TOWN OF CINCO BAYOU
COUNCIL AS COMMITTEE MEETING
MAY 3, 1988

Mayor Laginess called the Regular Council Meeting to order at 6:00 PM.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL Present: Mayor Laginess
Councilwoman Buchanan
Councilman Davis
Councilwoman Dumka
Councilman Gage
Councilman Skelly

Also Present: Attorney Foster Manager Borchik
Jim Shrine (PGDN)

REGULAR BUSINESS

1. Minutes - April 5 & April 12, 1988 - Councilman Gage made a motion to accept the minutes of the April 5 & April 12, 1988 Town Council Meetings as presented and to place this item on the Consent Agenda, seconded by Councilman Skelly. The motion was unanimously approved.

2. Proclamation - "Red Ribbon Week" - Attorney Foster read the Proclamation. Councilman Gage made a motion to approve the proclamation, seconded by Councilman Davis. The motion was unanimously approved.

3. Landscaping Ordinance - Councilman Skelly - Councilman Skelly presented copies of his proposed Landscaping Ordinance and asked the Mayor and Councilmembers to review his proposal for consideration/comments at next week's meeting.

4. Ocean City/Wright Fire Control District Merger - The Mayor advised the Council that he had asked the Town Attorney and Town Manager to look into the actions necessary to merge with the Ocean City/Wright Fire Control District. At this time it appears that all that is necessary for a merger of a municipality and a special taxing district is for each agency to adopt an ordinance authorizing the merger. The Mayor asked the Attorney to contact the OCWFC's attorney and to initiate the actions necessary.

5. Parks - Okaloosa ARC Proposal - Following a short discussion, Councilman Skelly made a motion to accept the ARC proposal to be effective from May 15, 1988, through May 15, 1989, and to place this item on the Consent Agenda, seconded by Councilman Gage. The motion was unanimously approved.

6. Vacating Portions of Andalusia and Luverne Streets - A portion of Andalusia, approximately 50' X 150' and two segments of Luverne Street, 50' X 150' & 50' X 75' presently serve no public purpose and could be vacated. In the vacating process, the property concerned is divided with half going to each adjacent property owner. The adjacent property owners have indicated an interest in the property and if the Council agrees, each owner will be contacted. Following a short discussion, it was decided that no action would be taken until it can be determined if the Town has the authority to sell the property concerned.

COUNCILMEMBERS REPORTS/COMMENTS

1. Councilman Gage discussed the delays concerning the sale and closing of Cuco's portion of the Laguna Landing development. Councilman Skelly expressed his continued concern for the unsightly structure that exists on the property and asked if there was anything the Council could do to speed up the process and resolve this problem.
2. Councilman Skelly asked if there have been any requests for inspections of buildings in accordance with the recently adopted ordinances. The Town Manager stated that there had been no requests for inspection, however, there had been one complaint concerning the condition of the adjacent property and an existing fire hazard. A letter has been sent to the property owner requesting the property be cleaned/cleared in accordance with Section 8-1 of the Code of Ordinances. Councilman Skelly indicated that he had looked into three units on Opp Boulevard and he would be submitting a letter requesting inspection and action in accordance with Ordinance No 121.
3. Councilman Gage reminded the Council that he represented the Town on the Okaloosa League of Cities Board of Directors and asked for the Council's input on any matter that could be brought before the Board.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME - None

COMMITTEE REPORTS

1. Administrative Committee - No Report
2. Finance & Budget Committee - No Report
3. Comprehensive Plan Committee - No Report

CORRESPONDENCE

1. Letter, Board of County Commissioners - Solid Waste (4/21)
2. Letter, Board of County Commissioners - Solid Waste (4/26) - Mayor Laginess asked the Town Manager to attend the meeting at the Shalimar Courthouse on May 5, 1988
3. Letter, Okaloosa League of Cities - Executive Committee Meeting Minutes - (See Councilman Gage comments above)
4. Letter, Fort Walton Beach Proposal - No action at this time.

TOWN MANAGER'S REPORT - None

MAYOR'S ANNOUNCEMENTS - None

There being no further business, the meeting adjourned at 7:00 PM.

Charles R Laginess
Mayor

Attest:

Town Manager/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 Manager/Clerk.

