

TIME: 7:30 p.m.
November 14, 1974

PLACE: Cinco Bayou Town Council Hall

MEMBERS KENNETH SMITH, Mayor
PRESENT: RICHARD POWELL, Attorney
IVA BOOHER
PHIL JOHNSTON
HAROLD PEEK
ROBERT POWELL

MEMBER IRENE BALSLEY
ABSENT:

OLD BUSINESS:

1. MINUTES OF THE REGULAR MONTHLY MEETING HELD OCTOBER 10, 1974.

Motion was made by Mr. Powell to approve the Minutes of the regular monthly meeting of the Cinco Bayou Town Council held October 10, 1974. Mr. Johnston seconded the motion which was approved by the Council.

2. FINANCIAL STATEMENT FOR OCTOBER, 1974.

Motion was made by Mrs. Booher to approve the Financial Statement for October, 1974. Mr. Johnston seconded the motion which was approved by the Council.

NEW BUSINESS:

3. MARSHAL'S REPORT.

The report from the Marshall was postponed until the next meeting of the Council.

4/3. OKALOOSA GUIDANCE CLINIC REQUEST FOR DONATION.

Due to the absence of a representative from the Okaloosa Guidance Clinic, Mr. Johnston made a motion that this matter be tabled until the next meeting at which time the purpose of the donation could be further explained. Mrs. Booher seconded the motion.

5 -3. ATOMIC EXTERMINATORS, INC., REQUEST FOR ORDINANCE VARIANCE.

An above ground storage tank at Atomic Exterminators, Inc., was considered unsafe during a safety inspection. Mr. Dinkins from Atomic Exterminators, Inc., stated that the safety discrepancies for storage of Class I Flammable Liquids in this tank could be rectified such as bumper guards, warning signs, and wiring; however, to bury the tank it would be necessary to procure a tank suitable for underground use. He had not been able to locate a tank which would be large enough for the amount of liquid he desired to store; therefore, he asked that an ordinance variance be allowed for the above ground tank.

The request was denied. Mr. Powell made a motion that the tank would have to be buried in accordance with the safety inspector's code; however, a 90 day extension to procure a suitable tank was given. Mr. Johnston seconded the motion.

6 -4. FIRST FEDERAL SAVINGS AND LOAN REQUEST FOR LEASE OF TOWN PROPERTY (SEAWAY STREET AND THE RIGHT OF WAY ON BOTH SIDES).

Motion was made by Mr. Peek for the first reading of an ordinance granting the First Federal Savings and Loan Association of Okaloosa County the right to use, erect, maintain, repair, pave, mark, regulate, and supervise public parking facilities in, over, along, across, and upon that public surface otherwise known as Seaway Street in Cinco Bayou, Florida. Mr. Johnston seconded the motion. The ordinance was read and the second reading will be at the next meeting of the Town Council after which it will be published in the newspaper 14 days prior to its adoption. This ordinance would be in effect for 20 years with an option to grant an extension for two ten year terms. There was some discussion as to what regulate and supervise might be interpreted to mean; however, it would not restrict the right of egress or ingress.

7 -5. BUILDING PERMIT REQUEST.

Mr. L. E. Watson, 29 Kelly Avenue, requested a building permit to construct on his property. The plans had been previously studied and a verbal permit was given by Mr. Johnston until he could get the written permit. When Mr. Watson is ready for inspection of the wiring and plumbing, he was instructed to let Mr. Johnston know.

8 -6. SEWER SYSTEM COMPLETION.

Mr. Miller Burt, Polyengineering Representative, stated that the completion of the sewer lines was near. The preliminary inspection had taken place and the final inspection would be November 15, after which the system would be turned over to the town for service. The cost figures will be only slightly above that of the original estimate. He suggested that the town needed some form of liability insurance to cover possible lawsuits in the future. He also suggested that some method be established of repairing pot holes which might develop. He also stated that a temporary road warning sign of some type should be immediately installed over such a hole in the road at the present time. Council decided to take immediate action on this particular problem.

9 ~~7~~ APPROVAL OF PAYMENT TO GREENE CONSTRUCTION CO. OF 90% OF THE PAVING CONTRACT IN THE AMOUNT OF \$6,242.40; APPOINTMENT OF MR. RICHARD H. POWELL AS TOWN ATTORNEY; ADOPTION OF PROPOSED BUDGET FOR 1974-75 FISCAL YEAR AS PRESENTED BY THE BUDGET COMMITTEE; INCREASE IN THE ATTORNEY'S MONTHLY RETAINER TO \$50.00 EFFECTIVE NOVEMBER 1, 1974.

Mr. Johnston made a motion that the above subjects be adopted. Mrs. Booher seconded the motion. Approved.

