

TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING  
December 14, 1978

1. MINUTES-REGULAR COUNCIL MEETING-NOVEMBER 16, 1978.
2. FINANCIAL REPORT-NOVEMBER 1978.
3. CORRESPONDENCES. (Clerk)
4. OLD BUSINESS-
  - a. Amending Ordinance #51-First Reading.
  - b. Committee-Comprehensive Plan-Setting of Meeting Date.
  - c. Approval for Pay to EMCO, Inc. - Completion of Seawall.
5. NEW BUSINESS-
  - a. Personnel Leave Policy.
  - b. Consideration of Purchasing Policy.
  - c. Approval for Trip to Orlando for Meeting concerning Revenue Sharing Funds.
  - d. Christmas Bonus.
  - e. Purchase of Sweeper.

TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING  
December 14, 1978

Town officials in attendance: Mayor Jim Kendrick, Council members Irene Balsley, Phil Johnston, Ralph Perry and Max Usrey; Attorney Rick Powell and Recorder Dee Rouse.

Also present were: Dick Bixby, Winfield Davis, Ron Goetsch-PGDN, Adelia Robblee, Abbie Tyner and Ruth Usrey.

Therefore, a quorum being present, Mayor Kendrick opened the meeting at 5:33 p.m., with a silent prayer.

1. MINUTES-REGULAR COUNCIL MEETING-NOVEMBER 16, 1978. Prior to approval of these minutes, a discussion arose concerning the intent of a motion therein pertaining to the Amendment to Ordinance #51 (a zoning ordinance), (copies of the amendment to this ordinance prepared by Attorney Powell as a result of the November 16 meeting had been furnished to Council members for review). Mr. Johnston stated he understood it was intended the amended ordinance would read "restricting the sale of alcoholic beverages within 500 feet of a church or school," instead of the "2500 feet" reflected in the amendment Mr. Powell had prepared. He further stated he felt it was originally agreed the Attorney would prepare the amendment that reflected no distance restrictions for establishments selling beer, wine liquor and other alcoholic beverages on the premises, if it was a restaurant. At this point, Mayor Kendrick explained the minutes under discussion only states that Ordinance #51 which restricts the sale of alcoholic beverages within 2500 feet of a church or school would be amended. Mr. Johnston referred to the minutes of October 19, 1978 and pointed out Item 8 that reads "change the wordings of the ordinance, so that the ordinance reads "any business selling alcoholic beverages be 500 feet to comply with the State law, instead of the 2500 feet distance from a public school or church now enforced." He stated the Council did discuss this (Item 8) during the November 16 meeting and he understood it was decided the amendment would read 500 feet, however, Item 5C of the minutes, in hand, do not reflect that decision. Attorney Powell did not understand the decision to be that and reminded the Council of his previous explanation that the 500 feet stipulation would permit a "package store" outside that distance. The amendment, in hand, stipulating a 2500 foot limit prohibits a "package store," however, permits the sale of beer, wine and alcoholic beverages on the premises anywhere in the Town, so long as it is sold in conjunction with the sale of food, that is in a restaurant. Mr. Johnston reiterated he thought the 500 feet distance was agreed upon to comply with the state law. Mr. Perry stated he understood the same and he and Mr. Johnston, as a committee, considered the 500 footage requirement to be satisfactory. Attorney Powell explained that the exceptions in the ordinance allows the sale of beer and wine for consumption off the premises and that is now the Kelley's Food Store is permitted to do so. Mrs. Balsley inquired of the Attorney, if a grocery store would fall under the provision where food is sold. The Attorney's answer described the qualifications of a restaurant and that the Ordinance does not provide for the sale of liquor for consumption off the premises, then a "package store" is prohibited. Motion by Mrs. Balsley to approve the minutes of November 16 as printed, seconded by Mr. Usrey. Motion carried unanimously.
2. FINANCIAL STATEMENT-NOVEMBER 1978. Motion by Mr. Johnston to approve as presented, seconded by Mrs. Balsley. Motion carried unanimously.

3. CORRESPONDENCES:

A. Clerk informed Council that he had received a letter from Mr. Clair Pratt thanking the Town for clearing Lots 6 & 7, Block 11. Clerk also informed Council that he had billed Mrs. Mary Corpousis for the work that the Town employees had done.

