

TOWN OF CINCO BAYOU
REGULAR MEETING
OCTOBER 21, 1985

The Regular Meeting of the Town of Cinco Bayou Town Council was called to order by Mayor Usrey at 6:00 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk call the roll.

ROLL CALL

Present: Mayor Usrey
Councilwoman Balsley
Councilman Davis
Councilman Gage

Absent: Councilman Laginess
Councilman Perry

Also Present: Attorney Gontarek Dee Parkton
Jim Conoly Mike Plaster
Sadie Robblee Helen Wren
Abbie Tyner Clerk Borchik
Phillip Wood Secretary Knox

MINUTES - Councilman Davis moved to accept the minutes of September 5, September 9, September 16, and September 25, 1985 Town Council Meetings as written, seconded by Councilwoman Balsley. The motion was unanimously approved.

FINANCIAL REPORT - Councilwoman Balsley moved to accept the financial report for September, 1985, seconded by Councilman Gage. The motion was unanimously approved.

REGULAR BUSINESS

1. Building Permit - Mr. L. Patrick - No action was taken on this item as Mr. Patrick was not present and plans and specifications were not available for Council's review.

2. Building Permit - Mr. Parkton - Mr. Parkton presented the proposed renovation and construction plans for the improvements to the property at 31 Kelly Avenue. Councilwoman Balsley made a motion to approve issuing a building permit to Mr. Parkton for the improvements to be made to the property at 31 Kelly Avenue, seconded by Councilman Davis. The motion was unanimously approved.

3. Utility Tax - Centel - Mr. Conoly - Mr. Conoly, Centel, was present to answer any questions from the Council concerning the recent State Statute concerning telephone utility tax and to review the data prepared by Centel. Following a discussion concerning the Council's choice between the 7% and 10% options for utility tax collections, it was decided to not take any action at this time.

4. Condemned Building - Investments Unlimited - Attorney Gontarek advised the Council that he had spoken with Mr. Ray Deal, County Building Inspector, and it was agreed that the building is a fire hazard and a health hazard and should be removed. The Attorney advised the Council that in accordance with Chapter 8 of the Land Clearance Ordinance which gives the Town the authority to clear any unsightly or unsanitary matter from any property, the Town should pass a resolution, describing the property and give the owners 15 days in which to remove the building or the Town will have it removed and place a lien on the property. Councilwoman Balsley made a motion to direct the Town Clerk to find out the cost of removing the building and send out the second notice advising the owners, seconded by Councilman Gage. The motion was unanimously approved. Councilman Gage then made a motion to amend Resolution No. 86-1 to include the description of the Investments Unlimited property, Lot 12, Block 18, and directing the Town Clerk to send the second notice as described in the Land Clearance Ordinance, seconded by Councilwoman Balsley. The motion carried unanimously on a roll call vote.

5. Condition of Property

A. 39 Garnett Avenue - Investments Unlimited
B. 6 Yacht Club Drive - A. Semenov & R. Cooper
Councilwoman Balsley made a motion to adopt Resolution No. 86-1 as amended, seconded by Councilman Gage. The motion carried unanimously on a roll call vote.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME. None

COMMITTEE REPORTS

Standing Committees

1. Streets & Sidewalks - Councilman Davis, Chairman
No report

2. Parks - Councilman Gage, Chairman - Councilman Gage advised the Council that a large tree was laying over on the boardwalk and needs to be cut. Councilman Gage also advised that weeds are growing up on the log trail. The Clerk advised that the weeds would be cut and more pine straw would be placed on the trail.

3. Finance & Budget - Councilwoman Balsley, Chairman
No report

4. Waterfront - Boat Dock - Councilman Perry, Chairman - No report

5. Civil Defense - Councilman Perry, Chairman
No report

6. Neighborhood Watch - Councilman Laginess,
Chairman - No report

Special Committees

1. Bicycle Path - Councilwoman Balsley, Chairman
No report

2. Building Codes - Councilman Laginess, Chairman
No report

3. Comprehensive Plan - Councilman Perry, Chairman
No report

4. Code of Ordinances - Councilmen Gage & Laginess
No report

ATTORNEY'S REPORT. None

CORRESPONDENCE

1. Letter - League of Women Voters of Okaloosa County
Mayor Usrey advised the Council that a letter had been received from the League of Women Voters asking for a donation to support activities for the coming year. Councilwoman Balsley made a motion directing the Clerk to write a letter to the League of Women Voters, advising them that the Council does not wish to make a donation at this time, seconded by Councilman Gage. The motion was unanimously approved.

2. Letter - John Jay Gontarek, Attorney at Law
Attorney Gontarek advised that each Councilmember has a copy of the letter that was sent to Mr. Denney concerning the container that was placed at the RAM Construction site by Okaloosa Sanitation, Inc. and a copy of Mr. Denney's reply. Following a discussion concerning the garbage franchise in Town, it was decided that no action would be taken at this time.