10 -8. MEMBERSHIP IN SOUTHERN BUILDING CODE CONGRESS.

Mr. Powell made a motion that the Town of Cinco Bayou, Florida, obtain membership in the Southern Building Code Congress and that they obtain the books necessary to have a building code available in the Town Hall. Mr. Johnston seconded the motion. Approved.

11 -9. EQUIPMENT PURCHASE REQUEST FOR: (A) COPYING MACHINE: TOSHIBA BD-25S/25A; (B) CALCULATOR; (C) CHAIR; (D) VACUUM CLEANER; (E) FLAG POLE.

Motion was made by Mr. Booher that the above supplies be purchases. Mr. Johnston seconded the motion. Approved.

12 -10. PURCHASE OF A STORAGE SHED.

Mr. Powell made a motion that a storage shed approximately 10 ft by 20 ft be purchased for storage of town equipment. Mr. Peek was asked to get the price of such a shed and to bring the information to the next Council. The motion was seconded by Mr. Johnston. Approved.

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11. CHRISTMAS DECORATIONS.

Mr. Powell made a motion that in view of the energy crisis the Christmas decorations should be kept in the store room this year. Mrs. Booher seconded the motion. Approved.

TOWN OF CINCO BAYOU
Regular Monthly Council Meeting
November 14, 1974

Town officials in attendance: Mayor Ken Smith; Councilmembers Iva Booher, Phil Johnston, Harold Peek and Robert Powell; Town Attorney Richard Powell.
Absent: Irene Balsley, due to work schedule.

Therefore, a quorum being present, the meeting was opened by Mayor Smith with silent prayer at 7:40 P.M.

1. MINUTES, OCTOBER 10, 1974. Motion by Mr. Peek to approve the Minutes of the regular monthly meeting of the Cinco Bayou Town Council held October 10, 1974. Mr. Johnston seconded the motion. Motion carried unanimously.
2. FINANCIAL STATEMENT FOR OCTOBER, 1974. Motion by Mrs. Booher to approve the Financial Statement for October, 1974. Mr. Peek seconded the motion. Motion carried unanimously.
3. MARSHAL'S REPORT. The report from Marshal Elliott was postponed until the next meeting of the Council.
4. OKALOOSA GUIDANCE CLINIC REQUEST FOR DONATION. Due to the absence of a representative from the Okaloosa Guidance Clinic, Mr. Johnston made a motion that this matter be tabled until the next meeting at which time the purpose of the donation could be further explained. Mrs. Booher seconded the motion. Motion carried unanimously.
5. ATOMIC EXTERMINATORS, INC., REQUEST FOR ORDINANCE VARIANCE. An above ground storage tank located on the premises of Atomic Exterminators, Inc., 225 N. Eglin Parkway was found to have numerous fire safety deficiencies during a Fire Safety Inspection conducted on October 10, 1974 by Mr. Archie C. Edwards, Deputy State Fire Marshal. In his letter of October 14, Mr. Edwards informed Atomic that Cinco Bayou's ordinance forbid storage of Class I flammables in outside above ground tanks. Mr. Horace L. Dinkins, Manager of Atomic Exterminators appeared before Council to request a variance to our ordinance.

After discussion, Mr. ^{Peek} Powell made a motion that request be denied, that the tank would have to be buried in accordance with all applicable safety regulations and our ordinance; however, a 90 day extension to procure a suitable tank was given. Mr. Johnston seconded the motion. Motion carried unanimously. (Note: Clerk to inform Atomic Exterminators, Inc., of Council's decision by letter).

6. FIRST FEDERAL SAVINGS AND LOAN - REQUEST FOR LEASE OF TOWN PROPERTY (SEAWAY STREET AND THE RIGHT OF WAY ON BOTH SIDES). Motion was made by Mr. Peek for the first reading of an ordinance granting the First Federal Savings and Loan Association of Okaloosa County the right to use, erect, maintain, repair, pave, mark, regulate, and supervise public parking facilities in, over, along, across, and upon that public surface otherwise known as Seaway Street in Cinco Bayou, Florida. Mr. Johnston seconded the motion. Motion carried unanimously. The ordinance was read and the second reading will be at the next regular meeting of the Town council, December 12, 1974. This ordinance would be in effect for 20 years with an option to extend for two 10 year terms. Should extensions be requested First Federal would pay Cinco Bayou \$500.00 each year. There was some discussion between Council, Attorney Powell and Mr. John Brooks, representing First Federal

Savings and Loan, as to what regulate and supervise might be interpreted to mean; however, it would not restrict the right of egress or ingress. (Note: See Council as Committee notes, Nov 12, 1974.)

