

TOWN OF CINCO BAYOU
SPECIAL MEETING
NOVEMBER 25, 1985

The Special Meeting of the Town of Cinco Bayou Town Council was called to order by Mayor Perry at 6 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Perry requested the Clerk call the roll.

ROLL CALL

Present: Mayor Perry
Councilwoman Balsley
Councilman Davis
Councilman Laginess
Councilman Plaster

Absent: Councilman Gage

Also Present: Attorney Gontarek W. I. Sullivan
Ed Summey Margaret Fifield
Joseph Larney Celeste Johnson
Howard Kelley Kim Streit
Helen Wren Clerk Borchik
Josie Jackson Secretary Knox

REGULAR BUSINESS

1. Proposed Fire Hydrant Charge - Mayor Perry advised the Council that a letter had been received from the City of Fort Walton Beach stating that the fee for the use of the fire hydrants will be \$50.00 per month per hydrant for a total cost of \$700.00 per month. A discussion followed concerning the easement that was granted by the Town to the City of Fort Walton Beach in 1977 to install a 16" water line through the Town and the installation of five hydrants on the 16" water line. Following a discussion concerning the 1982 water and sewer agreement, Attorney Gontarek stated that in his opinion, the Town had no obligation, under the present water and sewer agreement, to pay for the maintenance of the fire hydrants or the use of the water. Councilwoman Balsley made a motion for the Attorney to draft and sign a letter responding to the City of Fort Walton Beach's proposed resolution regarding fire hydrants and stating the Town's position on the resolution, seconded by Councilman Davis. The motion was unanimously approved.

2. Demolition of Investments Unlimited Building - Mayor Perry advised the Council that a letter had been received from the attorney for Investments Unlimited advising that a certified general contractor had inspected the building and that in his opinion, the building has not been more

than 75% destroyed. The letter also advised that in the event the Town of Cinco Bayou takes any action to remove the building, Investments Unlimited will institute a suit for damages for destruction of its property. Following a discussion concerning the options the Town has concerning removing the building, Councilman Davis made a motion to postpone any action on the demolition of the building until Attorney Gontarek can negotiate with Mr. Grimsley, Attorney for Investments Unlimited, seconded by Councilman Laginess. The motion was unanimously approved.

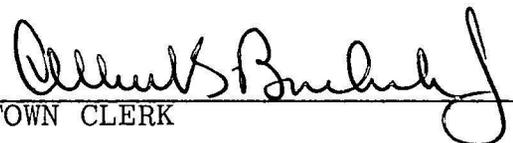
At this time, Clerk Borchik asked the Council if there was any objection to closing the Town Hall on the day after Thanksgiving. Councilwoman Balsley made a motion that the Town Hall be closed on Friday, November 29, seconded by Councilman Laginess. The motion was unanimously approved.

The Clerk advised the Council that Mr. Patrick had brought in a site plan for his proposed building for the Council's review and that it would be on the December 9 agenda.

There being no further business, the meeting was adjourned at 6:40 P.M.

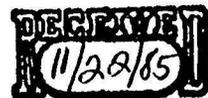

MAYOR

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.

City of Fort Walton Beach



P. O. Box 4009 • Fort Walton Beach, Florida 32549

Telephone (904) 243-3141

November 22, 1985

Mr. Al Borchik
Town Clerk
Town of Cinco Bayou
35 Kelley Avenue
Fort Walton Beach, FL 32548

Dear Mr. Borchik:

It appears that my letter of November 15th regarding the City of Fort Walton Beach fire hydrants located in Cinco Bayou was somewhat misleading. Let me clarify that the fee for the fire hydrants will be \$50.00 per month per hydrant, for a total cost of \$700.00 per month. I am also enclosing a copy of the proposed resolution so that you will have a chance to review it prior to the meeting.

If you have any questions, please let me know.