PROCLAMATION

WHEREAS, drug abuse in Florida has reached epidemic stages and the 15-24 year old age group is dying at a faster rate than any other age group; and

WHEREAS, it is imperative that a united effort of community members be launched to stem the tide of drug abuse; and

WHEREAS, the sponsor of RED RIBBON WEEK, Okaloosa County "Say No To Drugs" Task Force is asking citizens to take this opportunity to demonstrate their commitment to drug-free lives by wearing red ribbons during the period of May 9 to May 13, 1988; and by participating in the "Say No To Drugs" march on May 14, 1988; and

WHEREAS, youth, parents, teachers and persons from all walks of life are offering their commitment to eliminate the demand for alcohol and drugs by wearing symbolic red ribbons during Red Ribbon Week.

NOW THEREFORE, I, Charles R. Laginess, by virtue of the authority vested in me as Mayor of the Town of Cinco Bayou, Florida, do hereby support the RED RIBBON CAMPAIGN by proclaiming the week of May 9, 1988 through May 13, 1988 as

RED RIBBON WEEK

in the Town of Cinco Bayou, Florida, and encourage its citizens to wear red ribbons or display one at their home, business, school. church, etc., and participate in the "Say No To Drugs" march, thereby making a visible statement that we are strongly committed to win the war on drugs - "SEE RED - SAY NO!"

Proclaimed this 3rd day of May, 1988.

_____

Mayor

ATTEST:

_____

Town Manager/Clerk

CINCO BAYOU LANDSCAPE ORDINANCE

SAVE OUR STINKING TREES!

THE STORY OF SOME PLANTS AND THE TOWN THAT LOVED THEM

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CINCO BAYOU LANDSCAPE ORDINANCE

ORDINANCE NO. XXX-XX

AN ORDINANCE REGULATING LANDSCAPE DEVELOPMENT IN THE TOWN OF CINCO BAYOU, COUNTY OF OKALOOSA, FLORIDA; ESTABLISHING THE PURPOSE OF THE ORDINANCE; PROVIDING DEFINITIONS; DELINEATING THE APPLICABILITY AND SCOPE OF DEVELOPMENT AND STANDARDS FOR PUBLIC AND PRIVATE USE AREAS; ESTABLISHING LANDSCAPING REQUIREMENTS; CREATING REQUIREMENTS FOR LANDSCAPE PLANS AND PERMITS; ESTABLISHING STANDARDS FOR THE MAINTENANCE OF LANDSCAPE AND VEGETATION; DEFINING PROTECTED TREES; ESTABLISHING POLICIES REGARDING PROTECTED TREES; CREATING THE TREE REMOVAL PERMIT; ESTABLISHING MEANS FOR ENFORCEMENT OF THIS ORDINANCE; OUTLINING THE PROCEDURES OF APPEAL; ESTABLISHING PENALTIES.

WHEREAS, The City Council of the Town of Cinco Bayou, Florida, finds that the preservation of a proper ecological balance is integral to the quiet enjoyment of this community by its residents, and that reasonable protection and regulation of the ecology is necessary to insure that enjoyment for the citizenry and its progeny,

BE IT ORDAINED BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA, that:

SECTION 1. Short Title: This ordinance shall be known as the Landscape Ordinance of Cinco Bayou, Florida.

SECTION 2. Purpose: The purpose of this ordinance is to establish protective regulations for trees and landscaped areas within the Town. Such areas preserve the ecological balance of the environment, control erosion, sedimentation and stormwater runoff, provide shade and reduce heat and glare, abate noise pollution, buffer incompatible land uses, and enhance the aesthetic value of the community. The intent of this ordinance is to encourage preservation of existing trees and landscaped areas and to promote the planting of new life within the Town as ways to augment the general health and welfare of the citizens of this Municipality.

SECTION 3. Definitions: As used in this Ordinance, the following terms shall mean as noted:

(1) Crown - means the main point of branching or foliage of a tree or the upper portion of a tree.

(2) Developable area - means the total area of a lot or parcel, excluding public rights-of-way.

(3) Dripline - means the circumference of the tree canopy extended vertically to the ground.

(4) Ground cover - means low growing plants planted in such a manner as to form a continuous cover over the ground, e.g.,

confederate jasmine; English ivy, or other similar plants.

(5) Irrigation system - means the water supply system used to irrigate the landscaping consisting of and underground sprinkling system, outlets for manual watering, or other appropriate technology.

(6) Landscape material - means living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover; landscape water feature; and nonliving durable material commonly used in landscaping, including, but not limited to, rocks, pebbles, sand, weed barriers including but not limited to polypropylene and jute mesh, brick pavers, earthen mounds, but excluding impervious surfaces for vehicular use. Fifty percent (50%) of all ground cover shall be living.