7. BUILDING PERMIT REQUEST. Mr. L. E. Watson, 29 Kelly Avenue, requested a building permit to construct on his property. The plans had been previously studied and a verbal permit was given by Mr. Johnston, Building Inspector, until permit form was filled out. When Mr. Watson is ready for inspection of wiring and plumbing, he was instructed to let Mr. Johnston know.

8. CURRENT SEWER PROJECT. Mr. Miller Burt, Polyengineering Representative and Mr. Kenneth Crowder, Contractor were present. Mr. Burt stated that the completion of the sewer lines was near. The preliminary inspection had taken place and the final inspection would be completed in the next few days, after which the system would be turned over to the Town and tap-on's could be made immediately thereafter by interested property owners. The cost figures will be only slightly above that of the original estimate. He suggested that the Town needed some form of liability insurance to cover possible lawsuits in the future. He also suggested that some method be established of repairing pot holes which might develop. He also stated that a temporary road warning sign of some type should be immediately installed over the two wash-out areas, each side of road, on Opp Blvd where the drainage ditch from Ft Walton Beach runs underneath. Mayor Smith asked Mr. Johnston to take care of this as soon as possible. Mr. Johnston asked Mr. Crowder if he could construct two temporary warning barricades from the scrap lumber in the park area. Mr. Crowder indicated he would do it.

9. ITEMS FROM "COUNCIL AS COMMITTEE" WITH RECOMMENDATION TO APPROVE. Mr. Johnston made a motion that the following four items be approved. Mrs. Booher seconded the motion. Motion carried unanimously.

a. Payment to Greene Construction Co. of 90% of the paving contract in the amount of \$6,173.46.

b. Appointment of Mr. Richard H. Powell as Town Attorney.

c. Adoption of proposed Budget for 1974-75 Fiscal Year as presented by the Budget Committee.

d. Increase Attorney's monthly retainer to \$50.00 effective November 1, 1974.

10. MEMBERSHIP IN SOUTHERN BUILDING CODE CONGRESS. Mr. Powell made a motion that the Town obtain membership in the Southern Building Code Congress and that they obtain the books necessary building code file available in the Town Hall. Mr. Johnston seconded the motion. Mr. Johnston in discussion informed Council the membership yearly was \$40.00 and that he and the Clerk would get together and order the necessary books. Motion carried unanimously.

11. EQUIPMENT PURCHASE REQUEST FOR:

a. Copying Machine - Toshiba Fax BD-25S/25A - Cost \$1075.50.

NOTE: Paragraph 10 above, line 3, between words "necessary" and "building" insert "to have a".

- b. Calculator.
- c. Chair.
- d. Vacuum Cleaner.
- e. Flag Pole.

Mrs. Booher made a motion that the above items be purchased. Mr. Johnston seconded the motion. In discussion the Clerk was requested to get with Mrs. Balsley who has catalogs which might be helpful in selecting calculator, chair and Vacuum cleaner. The Clerk indicated that the copying machine was on a trial basis from Copy Products Inc., of Fort Walton Beach and that he had received good reports from several local firms, as well as, the City of Mary Esther as to the dependability of the product. He further stated that he has a book on flag poles and would like assistance in selecting the type, size and price range. Motion carried unanimously.

12. STORAGE SHED. Mr. Powell made a motion that a storage shed approximately 10 feet by 20 feet be purchased for storage of town equipment. Mr. Johnston seconded the motion. In discussion it was noted that this item has been discussed on two different occasions. Mr. Powell indicated he knew of a firm in Pensacola that made the type shed we probably would want. He was asked to get prices on different sizes and to bring the information to the next Council meeting. (Note: Clerk and Mr. Powell discussed this after meeting adjourned and since Mr. Powell will be unable to go to Pensacola the Clerk will get prices.) Motion carried unanimously.

13. CHRISTMAS DECORATIONS. Mr. Powell made a motion that in view of the energy crisis the Christmas decorations should be kept in storage for this year. Mrs. Booher seconded the motion. Motion carried unanimously.

14. MEMOS FOR RECORD BROUGHT TO THE COUNCIL ATTENTION.

a. Letter of appreciation from Councilman Powell for flowers sent his wife during her recent hospitalization in Gaineville.

b. Mayor Smith attended Veteran's Day affair held at the eternal flame in FWB and placed wreath on behalf of Town.

c. Clerk was unable to attend League of Cities convention in Tampa.

d. Mayor Smith, Councilman Peek and Marshal Elliott were sworn in by the Clerk on November 1, 1974. Councilman Powell was sworn in on November 14, 1974.

Meeting was adjourned at 9:25 P.M. on motion by Mr. Peek, seconded by Mrs. Booher.

Respectfully submitted,


JAMES O. GODWIN Sr.
Town Clerk