Sincerely,

C. L. Ingram, P.E.
City Manager

Enclosure

/js



HOME OF THE

Janie Boom

City of Fort Walton Beach

▶ HOME OF THE *Sonic Boom*

Resolution 85-56

A RESOLUTION ACCESSING A CHARGE OF \$50.00 PER MONTH, PER FIRE HYDRANT, WHICH IS LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF CINCO BAYOU, PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Town of Cinco Bayou no longer has a contract with the City of Fort Walton Beach for its fire services; and

WHEREAS, the Town of Cinco Bayou has 14 fire hydrants located within their municipal boundaries; and

WHEREAS, the City of Fort Walton Beach installed each of the 14 fire hydrants at a cost of approximately \$1,000 each and maintains the water supply and condition of the hydrants:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEAH, FL:

SECTION I. That the Town of Cinco Bayou be assessed a charge of \$50.00 per month, per fire hydrant, that is located within their city limits.

SECTION II. That this resolution shall take effect immediately upon approval by the Council and signature by the Mayor.

ADOPTED: _____

MAYOR: _____

ATTEST:

CITY CLERK

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney.

CITY ATTORNEY



City of Fort Walton Beach

P. O. Box 1449 • Fort Walton Beach, Florida 32548

Telephone (904) 243-3141

September 20, 1977

The Honorable Jim Kendrick, Mayor
Town of Cinco Bayou

Dear Jim:

The Fort Walton Beach City Council at the special meeting of Monday, September 19, voted to negotiate a new 15 year water franchise with the Town of Cinco Bayou at a water premium rate reduced from 37½% to 25%. This will amount to a savings of approximately \$200.00 per month for your citizens and place the Cinco Bayou Water Franchise in alignment with the Eglin Highway Subdivision Franchise.

Should the new 15 year franchise not fit with your planning to re-negotiate your county sewer arrangement in 1981, I will go back to the Fort Walton Beach City Council and ask for changes that will fit with your intentions.

I appreciate your having granted Fort Walton Beach easements for the scheduled water transmission lines from the Golf Course to the Hughes Avenue well site on Cinco Bayou streets, however, the City is planning to spend approximately \$600,000.00 in the movement of this water from the golf course area to the Hughes Avenue location and cannot go forward with this particular plan with easements lasting only until 1981. I would appreciate your considering the granting of permanent easements for this 16" transmission line.

The City of Fort Walton Beach will assume responsibility for the conduct of this job and any damage to your existing underground utilities and existing paving. After the transmission line is constructed through Cinco Bayou, five fire hydrants will be provided along the water main. The City will provide you with approximate starting and completion dates on the project. If I can provide additional information, please do not hesitate to call.

I join the Mayor and Council in expressing the appreciation of the citizens of Fort Walton Beach.

Sincerely,


WINSTON G. WALKER
City Manager





HOME OF THE

LAW OFFICES

OF

SMITH, GRIMSLEY, REMINGTON & KESSLER

RECEIVED
11/22/85

WALTER J. SMITH
JAMES W. GRIMSLEY
THOMAS T. REMINGTON
SIRGFRIED F. KESSLER

25 WALTER MARTIN AVENUE
P. O. BOX 2379
FORT WALTON BEACH, FLORIDA 32549
(904) 243-8194

VINCENT M. BRUNER

HAND DELIVERED

November 22, 1985

Albert S. Borchik, Jr., CMC
Town Clerk
Town of Cinco Bayou
35 Kelly Avenue
Fort Walton Beach, Florida 32548

Re: Investments Unlimited, Inc. metal building
behind Church's Chicken/Eglin Parkway

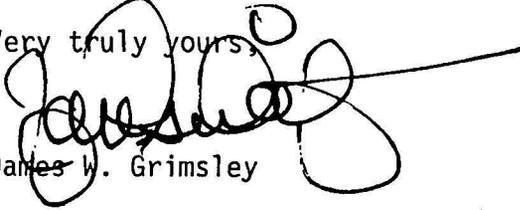
Dear Mr. Borchik:

Please be advised that this firm represents Investments Unlimited, Inc. in regard to your correspondence of August 20 and October 28, 1985, respectively. The owner of the building, Investments Unlimited, Inc., has had the building inspected by H. H. Carnathan, a certified general contractor. It is the opinion of Mr. Carnathan and the owner of the building that it has not been more than 75% destroyed and thus does not come within your purview of the Town's Code of Ordinances.

In the event the Town of Cinco Bayou takes any action to raze the building, Investments Unlimited, Inc. will institute suit for damages for destruction of its property.

I am,

Very truly yours,


James W. Grimsley

JWG/cw

cc: John Jay Gontarek, Esq.
Town Attorney

Investments Unlimited, Inc.