

TOWN OF CINCO BAYOU
REGULAR MEETING
DECEMBER 17, 1984

The Regular Meeting of the Town of Cinco Bayou Town Council was called to order at 5:00 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk call the roll.

ROLL CALL

Present: Mayor Usrey
Councilwoman Balsley
Councilman Davis
Councilman Gage
Councilman Perry

Absent: Councilman Laginess

Also Present: Attorney Gontarek Ron Rogers
Sadie Robblee Aaron Talley
Mike Plaster Clerk Borchik
Tracy Wenzel Secretary Knox
Phil Wood

MINUTES - Councilman Gage moved to accept the minutes of November 12, November 19, and November 28, 1984 Town Council Meetings as written, seconded by Councilwoman Balsley. The motion was unanimously approved.

FINANCIAL REPORT - Councilwoman Balsley moved to accept the financial report for November, 1984, seconded by Councilman Davis. The motion was unanimously approved.

REGULAR BUSINESS

1. Auditor Report, Creel, Bryan & Gallagher - Mrs. Cummins - Councilman Davis made a motion to accept the FYE 1984 Audit and approve payment of the Auditor's fee, \$3,450, seconded by Councilman Perry. The motion was unanimously approved.
2. Proposed Ordinance/Lease for Baughn Alignment - Following a short discussion of granting a franchise versus a lease, Councilman Gage made a motion to revoke the previously approved franchise and grant a lease to Baughn Alignment, seconded by Councilman Davis. After a discussion, Councilman Davis then restated the motion to revoke the motion to grant a franchise and grant a lease to Baughn Alignment, seconded by Councilman Perry. The motion was unanimously approved. Following a discussion concerning the time limit and lease fee, Mayor Usrey asked the Attorney to check into the requirement to collect sales tax on the commercial lease.

3. Moorings Phase Two Plat - Mr. Plaster - Mr. Plaster was present to answer any questions concerning the plat. Following a discussion concerning the covenants for Moorings Phase I and Phase II and the associated boat docks, Councilman Gage made a motion to approve the plat of Moorings Phase II, seconded by Councilman Davis. The motion was unanimously approved.

4. Tree removal, 211 Opp Boulevard - Mrs. Balsley - Councilman Perry made a motion to approve removing the tree in Glenwood Park that is laying on two trees on Mrs. Balsley's property, seconded by Councilman Gage. The motion was approved unanimously with Councilwoman Balsley abstaining. Mayor Usrey asked the Attorney to prepare a letter for Mrs. Balsley to sign, relieving the Town of any liability in the removal of the tree.

5. Property Clean Up - Investments Unlimited - The Clerk advised that he had spoken with Mr. Long, Investments Unlimited, and he advised that work had begun on cleaning of the lot. Mr. Long also stated that the metal building would be taken down in the near future. The Clerk was advised to allow them 10 days in which to begin taking the building down and then contact them again.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME. Mr. Ron Rogers and Mr. Aaron Talley presented drawings for the proposed construction for the Johnston property. A letter from the Florida Department of Transportation allowing parking on the right-of-way was presented. Mayor Usrey advised Mr. Rogers and Mr. Talley that the Council would study the proposed plans for further discussion at next month's committee meeting.

COMMITTEE REPORTS

Standing Committees

1. Streets & Sidewalks - Councilman Davis. Councilman Davis advised that he had looked into the traffic problem on Opp Boulevard and recommended that "Slow" signs be posted. Councilman Davis also asked that the Council consider installing a blinking light on the curve on Yacht Club Drive to slow westbound traffic entering the curve.

At this time, the Clerk asked the Attorney about Town liability if an accident occurs on Town streets, that are maintained by Fort Walton Beach. The Mayor advised that the matter will be tabled until the Attorney can check into it.

2. Parks - No report

3. Finance & Budget - No report

4. Waterfront - Councilman Perry. No report

5. Civil Defense - Councilman Perry. No report

6. Neighborhood Watch - Councilman Laginess. No report

At this time, Councilman Davis advised the Council that he had inspected the completed Glenwood Park Nature Walk and suggested that the Council consider putting in an intermediate rail on both sides of the walk and smoothing out rough spots on the hand rail. Councilman Davis also advised that the nails had begun working out of the lumber of the boardwalk, not uncommon with a new structure, and continued maintenance on this and similar items will be required. These items will be presented to the Glenwood Park Committee after it is established.