B. Clerk informed Council that the City of Fort Walton had put the Christmas decorations up all except two of them, because the telephone company had remove the pole off of Eglin Parkway and the other pole was knocked down, but will be replaced by Gulf Power Company.

C. Clerk informed Council that he had received the Lawn Mower, Gasoline Chain Saw, Steel Tool Box for the Truck and a Sweeper Attachment for the new mower.

D. Clerk informed Council that he had received a complaint about two abandoned cars on Kidd Street and that he had spoken to the gentleman who owns them and the gentleman said he would removed them.

E. Clerk informed Council that he had spoken with Mr. Charley Evans of Fort Walton Beach and he informed him that the Town's Fire Protection millage rate would be 3.23 mills which is less than last year. Mayor Kendrick asked Clerk to check with Allstate Insurance Company and find out what the Town's current class rating for Fire Protection.

F. Mayor Kendrick informed Council that he had wrote to Mr. Parkton of the State Department of District Engineers in Chipley about Glenwood Park asking for a drawing on the easement of the drainage ditch from Yacht Club Drive to Hughes Avenue.

G. Clerk informed Council that he had attended the League of Cities meeting in Niceville in regards to Double Taxation. The League passed a resolution that the Fort Walton Beach Attorney draft a statement to the County advising them there was recognition of the Double Taxation and ask them what their intent was regarding the matter. The next League of Cities meeting will be held on January 25 hosted by the Town of Shalimar.

4. OLD BUSINESS:

A. AMENDING ORDINANCE #51-FIRST READING. Before the reading of the Amendment, a discussion arosed again regarding the changing of the 2500 feet requirement. Mr. Usrey stated he did not see any reason for changing this distance. Mr. Johnston again expressed his view that it did not seem necessary to specify the 2500 feet and that all references to footage should be eliminated. Mrs. Balsley questioned the intent of Section 3, as to the size of a restaurant, "Must all contain 5000 square feet and have a seating capacity of 200 persons?" The Attorney explained that the size and seating capacity requirement was the result of a Special Act passed some-time ago by Okaloosa County, and it only applies to this County. There is no other County requiring a restaurant to be that large. Mr. Bixby (Owner of Captain's Table Restaurant) stated he was attempting to have this County Act amended to allow a restaurant to contain only 2500 square feet and seating of 150 persons. Mayor Kendrick asked the Attorney if a municipality could establish their own ordinance concerning this matter. The Attorney advised it could not be in conflict with the State law. He explained even though the County passed the Act it became a State law enforceable by the State. Mrs. Balsley reminded the Council if the ordinance #51 amendment was adopted and if the County Act was changed the Town would have to amend

4. A. AMENDING ORDINANCE #51-FIRST READING.(Cont). the ordinance again. Mr. Perry indicated he felt the first reading of the ordinance amendment should be approved now, if the County makes any changes it would not be too difficult for the Town to make changes. The Attorney explained that if the Council adopted the first reading and any corrections or changes were made it would have to be corrected at the next meeting. Mr. Johnston ask the Attorney if the present ordinance conforms with the State requirements, or would there have to be changes made on this amendment the Attorney has drawn up to comply. The Attorney answered, the way the amendment is drafted it conforms with the State law as it applies to Okaloosa County. The Mayor requested the Attorney to perform the first reading of the Amendment to Ordinance #51 and he did. Mr. Perry moved that this first reading be adopted, seconded by Mr. Johnston. VOTE: YEAS-Johnston, Perry and Usrey; OPPOSED-Balsley.

B. COMMITTEE-COMPREHENSIVE PLAN-SETTING OF MEETING DATE. Council decided to meet with Mr. Mark Gill in the early part of January.

C. APPROVAL FOR \$AY TO EMCO, INC.-COMPLETION ON SEAWALL. Motion by Mr. Johnston to accept Wednesday, December 20, 1978 as a date for the Council members, Mr. Miller Burt and Town Clerk to meet at Francis Park for the approval or disapproval of the completion of the Seawall by all Council members. Then if the Town Manager/Clerk have full approval from the Council, he can render the check to Mr. Herb Campbell of Emco, Incorporated, seconded by Mr. Usrey. Motion carried unanimously.

