr. Raynor that the Council would review the package and it will be discussed for action at the next meeting. Mr. Raynor was invited to attend the November 10, 1980, Council as Committee meeting.

7. COMMITTEE REPORTS.

Streets/Sidewalks - Councilman Davis. No report.

Health/Waterfront - Councilman Johnston. No report.

Finance - Councilman Peek. The Council was reminded of a Special Meeting and Public Hearing at 5:00 P.M., November 5, 1980 for the purpose of approving the proposed millage rate. Following a short discussion, Councilman Perry moved to agree to a budget based on a millage rate of 4.478 mils, seconded by Councilman Peek. The motion carried unanimously.

Parks - Councilman Perry. No report.

Utilities - Councilman Usrey. Councilman Usrey said the water and sewer negotiations were coming along slowly.

8. CLERK'S REPORT.

Audit - Town Clerk Borchik informed the Council that the audit is progressing and todate, all desired information has been provided to the auditors.

Christmas Decorations - The Christmas Decorations have been ordered and should be delivered by Thanksgiving. Arrangements are being made for electrical wiring and decoration placement.

Copier - Town Clerk Borchik stated to the Council that the Savin copier that was on trial use in the Town Hall, has the best price and service contract. The new machine could be delivered in three to four weeks. The Copy Products salesman will also help the Town to find a buyer for the Toshiba copier the Town now uses. Councilman Davis moved that since money for the copier was already in the budget, the Town should purchase the Savin copier, seconded by Councilman Johnston. The motion carried unanimously.

9. ANNOUNCEMENTS. At this point, Mr. Perez (Bottle Club, Agenda Item) arrived and requested to address the Council. Councilman Perry recommended that Mr. Perez present his plans at the Council as Committee meeting on November 10, 1980. Mayor Pro Tem Usrey informed the Council that membership dues will be sent to the Florida League of Cities and the Southern Building Code Congress International, Inc. These memberships are currently funded in the budget.

10. OATH OF OFFICE - COUNCILWOMAN KELLEY, COUNCILMAN PEEK. Town Attorney Powell administered the Oath of Office to Councilwoman Kelley and Councilman Peek. The new Councilmembers will assume office on November 1, 1980.

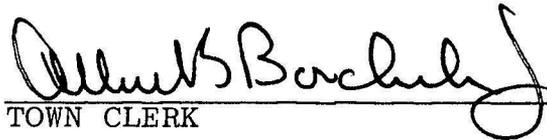
11. PLAQUE. Councilman Davis moved that the Town secure and present a plaque to Councilman Johnston for his years of service to the Town of Cinco Bayou, seconded by Councilman Peek. The motion carried unanimously.

12. ADJOURNMENT. The Council adjourned at approximately 8:40 P.M. on Monday, October 20, 1980.



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.

Warner Cable Rate Hike Gets Okay in Cinco Bayou

By STEVE CHEW

Daily News Staff Writer

Faced with the possibility of losing cable TV service in their town, Cinco Bayou councilmen Monday night approved Warner Cable's request for a 10 percent rate hike.

Beginning Dec. 1, Town Clerk Al Borch said, monthly cable service charges for Cinco Bayou residents will rise from \$7.00 to \$8.25.

The spectre of losing cable TV service arose during Monday's meeting when Councilman Ralph Perry asked Warner representative Joe Petro what would happen if the town refused to grant Warner the rate hike it wanted.

Petro did not say Warner would drop Cinco Bayou if the hike were denied. He did say that in similar cases, when a small town has denied a hike while nearby municipalities approved it, that town usually has lost its cable service.

Before the request was granted, Councilman Phil Johnston suggested that Warner Cable seek tax relief from the federal government instead of asking for an increase in service charges to cable users.

"Why did you have to come to the buyers of your product for the increase instead of getting your federal tax reduced?" Johnston asked Petro.