3. Letter - West Florida Regional Planning Council
Mayor Usrey advised the Council that a letter had been received from the WFRPC concerning the preparation of the Comprehensive Regional Policy Plan to identify issues of regional concern and provide long range guidance for the development of the region, and asking participation of all local governments.

4. Letter - Fort Walton Beach Board of Realtors, Inc.
Mayor Usrey advised the Council that a letter had been received from the Fort Walton Beach Board of Realtors concerning condemnation and private property rights.

CLERK'S REPORT

1. The Clerk advised the Council that as soon as the revised property values for the Town are received, the fire protection bill will be paid to the Ocean City-Wright Fire Control District.
2. The Clerk advised the Council that a letter had been sent to Mr. David Heinrich, County Engineer, asking that the guard rail be included in the work to be done on Yacht Club Drive.
3. The Clerk advised the Council that a letter had been sent to ISO Commercial Risk Services concerning the fire insurance rating for the Town. The Clerk advised that Chief Cobb of the Ocean City-Wright Fire Department would send the desired information to ISO Commercial Risk Services that was requested in their letter.

MAYOR'S ANNOUNCEMENTS. None

There being no further business, the meeting was adjourned at 7:00 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.

October 16, 1985

Mr Al Borchik Town Clerk
Town of Cinco Bayon
Cinco Bayon, Florida

Re: Property 31 Kelly St

Dear Mr Borchik

It would be appreciated if your office would submit the following request to your board for a building permit for the above captioned property.

Request permission for the following improvements:

1. Erect privacy fence on West property line to Right-a-way line
2. Construct parking lot on Kelly Street with drainage directed to storm sewer on Hughes Street.
3. Repair or replace roof - ^{to be?}
4. Install heating and ^{Gas or electric?} air conditioning
5. Enclose and create storage ^{area} of carport, general repair of premises - paint, etc.

Change the appearance of the building per the attached design. There would not be any structural changes only cosmetic to improve the appearance of the property.

Items 2, 3 and 4 would be contracted to licensed contractors

Items 1 and 5 would not be contracted and would be performed by me.

Respectively submitted:

Lee W Parkton
112 Monahan Dr
St. Watson Bch, Fl 32548

Business phone 244-2397

A RESOLUTION FINDING AND DETERMINING THAT CERTAIN DESCRIBED PROPERTY WITHIN THE TOWN IS IN SUCH CONDITION AS TO BE IN VIOLATION OF THE REQUIREMENTS OF CHAPTER 8, CODE OF ORDINANCES, TOWN OF CINCO BAYOU.

WHEREAS, the Town of Cinco Bayou Code of Ordinances specifically outlines the criteria for the maintenance of property within the Town Limits; and

WHEREAS, an inspection of the Town has indicated that the following pieces of property are not being maintained in accordance with the Code of Ordinances;

- A. Semenov and R. Cooper, Lots 17, 18, 19, Block 6;
- Investments Unlimited, Lots 4 and 5, Block 18; and

WHEREAS, the aforementioned lot owners have been notified of the condition of their property and the need for cutting and/or cleaning, and the property has not been cleared or cleaned in accordance with the Code of Ordinances as of this date;

NOW, THEREFORE, upon a motion duly made, seconded and carried, the following resolution was adopted by the Town Council of the Town of Cinco Bayou, Florida

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, THAT THE FOLLOWING ACTIONS BE TAKEN:

The Town Clerk shall serve notice upon the property owners to comply with the requirements of Chapter 8, Code of Ordinances, within fifteen (15) days after serving such notice, and upon the failure of the owner to do so within said fifteen day period to proceed to have the condition remedied. The format for the notice will be as prescribed in Chapter 8, Section 3. If required, the Town Clerk will take those actions required by Chapter 8, Sections 4, 5, and 6.

Adopted this 21st day of October, 1985.

Approved:

MAYOR

Attest:

TOWN CLERK



RECEIVED
10/16/85
1162

LEAGUE OF WOMEN VOTERS OF OKALOOSA COUNTY

508 Mooney Road, Ft. Walton Beach, FL 32548

The League of Women Voters of Okaloosa County is a grass roots organization of local men and women who promote political responsibility at all levels of government, who seek to protect our environment, and who encourage human rights. We do this by providing comprehensive information to the community without partisan bias and by encouraging the citizens to register, to be involved, and to VOTE.

Once a year we make a special appeal for funds. We do accept donations and dues all year, but at this particular time seek county-wide help in raising the money that enables us to reach our objectives of informed and involved citizens. Such an electorate is vital to a healthy community.

We are inviting you to help us to continue our work. For your convenience a self-addressed envelope is enclosed. We feel confident that you will find it possible to make a positive reply to our request. Thank you for your support.