5. NEW BUSINESS:

A. PERSONNEL LEAVE POLICY. Motion by Mr. Perry to accept Personnel Policy One, seconded by Mr. Johnston. After a brief discussion on the sick leave and annual leave, policy presented by the Clerk, Mayor Kendrick instructed the Personnel Committee to review the policy further in lite of some possible changes. Motion withdrawn. Mr. Perry suggested that this item be tabled until another date.

B. CONSIDERATION OF PURCHASING POLICY. After some discussion of the policy as presented by the Clerk, Mrs. Balsley suggested that this policy be reviewed further by the original committee. Council agreed.

C. APPROVAL FOR TRIP-REVENUE SHARING FUNDS CONFERENCE-ORLANDO. The Town Manager/Clerk explained the benefits to Council of the proposed training conference including the receipt of a 1979 Resource Book on General Revenue Sharing and the approximate cost of the trip which would not exceed the budget amount for such. During discussion, Mr. Johnston suggested that the Manager/Clerk confer with someone of equal position from the Town of Mary Esther or Shalimar to gather from them all the information possible relative to Federal Revenue Sharing Funds. He felt this would be more beneficial than to attend a training conference that would include information for all cities such as New York, Chicago, etc., as that information would not benefit a small Town like Cinco Bayou. Mrs. Balsley moved that the Clerk purchase the 1979 General Revenue Sharing and Anti-Recession Aid Resource Book for the sum of \$14.95, seconded by Mr. Johnston. Motion carried unanimously.

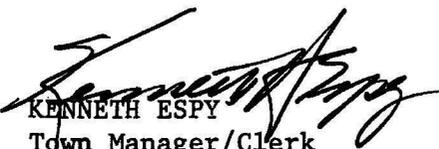
D. CHRISTMAS BONUSES. Motion by Mrs. Balsley to pay the Town employees a sum of \$25.00 as Christmas Bonuses, seconded by Mr. Johnston. Motion carried unanimously.

5. NEW BUSINESS: (Continued)

E. PURCHASING OF SWEEPER. After the Clerk explained the versatility and usefulness of the sweeper attachment for the Gravely Mower and informed the Council that the equipment was now in use, Mr. Johnston moved that the purchase and payment for this equipment be made, seconded by Mr. Perry. Motion carried unanimously.

6. ADJOURNMENT. Meeting adjourned at 7:06 p.m.

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

  
KENNETH ESPY  
Town Manager/Clerk

ATTACHMENTS TO RECORD SET OF MINUTES:

1. Financial Statement.
2. Ltr-Thank You-Mr. Clair Pratt.
3. Copy of Bill to Mary Corpousis  
For Clearing Lt 6 & 7, Blk #11.
4. Copy of Proposed Ord #51.
5. Newspaper Clippings-PGDN.

TOWN OF CINCO BAYOU - JOURNAL OF CHECKS WRITTEN - DEPOSITS MADE

December 1978

Check Number	To Whom	Purpose	Date	Bank Bal		ACCOUNTING CODES
				Amount Of Check	Fwd And Deposits	
1	--	Bal Fwd	1	--	4444.99	
2	32 36	Town of Cinco Petty Cash	1	22.71		603
3	37	Butler's Florist	1	11.00		418
4		Richard Powell				
5	38	GravellyOfMobile Mower with Sulky	1	1944.95		655
6		Rider				
7	39	Moore-Handley Tool Box F/Truck	4	68.88		655
8	40	Gatlin L&S Co Supplies	5	10.39		404
9	41	Polyengineering Ret - Dec	5	100.00		401-06
10	42	City of FWB Repair Pot Holes	5	198.47		416
11	43	Estergren, FA&P Ret - Nov	5	100.00		401-01
12	44	VOIDED	--	--		
13	45	Long Ins Agency Notary Bond F/Clk	5	35.00		423
14	46	Barnett Bank Rent-Safe Dep Box	5	12.00		412
15	47	K. Espy 2Wks-11/21-12/4	5	250.00		427
16	48	D. Rouse 2Wks-11/21-12/4	5	214.60		427
17	49	A. Davis 2Wks-11/21-12/4	5	51.97		427
18	50	F. Sahlin 2Wks-11/21-12/4	5	92.75		427
19	51	Stone's Gulf Gas-Oct & Nov	5	30.25		403
20	--	See Dep 78/79-08	5	--	2040.37	
21	--	Frm Sav Acct To Ck Acct	5	--	4285.82*	
22	52	CENTEL 14th Pmt-U/F Tax	12	300.00		705
23	53	Oka Sheriff Dept Svs - Dec	12	400.00		401-08
24	54	Sears Chain Saw	12	207.95		655
25	55	Town of Cinco Petty Cash	12	23.79		603
26	--	See Dep 78/79-09	12	--	1349.98	
27	56	Frm Ck Acct To Fed Sav Acct	14	1858.00**		608
28	--	Frm Sav Acct To Ck Acct	14	--	4000.00***	
29	--	See Dep 78/79-10	18	--	703.00	
30	--	See Dep 78/79-11	18	--	35.00	
31	57	City of FWB Rpr Traf Light	19	81.45		413
32	58	VOIDED	19	--		
33	59	Sadie Robblee Cake F/Xmas Party	19	15.00		410
34	60	Barnett Bank P/R Dep - Nov	19	211.00		702
35	61	Oka W&S Sys Sewer Trmt - Nov	19	1092.00		405-15
36	62	L.D. Junger 108 Cubic Yds Of	19	324.00		652
37		Sand Fill-Francis				
38		Park-Seawall				
39	63	Oka W&S Sys Pump Out L/S-Kelly	19	44.25		403
40	64	Boyett's Svs-12/1-12/31/78	19	30.00		401-11

