

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
November 15, 1979

1. SWEARING OF NEWLY ELECTED COUNCILMAN RALPH PERRY.
2. MINUTES--SPECIAL COUNCIL MEETING--OCTOBER 2, 1979.
3. MINUTES--REGULAR COUNCIL MEETING--OCTOBER 18, 1979.
4. FINANCIAL STATEMENT--OCTOBER 1979.
5. CONSIDERATION OF REPLACEMENT FOR MAYOR KENDRICK WHO RESIGNED.
6. MR. D. RAYNOR, WEST FLORIDA REGIONAL PLANNING COUNCIL.
7. CONSIDERATION OF DEDICATION OF PROPERTY ON LOTS 13 AND 14,
BLOCK 1.
8. CONSIDERATION OF REQUEST FOR BUILDING PERMIT FROM MR. ANDREW TATE
ON LOT 25, BLOCK 5.
9. RESOLUTION RELATIVE TO DOUBLE TAXATION.
10. DISCUSSION OF FINAL OBLIGATION OF CONTRACTORS WHO LAID WATER AND SEWER
LINES ACROSS LAGUNA PARK AND TOWN FOR THE COUNTY.
11. REPORT FROM COUNCILMAN WHO ATTENDED THE ANNUAL CONVENTION OF THE
FLORIDA LEAGUE OF CITIES.
12. APPROVAL OF PAYMENT TO BOYETT'S FOR DESTROYED PORTABLE TOILET.

TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING
NOVEMBER 15, 1979

Town officials in attendance: Mayor Pro-Tem Max Usrey, Council members Irene Balsley, Phil Johnston and Ralph Perry; Attorney Rick Powell, Town Clerk Ken Espy and Recorder Dee Rouse. Absent: Councilman Harold Peek and Engineer Miller Burt.

Also present were: Steve Chew-PGDN, Dick Bixby, Susan Johnston, Jennifer Hodges, Mr. & Mrs. D. B. Phillips, D'Wayne Raynor, Adelia Robblee, Abbie Tyner, Andrew Tate, Frank Lané and Mike Ziegler.

Therefore, a quorum was present, Mayor Pro-Tem Usrey opened the meeting at 7:01 p.m., with a silent prayer.

1. SWEARING OF NEWLY ELECTED COUNCILMAN RALPH PERRY. Attorney Powell sworn in Ralph Perry as Councilman serving a term of two years from November 1, 1979 to October 31, 1981.
2. MINUTES-SPECIAL COUNCIL MEETING-OCTOBER 2, 1979. Motion by Mr. Johnston to accept as printed, seconded by Mrs. Balsley. Motion carried unanimously.
3. MINUTES-REGULAR COUNCIL MEETING-OCTOBER 18, 1979. Motion by Mrs. Balsley to accept as printed, seconded by Mr. Johnston. Motion carried unanimously.
4. FINANCIAL STATEMENT-OCTOBER 1979. Motion by Mr. Perry to accept as presented, seconded by Mrs. Balsley. Motion carried unanimously.
5. CONSIDERATION OF REPLACEMENT FOR MAYOR KENDRICK WHO RESIGNED. Mr. Johnston moved that the Council appoint Councilwoman Irene Balsley as Mayor, seconded by Mr. Perry. Motion carried unanimously. Mayor Pro-Tem Usrey relinquished the chair to Mrs. Balsley who then took the oath of office from Attorney Powell. (NOTE: Mr. Lane took a picture of the swearing in for the Town record).
6. MR. D. RAYNOR, WEST FLORIDA REGIONAL PLANNING COUNCIL. D'Wayne Raynor, Mike Ziegler and Jennifer Hodges made recommendations to the Town to accomplish Regional Planning Objectives for 1979-80 in the form of suggested Resolutions. This report and sample resolutions were received as information for further study and Council's action.
7. CONSIDERATION OF DEDICATION OF PROPERTY ON LOTS 13 AND 14, BLOCK 1. Mr. D. B. Phillips representing Dax, Incorporated presented to Council copies of drawings detailing the location of the entrance street, the flat curbs, the open area (green area) that he was planning to dedicate to the Town if they would accept the dedication. The drawings had been reviewed by Mr. Miller Burt of Polyengineering and he had approved the drawing as being satisfactory. Mr. Phillips explained his request to this meeting only pertained to the approval of the dedication, as had been discussed in the Council as a Committee on November 8, 1979. Mr. Perry moved that the Council consider the dedication, seconded by Mr. Johnston. Motion carried unanimously. During further discussion, the Attorney advised that a motion was needed, in the event that a plat is recorded in accordance with the drawing in hand and in accordance with information from the Attorney for Dax stating that there would be no restrictions placed in the dedication against the use of the property, the Town at that point would accept the property as dedicated. Mr. Johnston wanted to make a recommendation to approve or disapprove of the dedication. Discussion continued. Mr. Perry moved that the Council accept the dedication of the property in accordance with the plans as approved by the