Petro responded: "That's a dead alley. There is no recourse. For us to get them to change a corporate law for us is an impossible task. We couldn't do it."

Johnston said Warner officials "go the path of least resistance" by going to the people for a rate hike.

The council also chided the cable TV firm for poor service.

Councilman Harold Peck complained that Warner Cable took two months to have service installed at 14 new

townhouse units on Opp Boulevard.

Petro said the delay was caused because new extensions must be approved in Warner's regional office and sometimes at the home office in New York.

"When you don't get service I want to know about it," Petro said.

Petro and two Warner Cable representatives who accompanied him said their firm gets an average of between 450 and 525 complaints a month from its 28,000 local subscribers.

In an unrelated matter, council members again were threatened with losing the town's eligibility for federal grant money if they don't implement water pollution controls.

D.T. Raynor, a West Florida Regional Planning Council planner, said the federal government requires municipalities to pass resolutions spelling out what water pollution control steps they hope to accomplish.

Raynor asked council members to okay a resolution he supplied that says the town "shall be responsible ... to fund 203 Continuing Planning Program budget activities of the West Florida Regional Planning Council."

The 1988 Clean Water Plan names Cinco Bayou as an agency to regulate water pollution in its boundaries.

Raynor also supplied several controls he suggested be implemented:

- Adopt and enforce Cinco Bayou's comprehensive plan.

- Limit the town's capital investments in flood-prone areas.

- Adopt and enforce a sedimentation and erosion control ordinance.

- Modify the zoning ordinance to make it consistent with the town's comprehensive plan.

PLAYGROUND
Daily News
"A Florida Freedom Newspaper"

Published Daily

Fort Walton Beach, Florida

State of Florida

County of Okaloosa

Before the undersigned authorized personally appeared _____

Dorothy Buffington

_____, who on oath says that (s)he

Secretary

is _____ of the Playground Daily News, a daily

newspaper published at Fort Walton Beach, in Okaloosa County, Florida; that

the attached copy of advertisement, being a Legal

in the matter of _____

Town of Cinco Bayou/Notice of Public Hearing

in the _____

Court, was published in said newspaper in the issues of _____

October 16, 1980

Affiant further says that the said Playground Daily News is a newspaper published at Fort Walton Beach, in said Okaloosa County, Florida, and that the said newspaper has heretofore been continuously published in said Okaloosa County, Florida, each day, and has been entered as second class mail matter at the post office in Fort Walton Beach, in said Okaloosa County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that (s)he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Dorothy Buffington

17th

Sworn to and subscribed before me this _____ day of

October

80

_____, A. D. 19_____

Mary Leggett

Notary Public, State of Florida at Large

My Commission Expires MAY 9, 1984

Leg. 9748

TOWN OF CINCO BAYOU
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Cinco Bayou, Florida, will hold a public hearing in the Town Hall, 35 Kelly Avenue, Cinco Bayou, at 5:00 P.M. November 5, 1980 to consider the proposed Operating Millage Levy and Budget for the fiscal year ending September 30, 1981. The proposed millage levy and budget may be inspected at the Cinco Bayou Town Hall and all interested parties may appear at the public hearing and be heard with respect to the proposed millage levy and budget.

ALBERT S. BORCHIK, JR.
Town Clerk

9748 October 16, 1980

PLAYGROUND
Daily News
"A Florida Free Press Newspaper"

Published Daily

Fort Walton Beach, Florida

State of Florida

County of Okaloosa

Before the undersigned authorized personally appeared _____

Dorothy Buffington

_____, who on oath says that (s)he

is Secretary of the Playground Daily News, a daily

newspaper published at Fort Walton Beach, in Okaloosa County, Florida; that

the attached copy of advertisement, being a Legal

in the matter of _____

Town of Cinco Bayou Notice to Public

in the _____

Court, was published in said newspaper in the issues of _____

October 8, 1980

Affiant further says that the said Playground Daily News is a newspaper published at Fort Walton Beach, in said Okaloosa County, Florida, and that the said newspaper has heretofore been continuously published in said Okaloosa County, Florida, each day, and has been entered as second class mail matter at the post office in Fort Walton Beach, in said Okaloosa County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that (s)he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Dorothy Buffington
13th