COLLINS - WRITE ©

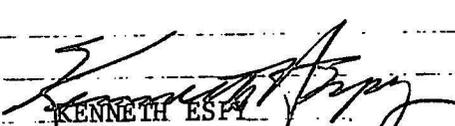
December 1978

COLUMN WRITE ®

Check Number	To Whom	Purpose	Date	Amount Check	Bank Bal Of Fwd And Deposits	ACCOUNTING CODES
1 32	65 Humane Society	Svs - Nov	19	8.00		401-09
2 66	K. Espy	2Wks-12/5-12/18	19	257.00		427
3 67	D. Rouse	2Wks-12/5-12/18	19	219.10		427
4 68	A. Davis	2Wks-12/5-12/18	19	72.45		427
5 69	K. Espy	Xmas Bonus	19	25.00		411
6 70	D. Rouse	Xmas Bonus	19	25.00		411
7 71	A. Davis	Xmas Bonus	19	25.00		411
8 72	CENTEL	Town Hall	19	10.70		405-01
9 73	VOIDED	--	--	--		
10 74	Atlas Ext	Svs - Dec	19	7.00		401-10
11 75	City of FWB	Water - Seaway	19	26.99		405-04 (46.53)
12		" - T/Hall				405-03 (47.40)
13		" - Francis				405-05 (46.53)
14		" - Laguna				405-04 (46.53)
15 76	Gulf Coast Eng	NamePlate-Clerk	19	2.60		418
16 77	IBM	Typewriter Rpr	19	37.34		403
17 78	VOIDED	--	--	--		
18 79	Safety Service	FireExtInsp'tion	19	6.00		403
19 80	EMCO, Inc.	Final Payment on	20	5964.00		652
20		Francis Pk-S'wall				
21 81	Estergren, FA&P	Prep of Release	21	75.00		401-02
22		& Prep of Prop				
23		Ord (liquor lics				
24		& Restaurants &				
25		Notice of Prop				
26		Ord				
27 82	Gulf Pwr Co	L/S-Laguna	21	14.28		405-10
28 83	Gulf Pwr Co	Town Hall	21	83.99		405-07
29 84	Gulf Pwr Co	Traffic Lights	21	24.96		405-08
30 85	Gulf Pwr Co	Pump-Leyenda	21	17.08		405-12
31 86	Thomas Burke	Dues-PGDN-Dec	21	4.35		412
32 87	Gulf Pwr Co	Pump-Laguna	21	85.89		405-11
33 88	Playground News	Notice-PropOrd#51	21	19.48		401-03
34 89	Polyengineering	Engineering Svs	21	534.72		401-06
35		For Francis Pk-				
36		Seawall				
37		See Dep 78/79-12	21		1065.92	
38 90	BMS	Actg - Dec	29	55.00		401-04
39 91	Oka Sheriff Dept	Svs - Jan	29	400.00		401-08
40 92	CENTEL	Loop Lift/Sta	29	18.75		405-02