7. CONSIDERATION OF DEDICATION OF PROPERTY ON LOTS 13 AND 14, BLOCK 1, (Cont.).

Town's Consulting Engineer, Miller Burt. Motion died for lack of second. Mr. Phillips picked up his copies of the drawings and abruptly left the meeting.

8. CONSIDERATION OF REQUEST FOR BUILDING PERMIT FROM MR. ANDREW TATE ON LOT 25, BLOCK 5. This request having been thoroughly discussed in the Council as a Committee meeting, a motion was made by Mr. Johnston that this permit be granted, seconded by Mr. Usrey. Motion carried unanimously.

9. RESOLUTION RELATIVE TO DOUBLE TAXATION. Motion by Mr. Johnston to table this item for future study, seconded by Mr. Perry. Motion carried unanimously.

10. DISCUSSION OF FINAL OBLIGATION OF CONTRACTORS WHO LAID WATER AND SEWER LINES ACROSS LAGUNA PARK AND TOWN FOR THE COUNTY. Mr. Usrey, chairman of this committee, was to investigate these problems and present a letter drafted to the County Commissioner Peebles who in term would present it to the County. The letter was presented at the meeting and signed by the Mayor and Councilmen.

11. REPORT FROM COUNCILMAN WHO ATTENDED THE ANNUAL CONVENTION OF THE FLORIDA LEAGUE OF CITIES. Mr. Johnston made his verbal report of the items discussed at the convention. He discussed the proper way to present his bill for expenses for the trip and agreed to have this ready for the next meeting.

12. APPROVAL OF PAYMENT TO BOYETT'S FOR DESTROYED PORTABLE TOILET. Mr. Johnston moved that this payment be table, seconded by Mr. Perry. Motion carried unanimously.

13. CLERK'S REPORT. (a)-Clerk reported to Council that progress is being made in the conversion from Computerized Bookkeeping System to a Manual Bookkeeping System. Most of all the records for the month of October have been posted and blanced with Mr. Messick assistance. (b)-Clerk informed Council that the County has graded the end of Kidd Street into Francis Park and prepared it for black topping. (c)-Clerk informed Council that the Town received a notice from Warner Cable regarding a change in their name soon to "Warner Annex Cable Communications, Incorporated." (d)-Clerk advised the Council that Mr. Gill had made the changes to the Comprehensive Plan suggested at the meeting on November 5, 1979 and was ready to forward the plan to the State for review. It was agreed by the Council that a copy of the plan with the correct changes should be furnished to them for reviewing before sending to the State. (e)-The Clerk advise Council of the letter received from Osborne W. Pryor of Mary Esther, Florida, offering his services to the Town in the capacity of Mayor. This letter was filed as information. (f)-Mayor Balsley asked for a discussion of the unsatisfactory service being provided by American Security. During discussion, Mayor Balsley reported several complaints she received from the citizens and Council of Cinco. Mr. Johnston moved that the Town give American Security a thirty day notice, seconded by Mr. Usrey. Mr. Perry recommended that the Council find out the cost from the next security service before terminating American Security. Mr. Johnston withdrew his motion, then he moved that the Town ascertain the other security services fee before cancelling the contract with American Security, seconded by Mr. Perry. Mr. Johnston suggested that the Clerk contact the Sheriff Department and Salamander Security asking each service for a letter stating the cost for their service. Mayor Balsley stated that she had spoken with the Sheriff Department and they would not accept the job. Again, Mr. Johnston withdrew his motion. Mr. Johnston volunteered to contact Salamander Security and investigate other sources of such security services and the cost to the Town for that type service. Mayor Balsley then said that a motion was needed, Mr. Johnston moved to terminate American Security when the Clerk have received verification of a new contract and that the Town secure proper noted agency not to exceed \$500.00 as budgeted, seconded by Mr. Usrey. Motion carried unanimously.