Kay Allen, President
League of Women Voters
of Okaloosa County

Jane Carter, Finance Chairman
League of Women Voters
of Okaloosa County

JOHN JAY GONTAREK
ATTORNEY AND COUNSELLOR AT LAW
92 EGLIN PARKWAY N. E.
P. O. DRAWER 2167
FT. WALTON BEACH, FLORIDA 32549
(904) 243-7184 244-2148

October 15, 1985

Mr. Richard M. Denney
25 Walter Martin Road
Suite 203
Fort Walton Beach, Florida 32549

Re: Cinco Bayou Town Council/Okaloosa Sanitation, Inc.

Dear Richard:

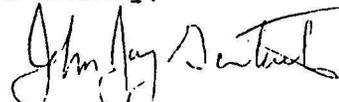
Pursuant to your letter of October 3, 1985 please find enclosed a copy of Resolution number 81-1 and Ordinance number 88. Also enclosed is a copy of the minutes of the regular meeting of September 17, 1984 in which the council approved the transfer of the franchise from Northwest Florida Sanitation to Environmental Waste Systems, Inc. and a letter from the Town Council informing the company of the councils action.

The authority by which the Town granted Northwest Florida Sanitation an exclusive franchise is through Florida Statute Chapter 180.14 and Section III (A), (N), (U) of the Town Charter and Chapter 6 of the Code of Ordinances, and specifically ordinance number 88. The reason an exclusive franchise was granted and Okaloosa Sanitation's container was removed is recited in paragraph number three of Ordinance number 88.

The reason Northwest Florida sought to transfer its franchise to Environmental Waste was because of the corporate takeover of Northwest Florida by Environmental Waste. Environmental Waste is merely fulfilling the contractual obligations of Northwest Florida through April 1, 1987, at that point in time the franchise will terminate and I'm sure the council will entertain proposals or bids from any corporation interested in obtaining the franchise rights. Of course, Cinco Bayou considers many factors in awarding a franchise and will not be obligated to accept the lowest bid on any new franchise.

Should you have any questions please do not hesitate to call.

Sincerely,



John Jay Gontarek
Attorney and Counsellor at Law

JJG/jms

encls.

RECEIVED
10/16/85

JOHN JAY GONTAREK
ATTORNEY AND COUNSELLOR AT LAW
92 EGLIN PARKWAY N. E.
P. O. DRAWER 2167
FT. WALTON BEACH, FLORIDA 32549
(904) 243-7184 244-2148

October 15, 1985

Mr. Al Borchik
Town of Cinco Bayou
Kelly Avenue
Fort Walton Beach, Florida 32548

Re: Letter to Richard Denney

Dear Al:

Enclosed please find a copy of a letter I sent to Richard M. Denney regarding Okaloosa Sanitation, Inc. on the Town of Cinco Bayou's behalf.

If you have any questions regarding this matter please do not hesitate to contact me.

Sincerely,



John Jay Gontarek
Attorney and Counsellor at Law

JJG/jms

encls.

RICHARD M. DENNEY
ATTORNEY AT LAW
25 WALTER MARTIN AVENUE, SUITE 203
P. O. BOX 308
FORT WALTON BEACH, FLORIDA 32549

GENERAL PRACTICE

October 18, 1985

TELEPHONE
(904) 244-5822
244-5833

OUR FILE # 85-1074

John Jay Gontarek, Esq.
P. O. Drawer 2167
Ft. Walton Beach, FL 32549

RE: Cinco Bayou Town Council/
Okaloosa Sanitation, Inc.

Dear Jay:

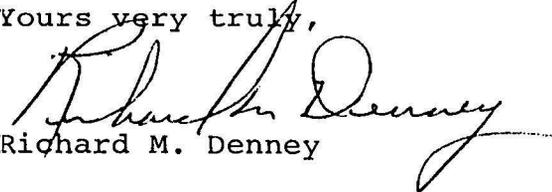
I have your letter and attachments of October 15, 1985 and appreciate same.

In reviewing Resolution No. 81-1, more particularly Section 3, definition section concerning the definition of garbage etc and in general, reviewing the entire package submitted, I fail to find any definition that at least in my opinion that would cover excess building material as generated by a contractor in the construction of dwelling and/or business places.

I also fail to find, pursuant to Florida Statutes, where one company should be excluded to the detriment of another.

We appreciate your assistance.