December 1978

COLUMN - WRITE @

Check Number	To Whom	Purpose	Date	Amount	Bank Bal	ACCOUNTING CODES
				Of Fwd And		
				Check	Deposits	
1	32 93	CENDEL	Loop Lift Sta	29	5.40	405-02
2	94	Gulf Pwr Co	Street Lights	29	253.61	405-09
3	95	R.L. Polk & Co	78' City Directory	29	54.00	412
4	96	Stone's Gulf	Gas - Dec	29	26.45	403
5	97	Gulf Pwr Co	L/S-Kelly	29	7.89	405-10
6	98	GovernmentInfoSvs	Manual on Rev Shar	29	14.95	414
7			See Dep 78/79-13	29	--	2021.82
8	INT	Barnett Bank	On Sav Acct	31	--	187.90****
9	INT	Barnett Bank	On Fed Rev Shar	31	--	52.54*****
10	Total Cks Wr				16112.39	7456.53 (Income for Dec)
11	Bal Fwd 1 Dec 78					4444.99
12	***TRF Frm Sav Acct to Ck Acct					8285.82
13	Total Funds Available					20187.34
14	Cks Wr					-16112.39
15	****Qtrly Int on Sav Acct					-187.90
16	*****Qtrly Int on Fed Sav Acct					-52.54
17		Cash O/H In Bank		31		3834.51
18		Petty Cash Funds		31		12.92
19		Cash In Bank		31		3847.43
20		CD's		31		103500.00
21	#200-004-0					
22		Sav Acct 1 Dec 78			14285.82	
23		*TRF to Ck Acct			-4285.82	
24		***TRF to Ck Acct			-4000.00	
25		****Qtrly Int			187.90	
26		Total Savings		31		6187.90
27	#200-067-9					
28		Sav Acct 1 Dec 78			3780.52	
29		**TRF Frm Ck Acct			1858.00	
30		*****Qtrly Int			52.54	
31		Total Savings		31		5691.06
32		Total Funds Available		31		119226.39
33	TRUE AND CORRECT TO BEST OF MY ACKNOWLEDGE.					
34						
35	KENNETH ESPL					
36	Town Manager/Clerk					



December 4, 1978

Ken Espy & Irene Balsley  
Cinco Bayou Town Hall  
Fort Walton Beach, Fla. 32548

Ken Espy & Irene Balsley,

Thanks to you and the city of Cinco Bayou. Approximately 6 to 8 weeks ago I contacted Irene in reference to the heavy growth of bushes and trees on the corner of Irwin Avenue and Eglin Parkway which caused a traffic hazard.

Your people got on this promptly and cleared an area so that it is now safe to enter onto Eglin Parkway.

We appreciate your prompt attention to this matter. Thanks, Irene, for your good work.

Sincerely,

A handwritten signature in cursive script, reading 'Clair Pratt', is written over the typed name.

Clair Pratt

CP:dls



REALTOR

OFFICE OF CINCO BAYOU  
 P. O. Drawer 1710 (Cinco Bayou)  
 FT. WALTON BEACH, FLA. 32512

026 204-2712

TO

Mrs. Mary Corpousis  
 3500 Garfield Street, N.W.  
 Washington, D.C. 20007

INVOICE DATE Dec 8, 1978	SALESMAN Kenneth Espy Town Manager/Clerk
SHIP TO REF: Clearing of Lots 6 & 7, Blk 21	

YOUR ORDER NO.	DATE SHIPPED	SHIPPER VIA	F.O.B. POINT	TERMS	TOTAL	
QUANTITY	DESCRIPTION			UNIT PRICE		
	Services for clearing part of the undergrowth and removing general trash from Lots 6 & 7, along Eglin Parkway.					
	LABOR			140	75	
	USE OF EQUIPMENT			25	00	
						165 75