13. CLERK'S REPORT (Cont.). (g)-The Town Manager/Clerk having finished the Attorney with a copy of his resignation asked him to read it to the Council. Clerk stated in his letter that his resignation will be effective as of November 20, 1979.
14. ADJOURNMENT. Meeting adjourned at 8:33 p.m.

RESPECTFULLY SUBMITTED AS TRUE AND CORRECT TO BEST OF MY ACKNOWLEDGE.


KENNETH H. ESPY
Town Manager/Clerk

ATTACHMENTS TO RECORD SET OF MINUTES:

1. Financial Statement-October.
2. Copy of Recommendations & Resolution-WFRPC.
3. Ltr-Commissioner Peebles.
4. Ltr-Warner Cable.
5. Ltr-Osborne W. Pryor.
6. Ltr-Resignation of Town Manager.
7. Newspaper Clippings-PGDN.

WEST FLORIDA REGIONAL PLANNING COUNCIL

Recommendations To the Town of Cinco Bayou to Accomplish
Regional Planning Objectives For 1979-80

1. Adopt and enforce a comprehensive plan for the Town of Cinco Bayou including land use management controls.
2. Develop a means of limiting growth in flood prone areas based on economic and natural constraints.
 - a. Adoption of floodplain management ordinances including more than federal minimum requirements.
 - b. Limit local government capital investment in flood prone areas in annual budgeting.
3. Protect the natural functions of wetlands, such as freshwater aquifer recharge areas, stormwater storage areas, floodplain buffer areas, and wildlife habitat.
 - a. Adopt and enforce an estuarine setback ordinance.
 - b. Modify building permitting procedures to prevent development requiring dredging and/or filling of wetlands.
4. Adopt a resolution for energy conservation for the Town of Cinco Bayou to support and take action to reduce governmental use of energy.
 - a. Model resolution including an expression of the minimum participation (See Attachment A).
 - b. Recommended resolution including a more comprehensive expression of the specific procedures which Cinco Bayou will perform to achieve reduced energy consumption (See Attachment B).
5. Develop a means of reducing soil erosion and stormwater runoff.
 - a. Adopt and enforce a landscape ordinance requiring native tree preservation and/or revegetation.
 - b. Where stormwater volume and slope permits, vegetate drainage ditches and swales.

ATTACHMENT A

A MODEL ENERGY CONSERVATION RESOLUTION
FOR CINCO BAYOU

WHEREAS, the continued availability of high quality energy is essential to every aspect of human existence and the efficient utilization of energy resources is essential for the maintenance of the health, safety, and economic welfare of the people of the Town of Cinco Bayou; and,

WHEREAS, the primary sources of high quality energy for this Town are fossil fuels, which are nonrenewable and will eventually be totally exhausted; and,

WHEREAS, Cinco Bayou imports all of its high quality energy from other states and foreign countries, making this Town vulnerable to economic and political crises beyond its control; and,

WHEREAS, alternative, renewable energy sources are promising but are many years from being fully operational; and,

WHEREAS, prudent energy planning and energy conservation are the most cost-effective and most efficient response to the energy problem and are most appropriate for units of local government; and,

WHEREAS, reduction in governmental energy consumption can free tax dollars to be used in more worthy programs and avert tax increases;

NOW, THEREFORE, BE IT RESOLVED BY THE CINCO BAYOU TOWN COUNCIL, that it shall be the policy of this Town to:

(1) Consider the benefits of an energy management program and encourage efficient use of all energy resources.

(2) Encourage and support efforts to conserve energy and implement alternative, renewable energy sources.