Special Committees

1. Building Codes - Councilman Laginess. No report
2. Comprehensive Plan Review - Councilman Perry. No report
3. Glenwood Park - No report

ATTORNEY'S REPORT. None

CORRESPONDENCE

1. Letter - Comprehensive Plan Review - Mayor Usrey advised that a letter had been received from the Department of Community Affairs stating that an Evaluation and Appraisal Report should be completed by June, 1985. The Clerk advised that after preparing the report and having it approved by the Council, public hearings will be required for the report and all amendments.

2. Letter - Warner-Amex Cable - Mayor Usrey advised that a letter had been received from Warner-Amex Cable advising the Council of a rate increase for basic cable service. Recent legislation allows a rate increase of 5% annually for basic service without approval of the local municipalities.

CLERK'S REPORT

1. The Clerk asked that the Council consider buying 2 tables and 12 chairs to be used for Town functions. Councilwoman Balsley made a motion to purchase 2 tables and 12 chairs, seconded by Councilman Gage. The motion was unanimously approved.

MAYOR'S ANNOUNCEMENTS

1. Mayor Usrey advised that he has made several appointments to committees. The new committee assignments are as follows:

Standing Committees

Streets & Sidewalks - Councilman Davis, Chairman
Councilman Gage

Parks - Councilman Gage, Chairman
Councilman Laginess

Finance & Budget - Councilwoman Balsley, Chairman
Councilman Laginess

Waterfront - Boat Dock - Councilman Perry, Chairman
Councilwoman Balsley

Civil Defense - Councilman Perry, Chairman
Councilman Davis

Neighborhood Watch - Councilman Laginess, Chairman
Councilwoman Balsley

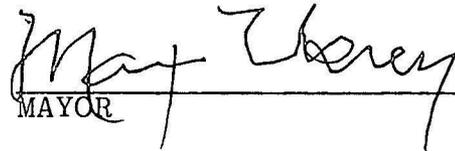
Special Committees

Building Codes - Councilman Laginess, Chairman
Councilman Perry

Comprehensive Plan - Councilman Perry, Chairman
Councilwoman Balsley

2. Mayor Usrey reminded everyone of the Town Christmas Party tomorrow night at 6:30 p.m. in the Town Hall.

There being no further business, the meeting was adjourned at 6:03 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.

Florida



Department of Transportation

BOB GRAHAM
GOVERNOR

PAUL N. PAPPAS
SECRETARY

Right of Way Bureau
Property Management Section
P. O. Box 607
Chipley, FL 32428

October 4, 1984

Mr. J. Ron Rogers
Ronco Electric, Inc.
P. O. Box 1424
Destin, FL 32541

Dear Mr. Rogers:

SUBJECT: Eglin Parkway Right of Way
Ft. Walton Beach at Cinco Bayou Bridge

In response to your letter dated September 25, 1984, to Mr. Allen Potter regarding the above subject, the following is submitted:

The Department has no objections to your using the right of way for parking until it is needed for future construction or until it causes a hazard to passing motorists.

At this time the Department has no plans to declare the property surplus; but if in the future it becomes available, we would notify you of such change.

Sincerely,

R. W. Brooks
R. W. Brooks, District Administrator
Property Management

RWB/st

cc: Mr. Harvey Hayes
District Right of Way Administrator

Certified Mail #P 745 013 014

STATE OF FLORIDA
DEPARTMENT OF
COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT

RECEIVED
12/17/84

BOB GRAHAM
Governor



JOHN M. DeLOVE
Secretary

December 13, 1984

Honorable Max O. Usrey, Mayor
Town of Cinco Bay
35 Kelley Avenue
Ft. Walton Beach, Florida

Dear Mayor Usrey:

At least once every five years after the comprehensive plan is adopted, each local government is required to prepare an Evaluation and Appraisal Report which assesses the adequacy and effectiveness of the plan and recommends improvements (s.163.3191, Florida Statutes).