(7) Parking lot - means a paved area or plot of land used for the storage and/or parking of vehicles.

(8) Planting area - means any area designed for landscape material installation.

(9) Protected tree - means native trees protected by this ordinance as identified by species and size in Appendix A of this ordinance.

(10) Right-of-way - means a way legally designated for use by the Town, County or State as a street, highway, thoroughfare, parkway, road, avenue, alley, other vehicular use facility, or easement. For the purpose of this Ordinance, the rights-of-way shall be those as recorded in subdivision plats and/or shown on the Okaloosa County section and Town tax appraisal maps.

(11) Shade tree - means any species of tree indentified in Appendix A and Appendix B of this Ordinance as a shade tree.

(12) Tree - means any self-supporting woody plant which normally grows to an overall height of at least fifteen (15) feet.

(13) Tree removal - means any act which causes a tree to die within a period of two (2) years; such acts including, but not limited to, cutting; inflicting damage upon a root system by machinery, storage of materials, or soil compaction; changing of the natural grade above or below a root system or around a trunk; inflicting damage on a tree; permitting infection or pest infestation; excessive pruning; or paving with concrete, asphalt or other impervious material so as to be harmful to a tree.

SECTION 3. Applicability: The provisions of this Ordinance shall be applicable as follows:

(1) All zoning districts of the Town of Cinco Bayou shall be regulated by this Ordinance.

(2) All single-family and duplex uses are exempt from the provisions of this ordinance except as provided for in sections dealing with buffer yards, new development and canopy road tree protection zones.

SECTION 4. Landscaping Requirements: The following landscaping requirements apply to all types of land uses listed in Section 3 of this Ordinance.

(1) Landscape area requirements - The minimum percentage of the total developable site which shall be devoted to landscaping, unless otherwise specified in the Ordinance, shall be as follows:

a) All zoning.....15%

(2) Off-street parking and vehicle use areas - Off-street parking facilities and other vehicular use areas shall meet the following requirements:

a) Perimeter requirements. A ten-foot wide strip of privately owned land, located along the front property line adjacent to the street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Widths of sidewalks shall not be included within the ten-foot wide front setback, perimeter landscape area. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in Section 4.1 above.

1. Material requirements in perimeter area.

i. One tree for each fifty (50) feet of linear front footage along the right-of-way shall be preserved or planted. The remaining area within the perimeter strip shall be landscaped with other landscape materials.

ii. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) and nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

b) Interior planting areas. Interior planting areas within parking lots shall be determined by subtracting the area set aside in the ten-foot perimeter strip from the total minimum area required to be landscaped (15%). This remaining percentage shall be allocated throughout the parking lot or in areas which are adjacent to the parking lot other than the perimeter strip. Interior planting areas shall be located to most effectively accommodate stormwater runoff and

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shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

1. Minimum size or interior planting areas.

i. A minimum of fifty (50) square feet of planting area shall be required for each new species Type A tree identified in Appendices A and B.

ii. A minimum of one hundred (100) square feet of planting area shall be required for each new species type B and type C tree identified in Appendices A and B.

iii. A minimum planting area of fifty (50) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than fifty (50) percent is needed to preserve the tree, additional areas may be negotiated between the applicant and the Town Council.

iv. In no case shall the minimum planting area be less than fifty (50) square feet.

c) Vehicle overhang. Vehicles shall not be permitted more than two (2) feet into any interior planting area or perimeter strip.

d) Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the trees.

(3) Buffer yards between incompatible zoning areas and uses.

a) The following relationships between land uses shall be considered incompatible and require a buffer yard:

1. Public and insitutional uses, townhouse and multiple family land uses - Where adjacent to single-family or duplex land uses.

2. Commercial land uses - Where adjacent to single-family, duplex, townhouse and multiple family land uses.

b) Where such imcompatible zones or uses abut, a ten (10) foot buffer strip shall be required. Said buffer strip shall extend the entire length of the common incompatible boundaries. The planting

area within this required buffer yard shall not be allowed to be credited as part of the required minium landscaped area specified in Section 4.1.

c) Buffer material requirements shall be as follows:

1. Within the buffer strip, one tree for each twenty-five (25) linear feet of required buffer strip, or majority portion thereof shall be required, with a minimum of fifty (50) percent of said trees being shade trees. Trees must be spaced so as to allow mature growth of shade trees.

2. Grass or other ground cover shall be planted on all sides of the buffer strip required by this section which are no occupied by other landscape material.