Passed and duly adopted by the Town of Cinco Bayou this _____ of _____, 1979.

BY: _____

Max O. Usrey, Acting Mayor

ATTEST: _____

Kenneth Espy, Clerk

ATTACHMENT B

THE RECOMMENDED ENERGY CONSERVATION RESOLUTION
FOR CINCO BAYOU

WHEREAS, the continued availability of high quality energy is essential to every aspect of human existence and the efficient utilization of energy resources is essential for the maintenance of the health, safety, and economic welfare of the people of the Town of Cinco Bayou; and,

WHEREAS, the primary sources of high quality energy for this Town are fossil fuels, which are nonrenewable and will eventually be totally exhausted; and,

WHEREAS, Cinco Bayou imports all of its high quality energy from other states and foreign countries, making this Town vulnerable to economic and political crises beyond its control; and,

WHEREAS, alternative, renewable energy sources are promising but are many years from being fully operational; and,

WHEREAS, prudent energy planning and energy conservation are the most cost-effective and most efficient response to the energy problem and are most appropriate for units of local government; and,

WHEREAS, reduction in governmental energy consumption can free tax dollars to be used in more worthy programs and avert tax increases;

NOW, THEREFORE, BE IT RESOLVED BY THE CINCO BAYOU TOWN COUNCIL, that it shall be the policy of this Town to:

- (1) Adopt a goal of reducing Cinco Bayou's energy consumption by 10% and develop programs to achieve this goal within five (5) years.
- (2) Appoint an energy management officer or energy committee to develop and implement government programs to achieve an energy reduction goal of 10% in five years.
- (3) Promote energy conservation in all internal Town operations by examining and revising procedures in building operations, vehicle operations, and streetlighting.
- (4) Promote efficient use of energy in Cinco Bayou by examining existing regulations and designing future regulations so that barriers to energy conservation and use of alternative energies are removed and incentives are included.
- (5) Promote efficient use of energy among Town employees and in the community by developing outreach energy education programs.
- (6) Encourage energy conservation and use of alternative energies by including energy considerations in the local government comprehensive plan and implementing the recommended policies.

Passed and duly adopted by the Town of Cinco Bayou this _____ of _____, 1979.

BY: _____

Max O. Usrey, Acting Mayor

ATTEST: _____

Kenneth Espy, Clerk

TOWN OF CINCO BAYOU

35 KELLY AVENUE (CINCO BAYOU)
FT. WATSON BEACH, FLORIDA 32548
904 244 2712

November 15, 1979

Original document is too light to
get a good image

Board of County Commissioners
Okaloosa County Courthouse
Crestview, Florida 32536

ATTENTION: Commissioner Bill Peebles

This is to advise that the Town of Cinco Bayou is dissatisfied with the progress of repairs and cleanup caused by construction of 12" pipe lines through our Town. We also think that any penalties issued should be shared with our Town. We have been very patient and think that we have been burdened long enough with the problems.

We have examined most of the project and found a few of the following deficiencies starting at Cinco Bayou Bridge. We are enclosing a map of Cinco Bayou with numbers and paragraphs of explanations and locations.

1. Original rip-rap pieces on water edge are now scattered about the beach area. (See Photo #1). The original rip-rap must be replaced.
2. Backfill to cover the installed pipes is higher than formerly graded lawn creating a levee which after rain or tide leaves water that creates a swamp area and breeding for mosquito and other insects. (See Photo #2). This has caused washouts and gullies and is uncovering the buried pipe which we understand according to plans should have had 30" or more cover on top of pipe. Probably has 15" to 20" cover on pipe now. (See Photo #3). This is Lot 1 & 2, Block 2, Cinco Bayou Sub-Division.
3. Location-Laguna Park Beach-
 - A. Remove concrete debris on beach and in water.
 - B. Grassed area from fence down to beach has been destroyed. Will need sprigging or sodding to prevent washouts and put back in original condition.
 - C. The sprinkler system installed in 1977 has been found damaged and some sprinkler heads have disappeared. This should be examined by the people who installed the system and put back in its original condition.
 - D. Inside gate needs parts and alignment for proper closing and original condition.
 - E. Outside gate needs parts and alignment for proper closing and original condition.