Sworn to and subscribed before me this _____ day of

October

80

A. D. 19

Mary Leggett

Notary Public, State of Florida at Large

My Commission Expires MAY 9, 1984

Leg. 9720:

TOWN OF CINCO BAYOU
NOTICE TO PUBLIC

In accordance with general revenue sharing regulations (31 CFR 51.12 (1977)) a "Survey of Federal General Revenue Sharing and Antirecession Fiscal Assistance Expenditures" during FYE 1979-80 has been filed with the Bureau of Census.

This report of the use and manner in which these funds were actually used is available for inspection by the public at the Town Hall, 55 North Avenue, Cinco Bayou, Florida, between 8:00 A.M. and 5:00 P.M. Mondays through Fridays.
ALBERT S. BOZCHUK, JR.
Town Clerk

October 8, 1980

PLAYGROUND
Daily News
A Florida Freedom Newspaper

Published Daily

Fort Walton Beach, Florida

Leg: 9713
TOWN OF CINCO RAYOS
NOTICE TO PUBLIC
In accordance with general revenue sharing regulations (21 CFR 51.12 (1977)) and "State of Florida General Revenue Sharing Act of 1978" (Antirecession Fiscal Assistance Expenditure) during FY 9-30-79 has been filed with the Bureau of Census.
This report on the use and manner in which these funds were actually used is available for inspection by the public at 101 Town Hall North Avenue, Suite 200, Florida Beach, Bldg. A.M. 8:00-5:00 P.M. Monday, Tuesday, Friday.
ALBERT S. BOSCHIK, JR.
Town Clerk
Oct 6, 1980

State of Florida
County of Okaloosa

Before the undersigned authorized personally appeared _____
Dorothy Buffington _____, who on oath says that (s)he
is _____ Secretary _____ of the Playground Daily News, a daily
newspaper published at Fort Walton Beach, in Okaloosa County, Florida; that
the attached copy of advertisement, being a _____ Legal _____
in the matter of _____
Notice to Public _____
in the _____
Court, was published in said newspaper in the issues of _____
October 6, 1980

Affiant further says that the said Playground Daily News is a newspaper published at Fort Walton Beach, in said Okaloosa County, Florida, and that the said newspaper has heretofore been continuously published in said Okaloosa County, Florida, each day, and has been entered as second class mail matter at the post office in Fort Walton Beach, in said Okaloosa County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that (s)he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Dorothy Buffington
_____ 8th

Sworn to and subscribed before me this _____ day of
October _____ 80

_____, A. D. 19____

Mary Leggett

Notary Public, State of Florida at Large

My Commission Expires MAY 9, 1984

2 Retained, 1 Ousted In Cinco Balloting

Cinco Bayou voters returned Irene Balsley to the town mayor's seat, elected a new councilwoman and ousted an incumbent councilman by two votes in Tuesday's town elections.

Balsley, a former town clerk who was appointed to the mayoral position last November when Mayor Jim Kendrick resigned, ran unopposed in Tuesday's election.

In the contest for two town council seats, newcomer Ruth Kelley pulled in 51 of 72 votes cast in the at-large election. Incumbent Councilman Harold Peek retained his post by receiving the second highest number of votes, 27.

Incumbent Councilman Phil Johnston missed being re-elected by just two votes, receiving 25. The fourth town council candidate, William Dumka, finished last with 24 votes.

Town Clerk Al Borchik said 69 people showed up at the town hall to cast votes Tuesday. Three voters submitted absentee ballots. With 107 registered voters in Cinco Bayou's Precinct 27, the voter turnout was pegged at 67 percent.

