

MINUTES OF REGULAR MEETING
TOWN COUNCIL

NOVEMBER 17, 1980

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

ROLL CALL: Present: Councilwoman Kelley Councilman Peek
Councilman Usrey Councilman Perry
Councilman Davis

Also Present: Town Clerk Borchik Ruth Usrey
Town Attorney Powell Adelia Robblee
Town Engineer Burt Steve Chew-PGDN
Town Recorder Hembree

SILENT PRAYER

1. MINUTES - REGULAR MEETING - OCTOBER 20, 1980. Councilman Peek moved to accept the minutes as written, seconded by Councilman Usrey. The motion carried unanimously.
2. FINANCIAL STATEMENT - OCTOBER 1980. Councilman Peek moved to accept the financial statement as presented, seconded by Councilman Perry. The motion carried unanimously.
3. REQUEST FOR REFUND - MR. BOLES. Mr. Boles has requested a refund of the portion of his variance application fee that was not used. He withdrew his variance request after the Board hearing. His share of the Attorney's fees and legal ad total \$28.00. Councilman Perry moved to refund the money after deducting the Town's portion used for legal fees and the legal ad. The motion carried 4-1 for refunding the money, with Councilman Usrey voting nay. The Clerk was directed to write a check for \$72.00.
4. TRAFFIC LIGHT CONTROLLER, EGLIN PARKWAY AND YACHT CLUB DRIVE. After a short discussion, Councilman Peek moved to purchase the new traffic light controller with the understanding that it would be installed without a permissive left hand turn signal, seconded by Councilman Usrey. The motion carried unanimously.
5. 208 PLAN. Attorney Powell gave the Mayor and Council copies of the amended resolution for the 208 Plan. Attorney Powell outlined the changes he made in the resolution at the Council's request and requested Council review the entire resolution. Councilman Usrey moved to approve the resolution, seconded by Councilwoman Kelley. The motion carried unanimously.
6. COMPREHENSIVE PLAN AMENDMENT. Mayor Balsley received a letter from the State of Florida calling attention to a recent amendment to the Local Government Comprehensive Planning Act requiring the housing element of the Comprehensive Plan to provide adequate sites for "Group Home Facilities and Foster Care Facilities". The Mayor suggested that the Council and the Comprehensive Planning Committee meet in joint session to review this new requirement and also satisfy the requirement for annual review of the total Plan.

7. COMMITTEE REPORTS.

Streets/Sidewalks - Councilman Davis. No report.

Finance - Councilman Peek. No report.

Parks - Councilman Perry. Councilman Perry mentioned that Francis Park would be needing more oyster shell soon.

Utilities - Councilman Usrey. Councilman Usrey informed the Council that he and Mr. Powell had attended a meeting with the County on the sewer and water systems. Cinco Bayou must now meet with the City of Fort Walton Beach to determine what the City intentions and desires are. The Council must follow the existing contract which gives the County first option on the water system when the Fort Walton Beach franchise expires. The County could install a new water system, however, they would prefer to use the presently installed system.

8. DOT PROPOSAL - FILLING OF DITCH. The Council discussed the various options open to the Town for funding of this project. If the Town intends to assess property owners, a resolution stating this must be passed before signing any contract with the Department of Transportation. The total cost to the Town (materials only) is approximately \$22,000.00. After a lengthy discussion, Councilman Peek moved to authorize the Town Clerk to contact DOT and request a contract be sent to the Town, seconded by Councilwoman Kelley. The motion carried unanimously.

9. CLERK'S REPORT.

Christmas Decorations. Town Clerk informed Council that the Christmas decorations have arrived and one is hanging in the back room for the Council's inspection. The decorations should be put up between Thanksgiving and the Christmas parade. Town Clerk informed the Council that six poles still need to be wired and one or two poles may have to be put in. He will talk with Gulf Power about this in the morning.

Savin Copier. The Clerk stated that the Savin copier the Town purchased should be delivered by next week.

Variance Requests. The Town has received a variance request from the Abundant Life Church for parking on the street. Mr. Oden who appeared at the Council as Committee meeting with two variance requests has not been back in touch with the Town Clerk as of the last meeting.

10. ANNOUNCEMENTS/SPECIAL ITEMS.

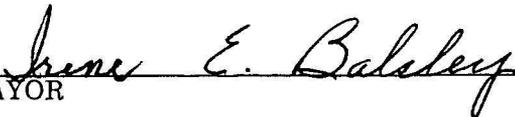
Christmas Parade. Mayor Balsley announced that the Christmas parade would be on December 6, 1980. The Town could enter a float and participate in the parade if they so choose.

Billy Gibson. The Mayor informed Council that Billy Gibson, a former member of the Town Council passed away recently. Town money was used to purchase a small arrangement of flowers and a collection was taken for his widow.

League of Cities Convention. The Mayor presented her convention expenses for the League of Cities Convention to Council and requested approval. Councilman Usrey moved to approve the Mayor's expenses, seconded by Councilwoman Kelley. The motion carried unanimously.

Drainage Ditch, Yacht Club to Bayou. The Mayor informed the Council that Mrs. Usrey has called a meeting with the County, DER, and DOT about the drainage ditch on Yacht Club Drive. The meeting will be at the Shalimar Courthouse on November 20, 1980 at 1:00 P.M. Mrs. Usrey would appreciate any help or support the Council could give her.

11. ADJOURNMENT. The Council adjourned at approximately 8:20 P.M. on Monday, November 17, 1980.


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.