4. Sanitary sewer manhole on right-of-way between Laguna Park and Yacht Club Drive has been hit by equipment and now allows storm water and sand to get into system. This sand can cause damage to lift station pumps.
5. Asphalt repair strip across Yacht Club Drive to east side of Troy Street.
6. Sodding along east of Troy has been removed allowing sand to wash and fill curbing and in several spots the excavation caused the curbing to drop.
7. Replace asphalt drive into parking area of apartment building at 229 Troy Street.
8. Broken curb in front of 225 Troy Street.
9. Sinking curb east of Balsley driveway, Lot 18, Block 25.
10. Backhoe lift caused holes in asphalt on Opp Boulevard to Opp Road.
11. Debris left in right-of-way from Balsley driveway for 200 or more feet on north side of street.
12. Repair area across Opp Boulevard on east side of Opp Road. They have also cut up the pavement which was not excavated.
13. Fifty feet of curb on Hughes Avenue need replacing with the correct curb as it is washing storm pipe and by-passing the culvert box into drainage.

Troy Street and Opp Boulevard was completely repaved in 1974. This street is now cut up and poorly repaired.

The Inspector on this contract should have proper notes on all the problems and be able to give us immediate action.

This summation is a partial list of some of the deficiencies. We expect an answer to these problems or we will be forced to write the Bonding Company.

See attached reference of Town Plat for further information.

Irene E. Balsley
IRENE E. BALSLEY, Mayor

Phil D. Johnston
PHIL D. JOHNSTON, Councilman

Max O. Usrey
MAX O. USREY, Councilman

Ralph J. Perry
RALPH J. PERRY, Councilman

CC: Commissioner Bill Peebles
Attorney Rick Powell
Miller Burt, Polyengineering
Mayor and Councilmen of Cinco Bayou



WARNER CABLE

Bernard M. Simon
Vice President &
Controller

Warner Cable Corp.
75 Rockefeller Plaza
New York, New York 10019
212 484 6800
Cable Address: Warncable

November 9, 1979

Town Hall
Town Clerk
Cinco Bayou, Florida 32548

Dear Madam/Sir:

As you know, Warner Cable Corp. is the cable television operator in your community.

Warner Cable Corp. is a wholly-owned subsidiary of Warner Communications Inc.

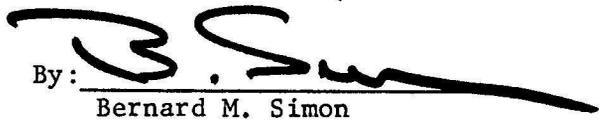
American Express Company plans to purchase from Warner Communications Inc. 50% of the stock of Warner Cable Corp., and thus, after the closing, Warner Communications Inc. and American Express Company will each own 50% of Warner Cable Corp. Warner Cable Corp. will be then renamed Warner Amex Cable Communications, Inc.

The purpose of this letter is to advise you of this matter and to confirm that there will be no change in the operation of the franchised facilities as a result of this transaction.

If you have any question as to this matter, please let us hear from you.

Respectfully yours,

WARNER CABLE CORP.

By: 

Bernard M. Simon
Vice President, Controller

BMS/fe
cc: D. Hamilton
D. Beach



Osborne W. Pryor
P. O. Box 455
Mary Esther, Florida 32569

November 13, 1979

Town of Cinco Bayou
35 Kelly Avenue
Fort Walton Beach, Florida 32548

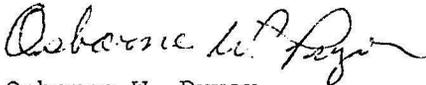
Attention: Town Council

Dear Sirs:

It is my pleasure to offer my service to the Town to complete the remaining term as mayor.

As you know, I have long had a personal, business and financial interest in the town as a property owner. Although I do not reside in the town at this time, if in the wisdom of the council my service in this capacity is advantageous to the people, I will establish residence in the town and dedicate my service to the extent that the constitution of Florida shall be upheld.