3. A visual screen of vegetation or a solid fence (six (6) feet in height) running the length of all common boundaries shall be installed within the buffer strip, except at permitted driveways or access points. Where vegetation strips are used, such strips shall provide a minimum of seventy-five (75) percent opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting. Appendix C lists species and size of vegetataion that are recommended to meet this requirement.

4. For buffers between incompatible land uses within a zone, such developments adjacent to a vacant parcel shall not be responsible for providing a buffer. The development within the cumulative zone creating the incompatible use shall be responsible for providing the buffer.

5. If the Town Council determines that the construction of a landscape buffer area required by this Ordinance would create a hardship for the renovation of existing structures or vehicular use areas, the Council may approve a buffer area with a width no less than five (5) feet, provided such buffer area meets the visual screening requirements of this Ordinance.

SECTION 5. Landscape Plan.

A landscape plan shall be required as a condition of obtaining any building permit for townhouse residential, multifamily residential, single family residential, and commercial dvelopment as outlined in Section 3. The plan shall be submitted to the Town Manager. A fee of $25.00 shall be charged for services rendered by the Town Manager in the review of the required landscape plan.

(1) Contents of the landscape plan. The landscape plan shall include the following information:

a) Location by species and size of all trees, shrubs, and landscape material to be retained or placed on the site.

b) Location of proposed structures, drivewas, parking areas and other improvements to be constructed or installed.

c) Location of irrigation system to be provided, if any, or manual outlet for watering.

d) Landscape and tree protection techniques proposed to prevent damage to vegetation during construction and after construction is completed.

e) Information, written and graphic, submitted to the Town Manager as required in Section 8 and any tree removal permit, if issued.

(2) All landscape materials and trees depicted on the approved landscape plan shall be installed within one year of the date of the issuance of the building permit for the site.

(3) No building permit shall be issued until a landscape plan has been submitted and approved, including a tree removal permit, if required, by the Town Manager.

(4) No certificate of occupancy shall be issued until the Town Manager has determined after final inspection that required site improvements have been installed according to the approved application of the landscape plan. In lieu of the immediate installation of the landscaping material and trees, the Town may require a performance bond or other security in an amount equal to the cost of the required improvements in lieu of withholding a certificate of occupancy, and may further require that improvements be satisfactorily installed within a specified length of time.

SECTION 6. Maintenance.

The legal owner of record as appears on the current tax assessment roll or the designated lessee or agent shall be responsible for all landscape areas which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Maintenance shall include the replacement of all dead plant material. Dead plant material shall be replaced within a time appropriate to the growing season of the species in question, not to exceed one year.

SECTION 7. Protected Trees.

(1) Where protected trees are identified on a site proposed for lot clearing within the applicable areas identified in Section 3, the number of said trees which shall be required to be preserved shall be

based on a ratio of one tree for each three thousand six hundred (3,600) square feet of impervious surface area or fraction thereof. The perimeter and interior landscaped areas required in Section 4 shall be located on the site to incorporate the preservation of said trees, where possible.

a) Tree credits. Any existing protected tree located on the subject private property with crown extending over the planned paved parking area, perimeter or interior landscaped areas shall be eligible for credit against the number of protected trees required to be preserved on the site. The following schedule may be applied for preserving existing trees on-site:

Diameter of Existing Crown Spread of Preserved Tree	or	Diameter of Tree Trunk of Preserved Tree	=	Number of Trees Credited
90' or greater		36" or greater		7
60-89'		30-35"		6
50-59'		26-29"		5
40-49'		20-25"		4
30-39'		13-19"		3
20-29'		8-12"		2
16-19'		4-7"		1

Such credits shall be subject to the approval of the Town Manager.

Crown spread measurements shall be rounded to the nearest whole foot, and tree trunk diameter measurement shall be rounded off to the nearest whole inch. Diameter of a tree shall be measured at a height of four (4) feet above the natural grade.

A reduction of the required number of parking spaces may be allowed by the Town Manager when the reduction would result in the preservation of a protected tree with a trunk of twelve (12) inches in diameter or greater. The following reduction schedule shall apply:

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees preserved)

b) Relocation, removal and replacement of protected trees.

Where a proposed site plan cannot be designed to accommodate existing protected trees on the site, a permit shall be obtained from the Town Manager to remove any such protected tree as specified in Section 8.