Our records indicate that Cinco Bayou adopted a comprehensive plan, or a portion of the plan, in June 1980 and should, therefore, complete the Evaluation and Appraisal Report and any required plan amendments by June 1985.

We must emphasize the importance of maintaining a current comprehensive plan, in compliance with statutory requirements. The process of preparing an Evaluation and Appraisal Report is an excellent opportunity to improve the quality of your plan, based upon actual experience. Guidelines are enclosed to assist you in this effort.

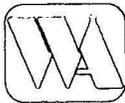
We encourage you to complete this important project as soon as possible to bring your plan into compliance with statutory requirements. If we can be of assistance, please call Mr. Dale Eacker at 904-488-9210 or write him at the address below.

Sincerely,

James L. Quinn
Bureau Chief

JLQ/Erm

Enclosure



Warner Amex
Cable Communications Inc.

784 North Beal Parkway, P.O. Box 2827, Fort Walton Beach, Florida 32549
904/862 4147 Serving Ft. Walton Beach, Crestview and Niceville

December 13, 1984

The Honorable Max Usrey
Mayor, Town of Cinco Bayou
Town Hall
Mary Esther, Florida 32569

Dear Mayor Usrey and Members of the Cinco Bayou Township:

Because of Warner Amex's desire to maintain its close working partnership with the Town of Cinco Bayou, we are writing to keep you fully informed of changes affecting local cable subscribers. At this time we wish to advise you of our intention to implement an adjustment in our monthly rate structure consistent with the new Cable Communications Policy Act of 1984. The adjustment will be effective on January 1, 1985.

Specifically, we find it necessary to adjust our monthly rates for cable television service as follows:

| <u>Service</u> | <u>Current Rate</u> | <u>Adjustment</u> | <u>New Rate (1-1-85)</u> |
|-------------------|---------------------|-------------------|--------------------------|
| Basic Service | | | |
| Primary Outlet | \$ 9.00 | \$.45 | \$ 9.45 |
| Additional Outlet | 1.50 | .50 | 2.00 |
| The Movie Channel | 12.75 | .20 | 12.95 |
| Home Box Office | 12.75 | .20 | 12.95 |
| Satellite Tier | 4.50 | .50 | 5.00 |

As you may know, on October 30, 1984 President Reagan signed into law the Cable Communications Policy Act of 1984, a copy of which I have attached for your convenience.

The Cable Communications Policy Act of 1984 provides the first national policy concerning cable communications and establishes new guidelines for the exercise of federal, state and local authority with respect to the regulation of cable television systems and the services they provide. While this act modifies existing regulatory relationships between cable television companies, municipalities and The Federal Communications Commission, the provisions of the legislation represent the result of years of negotiation and compromise between the cable industry and municipal leaders. The new law was passed by voice vote in both houses of Congress, and is supported by The National League of Cities, the U.S. Conference of Mayors, and the National Cable Television Association.



The Honorable Max Usrey and Members of the Cinco Bayou Township

December 13, 1984

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Under Section 623 of the Cable Communications Policy Act, rate regulated systems will continue to have their basic tier of service for a primary outlet regulated for two years. During this two year period, however, cable operators are permitted to increase monthly rates for basic cable service by 5% each year, without approval of the local franchising authorities. The Act does not change the existing deregulated status of rates for non-basic services, e.g. pay services.

While we regret the economic necessity of these rate adjustments, we are pleased to advise you that no further increases are planned for the remainder of 1985.

We look forward to providing you and your constituents with quality cable television service for years to come, and will continue our efforts to maintain our service as the best home entertainment value available today.

I personally look forward to meeting and talking with you concerning the full impact of the recent federal legislation. In the meantime, if you have any questions or comments concerning this or any other matter, please do not hesitate to contact me directly.