Respectfully submitted,


Osborne W. Pryor

OWP/rbc
CC: Playground Daily News

TOWN OF CINCO BAYOU

35 KELLY AVENUE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548
904-244-2712

November 15, 1979

Town Council
Town of Cinco Bayou
35 Kelly Avenue
Fort Walton Beach, Florida 32548

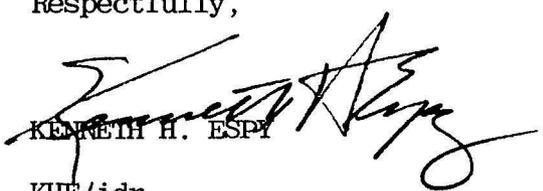
Madam and Sirs:

This is to inform you of my resignation as Town Manager/Clerk of the Town of Cinco Bayou, as of midnight, Tuesday, November 20, 1979.

Under normal circumstances an interval of at least 10 to 15 days would have been considered between date of this letter and actual date of planned separation, however, the course of events and statements made during the past few days causes me to feel no obligation in that regard.

I feel the person in the position of Town Manager/Clerk should be there to serve all the residents of the Town equally and should not necessarily be required to stand at a constant readiness to respond to the beckon of one or two persons. This and conflicting instructions and accusations has prompted this decision.

Respectfully,


KENNETH H. ESPY

KHE/idr

Playground Daily News
November 16, 1979

Cinco Bayou Appoints First Woman Mayor; Espy Resigns

By STEVE CHEW
Daily News Staff Writer

Cinco Bayou's first woman mayor was appointed by town council members Thursday night in a meeting that also saw the unexpected resignation of Town Manager Kenneth Espy.

Councilwoman Irene Balsley, a retired retail store worker, was unanimously approved for the mayoral post by the other council members. She will fill the position vacated Nov. 5 by Jim Kendrick, who cited personal reasons for his resignation.

Mrs. Balsley previously served Cinco Bayou as town clerk for three years before first being elected to the council in 1969. She has served on the council since that time.

After Balsley's selection as mayor, the council examined a Nov. 13 letter from Osborne Pryor — a Fort Walton Beach contractor whose legal claims to ownership of Cinco Bayou property remain unresolved — in which Pryor offered to fill the mayoral position.

Pryor said in the letter that he has "a personal, business and financial interest in the town as a property owner" and would be willing to establish residency "and dedicate my service to the extent that the constitution of Florida shall be upheld."

Pryor has claimed legal title to a large portion of Cinco Bayou's bottomland and to an undeveloped park within the town. Those claims have led to sometimes bitter legal confrontations with town officials during the past two years.

The council did not seriously consider Pryor's request due to a residency requirement, but on the suggestion of the mayor, decided to thank Pryor for his offer.

In an unrelated matter, Town Manager Espy announced his resignation effective midnight, Nov. 20. In a letter read to the council, Espy said that "conflicting instructions" he had received had led to his decision, but did not cite specific instances.

Espy would not release his letter for public inspection and no councilman commented on the matter.

Espy assumed the town managership a little over a year ago. He succeeded Jim Godwin, who also resigned in a dispute with town officials.

In other action Thursday, D.B. Phillips, who last week had asked a council committee to review his proposal to dedicate a strip of land to the town, abruptly left the meeting after the council rebuffed his request to approve the dedication.

Councilman Ralph Perry moved to have the town accept the land, but the motion died for lack of a second.

Phillips, of Dax Inc., had asked the council to accept the dedication of land near Yacht Club Drive on which he is building townhouses. In last Thursday's committee meeting, Miller Burt, a consulting engineer for the town, said Phillips was donating the land to avoid legalities involved in setting up "common ground" for residents of the proposed dwellings.

In other action, the council:

- Heard five recommendations from representatives of the West Florida Regional Planning Council. The representatives urged Cinco Bayou officials to adopt an energy conservation resolution as well as several changes to the town's comprehensive plan. The council took no action on the request.

- Granted a building permit to Andrew Tate for construction of a frame storage building for his business.

- Appointed Councilman Phil Johnston to study the feasibility of canceling a contract with American Securities, a private security firm, and obtain services from another agency.