Johnston said Tuesday night he is "glad to see some new blood. I'm glad to see Mrs. Kelley elected." He added that he was pleased by the high turnout: "I'm glad to see the people are interested."

Dumka said only that "it was close."

Neither Kelley nor Peek — two winners — could be reached for comment late Tuesday.

Leg:9713

TOWN OF CINCO BAYOU
NOTICE TO PUBLIC

In accordance with general revenue sharing regulations (31 CFR 51.12 (1977)) a "Survey of Federal General Revenue Sharing and Antirecession Fiscal Assistance Expenditures" during FYE 9-30-70 has been filed with the Bureau of Census.

This report on the use and manner in which these funds were actually used is available for inspection by the public at the Town Hall, 35 Kelly Avenue, Cinco Bayou, Florida between 8:00 A.M. and 5:00 P.M. Mondays through Fridays.

ALBERT S. BORCHIK, JR.
Town Clerk

Oct 6, 1980.

Warner Requests Hike In Cinco Bayou Rates

By STEVE CHEW
Daily News Staff Writer

Warner Cable officials on Monday formally requested a 10 percent hike in cable TV rates for Cinco Bayou residents, and came under pointed questioning by town council members.

Warner representative Joe Petro, accompanied by two other Warner officials, appeared before Cinco Bayou's council-as-committee meeting to ask for an increase in monthly service charges from \$7.50 to \$8.25.

Action on the request is expected at next Monday's council meeting.

Last week Shallmar officials labeled a similar request after town commissioners and residents complained of poor service by Warner.

"We're only trying to keep up with inflation," Petro said Monday night, giving Warner's reasons for wanting a rate increase. He said that since the last rate hike the cost of electronic parts has gone up 20 percent.

Petro added that the only way to avoid a rate increase would be to "cut a corner somewhere."

Councilman Phil Johnston, saying Warner Cable pays 48 percent of its net profits in federal income taxes, suggested that Warner look for tax relief instead of increasing local subscribers' bills.

Mayor Irene Balsley also warned cable officials that many of Cinco Bayou's residents are elderly and live on fixed incomes. She said even small rate increases might not be affordable.

Council members questioned Warner's investment into Channel 6, which broadcasts from a local studio.

Petro said Channel 6 is "sort of a sore spot" that is "very costly." He added that although the Federal Communications Commission no longer requires a "public access" station such as Channel 6 for firms the size of the local Warner Cable office, the station re-

mains as a "public relations" measure.

"We're not trying to rob anyone," Petro said. He added that cable TV is actually a luxury item.

Petro said Fort Walton Beach and Mary Esther are still considering rate increases. Although Fort Walton Beach initially turned down a rate hike, he said, city officials are reconsidering after Warner released additional financial statements.

In an unrelated matter, Councilman Johnston, after reading an engineer's report supplied by S.J. Otinger Jr. Construction Co. of Boaz, Ala., said it is likely that sewage pipes on the Cinco Bayou Bridge could drop due to faulty hangers and spill sewage into the bayou.

Recent inspections of the Cinco Bayou Bridge and Brooks Bridge have revealed that several hangers are cracked. Otinger was the contractor involved in the installation of the hangers.

"The danger is there," Johnston said Monday night.

Town Engineer Miller Burt said that if the the hangers had been "properly fabricated" they would not have cracked.

"You don't have to worry about those pipes falling in the bayou," Burt said. He added that the hangers would be replaced but that "we're just adding safety factors to safety factors."

In other action Monday, Town Clerk Al Borchik said last Tuesday's public acceptance of the homestead exemption measure resulted in a reduction of \$310,000 in town property values.

Borchik said that under the exemption measure the town now has \$9,077,000 in taxable property. Borchik said the exemption measure dropped the town's millage rate from about 4.93 to 4.43. He said the lower millage rate should yield the same amount of tax dollars as for last year.