Sincerely,

Timothy P. Martin
System Manager
Warner Amex Cable Communications, Inc.
Cinco Bayou System

TPM/jr

Enclosure

FORM 4 MEMORANDUM OF VOTING CONFLICT

| | |
|--|---|
| LAST NAME—FIRST NAME—MIDDLE NAME BALSLEY, IRVING E. | THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: |
| MAILING ADDRESS PO Box 321 | <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY <input type="checkbox"/> STATE |
| CITY COUNTY FT WALTON BEACH FL OKALOOSA | NAME OF POLITICAL SUBDIVISION OR STATE AGENCY TOWN OF CINCO BAYOU |
| DATE ON WHICH VOTE OCCURRED DECEMBER 17, 1984 | |
| NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CINCO BAYOU TOWN COUNCIL | |

WHO MUST FILE FORM 4

This form is for use by any person serving on either an appointed or elected board, council, commission, authority, or committee, whether state or local, and it applies equally to members of advisory and non-advisory bodies who are faced with a voting conflict of interest.

As the voting conflict requirements for public officers at the local level differ from the requirements for state officers, this form is provided into two parts: PART A is for use by persons serving on local boards (municipal, county, special tax districts, etc.), while PART B is prescribed for all other boards, i.e., those at the state level.

PART C of the form contains instructions as to when and where this form must be filed.

PART A VOTING CONFLICT DISCLOSURE FOR LOCAL PUBLIC OFFICERS [Required by Section 112.3143(3), Florida Statutes (Supp. 1984).]

The Code of Ethics for Public Officers and Employees PROHIBITS each *municipal, county, and other local public officer* FROM VOTING in an official capacity upon any measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting in his official capacity upon any measure which inures to the special gain of any principal (other than a government agency as defined in Section 112.312(2), Florida Statutes) by whom he is retained.

In any such case a local public officer must disclose the conflict:

- (a) PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of his interest in the matter on which he is abstaining from voting; *and*
- (b) WITHIN 15 DAYS AFTER THE VOTE OCCURS by describing the nature of his interest as a public record in this part below.

NOTE: Commissioners of a Community Redevelopment Agency created or designated pursuant to Section 163.356 or Section 163.37, Florida Statutes (Supp. 1984), or officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting. In such cases, however, the oral and written disclosure of this part must be made.

I, the undersigned local public officer, hereby disclose that on December 17, 1984:

(a) I abstained from voting on a matter which (check one):

inured to my special private gain; or

inured to the special gain of _____, by whom I am retained.

(b) The measure on which I abstained and the nature of my interest in the measure is as follows:

December 17, 1984

Date Filed

James E. Balsley
Signature

Please see PART C for instructions on when and where to file this form.

PART B
VOTING CONFLICT DISCLOSURE FOR STATE OFFICERS
[Required by Section 112.3143(2), Florida Statutes (Supp. 1984).]

Each state public officer is permitted to vote in his official capacity on any matter. However, any state officer who votes in his official capacity upon any measure which inures to his special private gain or the special gain of any principal by whom he is retained is required to disclose the nature of his interest as a public record in Part B below within 15 days after the vote occurs.

I, the undersigned officer of a state agency, hereby disclose that on _____, 19 _____:

(a) I voted on a matter which (check one):

_____ inured to my special private gain; or

_____ inured to the special gain of _____, by whom I am retained.

(b) The measure on which I voted and the nature of my interest in the measure is as follows:

Date Filed

Signature

Please see PART C below for instructions on when and where to file this form.

PART C
FILING INSTRUCTIONS

This memorandum must be filed within fifteen (15) days following the meeting during which the voting conflict occurred with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the meeting minutes. This form need not be filed merely to indicate the absence of a voting conflict.

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1983), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

Streets & Sidewalks

Mr. Davis - Chair

Mr. Hoque

Parks

Mr. Hoque Chair

Mr. Laginess

Finance & Budget

Mrs. Balsley Chair

Mr. Laginess -

Waterfront - Boat dock

Mr. Perry Chair

Mrs. Balsley

Civil Defense

Mr. Perry Chair

Mr. Davis

Neighborhood Watch

Mr. Laginess Chair

Mrs. Balsley

Special Committee
Building Code
Mr Loginess chair
Mr Perry

Comprehensive Plan
Mr Perry chair
Mrs Balsley