Yours very truly,


Richard M. Denney

RMD/nw

Rec'd.
10/21/85

WEST FLORIDA REGIONAL PLANNING COUNCIL

1190 WEST LEONARD STREET, SUITE 6 • POST OFFICE BOX 486
PENSACOLA, FLORIDA 32593-0486 • PHONE (904) 433-1459

Daniel F. Krumel
Executive Director

Larry Anchors
Chairman

Helen Ingram
Vice Chairman

October 8, 1985

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

Dear Mr. Usrey;

The West Florida Regional Planning Council is beginning to prepare the Comprehensive Regional Policy Plan (CRPP), as directed by Ch. 186, Florida Statutes. The purpose of the CRPP is to identify issues of regional concern and to provide long range guidance for the development of the region. The CRPP will address the goals and policies of the State Comprehensive Plan and provide a basis for review of local comprehensive plans and for decisions by the regional planning council. The CRPP will include the following twenty-five issue areas:

Education	Coastal and Marine	Public Facilities
Children	Resources	Historic Resources
Families	Natural Systems	Transportation
The Elderly	Air Quality	Governmental Efficiency
Housing	Energy	The Economy
Health	Hazardous Materials	Agriculture
Public Safety	Mining	Tourism
Water Resources	Property Rights	Employment
	Land Use	Plan Implementation

The CRPP is to be completed by December, 1986.

WEST FLORIDA REGIONAL PLANNING COUNCIL

October 8, 1985

Page Two

The West Florida Regional Planning Council requests your assistance and input in formulating the Comprehensive Regional Policy Plan. This letter is the first in a series of requests and briefings you will receive on the progress of the Plan. The participation of all local governments, agencies and community organizations is essential to ensure that the CRPP reflects the goals and objectives of this region.

Regional Planning Council staff for this project are: Lel Czeck, Project Director, Debbie Hall and Carol Strickland, Regional Planners. Please call if you have any questions or comments.

Sincerely,



Lel Czeck

LC:CS:lc



FORT WALTON BEACH BOARD OF REALTORS®, INC.

10 Hollywood Boulevard, S.E., Fort Walton Beach, Florida 32548, Telephone 904-243-6145

RECEIVED
10/17/85
MB

Geary M. Rowell
President

Donald C. Dineen
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Vice President

Eunice D. Smith
Secretary

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Director

Richard J. Montgomery
Director

Jeanne Phillips
Director

Judith A. Thomas
Director

James A. Snyder
Executive Vice President

October 2, 1985

RE: Condemnation & Private Property Rights

TO WHOM IT MAY CONCERN:

The Fort Walton Beach Board of REALTORS is composed of more than 1000 members representing the vast majority of all professionals in the real estate industry in our area. As REALTORS and REALTOR-ASSOCIATES we have pledged to abide by the high standards of integrity and moral conduct required by our Code of Ethics. We are dedicated to the protection and preservation of the free enterprise system and the right of the individual to own property as guaranteed by the Constitution of the United States of America.

Private property rights, which Americans enjoy not only through the U. S. Constitution but the Bill of Rights and common law, are the foundation of the nation's free enterprise system and a quality of life which is unique to America. We believe that the political stability and economic prosperity of the citizens of the United States of America are dependent in large measure on the right of the individual to own real property and to exercise and enjoy the full benefits of that ownership. The Fort Walton Beach Board of REALTORS holds the protection and promotion of private property rights as a top priority.

We oppose actions by governments, groups or individuals which diminish or deny the full and free exercise of these rights. We believe that free enterprise and competition in the market place are the best way to meet consumer demands. We believe the current trend towards condemnation of property without just compensation should be reversed. The burden of proof in justifying condemnation action needs to be placed on the government agency contemplating such action. Private Property owners should be protected from seizure of their property unless such action is clearly in the best interest of the public welfare; never to benefit other private interest.

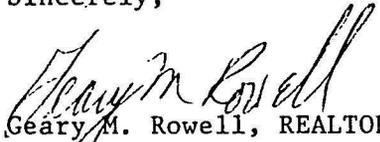
We maintain that every person should have the right to acquire real property with confidence that the value of such property will not be diminished or jeopardized by governmental action at any level

Condemnation & Private Property Rights (Continued)

without just compensation or the owner's expressed consent. We believe in reasonable growth and we maintain that no-growth policies, unrealistic septic requirements, sewer hook-up restrictions and building moratoria by any level of government are not a satisfactory response to community development problems. We support the concept of community planning but we are opposed to restrictions and changes in existing zoning where the effects of such actions significantly undermine the value of the property or the reasonable expectations of the property owners. We maintain that planning for the classification and use of land must adequately consider the needs of housing, agricultural, commercial and industrial growth and include reasonable assurance of environmental safeguards and a high quality of community life.

We are proud to call ourselves REALTORS and REALTOR-ASSOCIATES and to be citizens of this richly blessed community, but above all, we are dedicated to the protection and preservation of the free enterprise system and the right of the individual to own real property. To that end, we offer the benefit of our knowledge of real estate, our experience and our technical facilities to the public in general and government in particular.

Sincerely,



Geary M. Rowell, REALTOR

President of Fort Walton Beach Board of REALTORS

Karen McCarley, REALTOR
Chairman Legislative Committee, Fort Walton Beach Board of REALTORS