TRIPLICATE

*Thank You*

ORDINANCE NO. 65

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ADOPTED AUGUST 3, 1964, BY THE TOWN OF CINCO BAYOU, FLORIDA, AS AMENDED, BEING AN ORDINANCE ESTABLISHING A ZONING PLAN WITHIN THE TOWN OF CINCO BAYOU, FLORIDA; CREATING THREE DISTRICTS, REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES OR OTHER PURPOSES, THE HEIGHT AND SIZE OF STRUCTURES, THE SIZE OF OPEN SPACES FOR LIGHT AND VENTILATION; ADOPTING A MAP OF SAID DISTRICTS, DEFINING TERMS USED; PROVIDING FOR THE ADJUSTMENT, ENFORCEMENT AND AMENDMENT THEREOF; DESCRIBING PENALTIES FOR VIOLATIONS THEREOF; SAID AMENDING ORDINANCE PROVIDING THAT SECTION 6, C-1 LIMITED COMMERCIAL DISTRICT, SUBSECTION (A) "USES PERMITTED", PARAGRAPH 20 AND SECTION 7, C-2 GENERAL COMMERCIAL DISTRICT, SUBSECTION (A) "USES PERMITTED" PARAGRAPH 8 DO NOT PREVENT THE SALE OF BEER, WINE, LIQUOR OR OTHER INTOXICATING BEVERAGES BY A RESTAURANT ON THE PREMISES IN CONJUNCTION WITH THE CONSUMPTION OF FOOD; DEFINING RESTAURANT; SEVERING INVALID PORTIONS OF SAID AMENDING ORDINANCE; REPEALING ORDINANCES INCONSISTENT WITH SAID AMENDING ORDINANCE; AND PRESCRIBING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED by the Town Council of the Town of Cinco Bayou, Florida, as follows:

SECTION 1: Section 6, C-1 Limited Commercial District, subsection (a) "Uses Permitted", paragraph 20 of an ordinance enacted on the 3rd day of August, 1964, by the Town Council of the Town of Cinco Bayou, Florida, as previously amended, reads as follows:

(20) Retail stores, including department stores, drugstores, but excluding lumberyards, junk dealers, auto wrecking mechanical garages, or any business where the materials sold are not housed within a building, and excluding any store which sells beer, malt beverages, wine, liquor, or other intoxicating beverages within two thousand, five hundred (2,500) feet of an existing public school or church, which distance shall be measured from the closest existing habitable building corner of the buildings owned, leased or otherwise used or held by such public school or church to the closest property line of the property upon which is located such place of business selling beer, malt beverages, wine, liquor or other intoxicating beverages, determined by a straight-line distance at the time such retail store use begins; provided, however, that this amendment shall not be construed to prevent the sale of beer and wine for consumption off the premises or to prevent the sale of beer and wine by a restaurant on the premises in conjunction with the consumption of food.

SECTION 2: Section 7, C-2 General Commercial District, subsection (a) "Uses permitted", Paragraph 8 of an ordinance enacted on the 3rd day of August, 1964, by the Town Council of the Town of Cinco Bayou, Florida, as previously amended, reads as follows:

- (8) Retail stores where the merchandise sold is housed within a building, and excluding any store which sells beer, malt beverages, wine, liquor or other intoxicating beverages within two thousand, five hundred (2,500) feet of an existing public school or church, which distance shall be measured from the closest existing habitable building corner of the buildings owned, leased or otherwise used or held by such public school or church to the closest property line of the property upon which is located such place of business selling beer, malt beverages, wine, liquor or other intoxicating beverages determined by a straight-line distance at the time such retail store use begins; provided, however, that this amendment shall not be construed to prevent the sale of beer and wine for consumption off the premises or to prevent the sale of beer and wine by a restaurant on the premises in conjunction with the consumption of food.

SECTION 3: Section 6, C-1 Limited Commercial District, subsection (a) "Uses permitted", Paragraph 20 of the Ordinance set forth above is hereby amended to read as follows:

- (20) Retail stores, including department stores, drugstores, but excluding lumberyards, junk dealers, auto wrecking mechanical garages, or any business where the materials sold are not housed within a building, and excluding any store which sells beer, malt beverages, wine, liquor or other intoxicating beverages within two thousand, five hundred (2,500) feet of an existing public school or church, which distance shall be measured from the closest existing habitable building corner of the buildings owned, leased or otherwise used or held by such public school or church to the closest property line of the property upon which is located such place of business selling beer, malt beverages, wine, liquor or other intoxicating beverages, determined by a straight-line distance at the time such retail store use begins; provided, however, that this amendment shall not be construed to prevent the sale of beer and wine for consumption off the premises or to prevent the sale of beer, wine, liquor or other intoxicating beverages by a restaurant on the premises in conjunction with the consumption of food. Restaurant, for the purpose of liquor sales, shall be defined as having five-thousand (5,000) square feet of service area and equipped to serve two-hundred (200) persons full-course meals at one time, and deriving at least fifty-one percent (51%) of its gross revenue from the sale of food and non-alcoholic beverages.