Daily News

B

TUESDAY MORNING
NOVEMBER 25, 1980

City Mulls Cinco Sewer Takeover

By STEVE CHEW
Daily News Staff Writer

Fort Walton Beach officials said Monday a city takeover of Cinco Bayou's sewer system is financially and mechanically feasible if the town is released from an eight-year-old agreement with the county.

A city takeover of the system would mean billing Cinco Bayou residents directly for sewer service. Cinco Bayou now pays for the service with the town's tax dollars.

City officials Charlie Evans, Jim Baughman, Rex Griffin, Harold Sandy and Charlie Hill met with Cinco Bayou Town Attorney Rick Powell, Town Councilman Max Usrey and former Mayor Jim Kendrick Monday night to discuss the possibility of the city assuming control of the town's sewer system.

City officials made no offer to the town, pending whatever action county officials take. Councilman Jim Baughman said, however, that "we do want to work it out if we can come to an agreement we can both live with."

According to an Aug. 3, 1972, agreement between Cinco Bayou and Okaloosa County, the town was required to assign the sewer system to the county once the system

was paid off.

Cinco Bayou built the system but the county treats the sewage and bills the town about \$2,000 a month. Town residents currently do not pay for sewage on a user basis, but instead through their tax money.

Under the same agreement, the county has the first option to build a water system in the town once the town's water franchise with Fort Walton Beach expires on March 1, 1981.

Under the current franchise, the city provides water to the town and bills each water customer individually. Fort Walton Beach also levies a 25 percent premium on water used by the town and collects a utility tax.

Evans, Fort Walton Beach's city clerk, said that if Cinco Bayou agreed to a city takeover of the sewer system, the town would have one less expense coming from its general fund because the city would bill each user for sewer service as well as water. He said the city would pass sewer costs "to the consumer instead of the taxpayers."

"Our system is capable of handling your sewer," Evans told Cinco Bayou officials, adding that the current 25 percent premium charge to the town could be negotiated.

Griffin, Fort Walton Beach's city engineer, said hooking the town up to the city sewer system would be "relatively a simple matter" costing \$1,500 to \$2,000.

City officials said they did not foresee a monetary compensation to the town if the city took over the system, and that the city would not be able to sell its water system now serving Cinco Bayou to the county should the county press the old agreement.

Griffin said it is "virtually impossible" for the city to give up certain main transmission lines in Cinco Bayou.

"The simplest thing for both parties is for Cinco Bayou to go with the city," Evans said.

City Councilman Sandy indicated the city may be acting too soon because the county has yet to make a decision. "They're either going to take it (the sewer system) or not take it. If they're going to take it, we have no business here now," he said.

Cinco Bayou officials said they will meet with county representatives in the next two weeks to see what they plan to do. City officials agreed to negotiate with the town if the county decides to release the town from the agreement.

Notice is hereby given that the Town of Cinco Bayou Board of Adjustment will hold a Public Hearing Monday, December 1, 1980 at 7:30 P.M. in the Cinco Bayou Town Hall, 35 Kelly Avenue, Cinco Bayou, Florida for the purpose of considering the following requests for variances and special exceptions:

- 1. Request from Abundant Life Church for a variance for Parking requirements. Proposed construction of an auditorium addition to existing structure will reduce the present number of off street parking spaces. Lots 9 and 10, Block 21 Cinco Bayou Subdivision.

ALBERT S. BORCHIK, JR.
Secretary, Board of Adjustment

Nov 24, Dec 1, 1980.

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

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 _____

Public Notice

in the _____

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

Nov 24, Dec 1, 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

Sworn to and subscribed before me this 2nd day of

December

, A. D. 1980.

Mary Leggett

Notary Public, State of Florida at Large

My Commission Expires MAY 9, 1984

Cinco Bayou Seeks Filling of Park Ditch

By STEVE ANTON
Daily News Staff Writer

In light of a tentative agreement between town officials and the state Department of Transportation, Cinco Bayou council members Monday took steps toward getting a ditch filled in the town's Glenwood Park area.

Town Clerk Al Borchik was instructed to follow up on a recent oral agreement with the DOT by obtaining a written contract from the agency. The DOT has promised to provide the labor to fill an unsightly ditch in Cinco Bayou. The town provides the materials.

The cost to the town is expected to be about \$22,000.

The ditch runs from Eugenes Street across Opp Boulevard and into the park.

Council members Monday did not decide if the \$22,000 cost would be paid solely by the town or be split between the town and affected property owners.

The council opted away from going ahead with the agreement with DOT Monday after Town Attorney Rick Powell warned that property owners could challenge a town decision levying a special assessment unless a special assessment resolution was passed before the DOT contract was accepted.

Councilman Harold Peek at one point suggested the town

not the entire bill. Borchik said the \$22,000, most of which would pay for permits, would come from certificates of deposit the town now has invested.

In other action Monday, council members passed a "willingness to proceed" resolution as part of the West Florida Regional Planning Council's Clean Water Plan.

The resolution, amended from its original form, says the town will adopt and enforce certain controls aimed at stopping water pollution. One amendment to the original document was a clause stating the controls would be adopted only when the town deems their adoption "economically feasible."

Although Cinco Bayou is not a WFRPC member, the town's eligibility for federal funding could have been jeopardized if the document was not passed.

"It's just designed to pacify the federal government," Powell said.

In an unrelated matter, council members approved the installation of a new traffic light controller at the intersection of Eglin Parkway and Yacht Club Drive.

Cinco Bayou is expected to pay \$2,800 of the total \$7,000 for the instrument. The DOT will pay the rest.