SECTION 4: Section 7, C-2 General Commercial District, subsection (a) "Uses permitted", Paragraph 8 of the Ordinance set forth above is hereby amended to read as follows:

- (8) Retail stores where the merchandise sold is housed within a building, and excluding any store which sells beer, malt beverages, wine, liquor or other intoxicating beverages within two thousand, five hundred (2,500) feet of an existing public school or church, which distance shall be measured from the closest existing habitable building corner of the buildings owned, leased or otherwise used or held by such public school or church

to the closest property line of the property upon which is located such place of business selling beer, malt beverages, wine, liquor or other intoxicating beverages, determined by a straight-line distance at the time such retail store use begins; provided, however, that this amendment shall not be construed to prevent the sale of beer and wine for consumption off the premises or to prevent the sale of beer, wine, liquor or other intoxicating beverages by a restaurant on the premises in conjunction with the consumption of food. Restaurant, for the purpose of liquor sales, shall be defined as having five-thousand (5,000) square feet of service area and equipped to serve two-hundred (200) persons full-course meals at one time, and deriving at least fifty-one percent (51%) of its gross revenue from the sale of food and non-alcoholic beverages.

SECTION 5: Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This ordinance shall become effective immediately upon its passage and approval of the Mayor.

ADOPTED: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Town Clerk

**NOTICE OF PROPOSED ENACTMENT OF ORDINANCE:**

The Town Council of the Town of Cinco Bayou, Florida, proposes to enact an ordinance amending Appendix-A-Zoning, Sections 6 (A) (20) and 7 (A) (8) of the Code of Ordinances of the Town of Cinco Bayou, Florida, to provide that such sections do not prevent the sale of beer, wine for consumption off the premises, or, the sale of beer, wine, liquor or other intoxicating beverage by a restaurant on the premises in conjunction with the consumption of food. Such ordinance may be impacted by the public at the Town Hall of the Town of Cinco Bayou, Florida, and it is proposed that the ordinance shall be considered for first reading by the Town Council of the Town of Cinco Bayou, Florida, at their monthly council meeting to be held at 5:30 o'clock P.M., on December 14, 1978, and for second reading and enactment by the Town Council of the Town of Cinco Bayou, Florida, at their monthly council meeting to be held at 5:30 o'clock P.M., on January 18, 1979, at the Town Hall of the Town of Cinco Bayou, Florida. At each time, interested parties may appear at the meeting and be heard with respect to the proposed ordinance amending the Code of Ordinances.

Kenneth W. Lopez  
TOWN CLERK  
6552: Dec. 12, 14, 1978

# Cinco Bayou Considers List of Sales Rules

By [unclear] [unclear]

Cinco Bayou council members Tuesday heard the first reading of an ordinance amendment that would permit the sale of beer, wine and hard liquor in town restaurants in conjunction with food.

Town ordinances currently prohibit the sale of alcoholic beverages within 500 feet of any church.

The amendment, if adopted, will permit the sale of alcohol in town restaurants for on-site consumption and packaging as for sale except for 500-foot total distance.

The council committee that drafted the ordinance amendment to revise the current ordinance will be reviewing the ordinance for the council's next meeting. The ordinance is a response to a request from East Cinca, which is one of the most popular such state restaurants.

2,500-square-foot and a 150 seating capacity requirement," Powell said. "State law for Okaloosa County is 2,000 square feet and a seating capacity of 120."

The requirements were adopted about 10 years ago, according to Powell, at the insistence of the West Florida legislative delegation.

The proposed revision will be advertised and voted upon at the council's next meeting in January.

In other business, the council:

- Approved payment of a \$3,000 bill from ERICO Inc. for construction of the Francis Ford seawall, pending an on-site inspection by the council scheduled for Wednesday.
- Denied a request by town manager Francis Ford to attend a January 1979 federal revenue-sharing seminar in Orlando, but approved the purchase of a new driver's manual of revenue sharing regulations for \$14.65.
- Granted a \$50 Christmas bonus to each of the town's 10 employees.