Where practical, when proposed improvemnts necessitate removal of protected trees, said trees shall be relocated on the site in the required perimeter or interior landscaped areas. If the relocation of said trees is impractical, the owner or his agent shall replace the removed protected tree with a protected tree species or a species identified on the "tree replant list" in Appendix B. The replacement tree shall measure a minimum of three (3) inches in diameter, four (4) feet above grade in order to comply with Section 7.1 above. A replacement ratio of 1:1 shall be applied. Trees identified as diseased or dead shall not be required to be replaced.

c) New planting of protected trees. On sites proposed for development where no existing protected trees are identified, the owner or his agent shall be required to plant one new tree species identified in the protected tree list (Appendix A) or the tree replant list (Appendix B), a minimum of three (3) inches in diameter measured four (4) feet above grade for each three thousand, six hundred (3,600) square feet of impervious surface area. New trees or replacement trees shall be planted within a time appropriate to the growing season of the species in question, not to exceed one year.

(2) New residential single family dwellings.
In new residential single family dwellings, the private property owner of each lot shall plant one tree in the front yard within ten (10) feet of the right-of-way, provided there is no existing tree in the front yard.

a) Where a protected or replant tree species is required to be replanted, such tree shall be a minimum of three (3) inches in diameter, measuring four (4) feet above the grade.

b) The location of an existing protected tree on the lot or the proposed location of a new protected or replant species, where require in Section 7 (2), shall be identified on the plot plan submitted as part of the information submitted for a building permit.

(3) Road right-of-way tree protection zone. No person or agency shall cut, remove, trim or in any way damage any protected tree in any street right-of-way or create any condition injurious to any such tree without first obtaining a permit to do so from the Town Manager.

a) The Town Manager may issue an annual permit to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of the Ordinance, the Town Manager may revoke said permit, providing the reasons for revoking such a permit in writing to the offender.

b) In no case shall the utility company be permitted to prune more than thirty (30) percent of the existing tree canopy.

(4) Canopy Road tree protection zone. All lands within ten (10) feet of the outer boundary of the below described roads are hereby declared to be canopy tree protection zones:

1. Opp Boulevard.

2. Troy Street from Kelly Avenue to Yacht Club Drive.

3. Yacht Club Drive, east from Eglin Pkwy. to the Town limits.

No person or agency shall cut, remove, trim or in any way damage any protected tree in any canopy road tree protection zone or create any condition injurious to any such tree without first obtaining a permit to do so from the Town Manager, except as provided for in Section 8 of this Ordinance. The exemption for utility companies noted in 7 (3) a) above of this Ordinance shall also apply to the canopy road tree protection zone.

SECTION 8 Tree Removal Permit.

Unless exempt form the provisions of this Ordinance, no person shall cut, remove, trim, or in any way damage any protected tree within the applicable zones identified in Section 3, the road right-of-way, and canopy road tree protection zone identified in Section 7, without first obtaining a permit from the Town Manager as provided below. In addition to this graphic information, a written statement shall be included noting the reason why tree removal is requested. A fee of $25.00 shall be charged for services rendered by the Town Manager in the required review and on-site inspection for tree removal permits.

(A) Permit application information. The following information shall be provided to the Town Manager before a tree removal permit shall be issued:

(1) Residential and commercial development. Prior to commencing any development or activity, including removal of any vegetation for site preparation in any residentail or commercial zone identified in Section 3 herein, the owner developed or agent shall submit an accurately scaled drawing by a registered land surveyor, landscape architect, engineer or architect, or landscaper, including the following information:

(a) Location of all protected trees noting species, general condition and size.

(b) Location of proposed structures, driveways, parking areas, required perimeter and interior landscaped areas, and other

improvements to be constructed or installed.

(c) Identification of trees to be preserved, trees to be removed, including dead trees, and trees to be replanted.

(d) Proposed grade changes which might adversely affect or endanger trees with specifications on how to maintain trees.

(2) Canopy road tree protection zone activities and road right-of-way tree protection zone. Prior to cutting, removing, trimming or in any way damagin a protected tree in the canopy road tree protection zone or in the road right-of-way tree protection zone, an owner, developer or agent must submit a copy of an accurately scaled drawing prepared by a registered land surveyor, landscape architect, engineer, architect or landscaper, including the following information:

(a) Location of the subject protected tree, noting species, size and general condition.

(b) The Town Manager may issue an annual permit to public utilities exempting them from this requirement as specified in Section 7.

(c) Private property owners shall be exempt from this provision for normal pruning acitivities, with the condition that such pruning shall not remove more than thirty (30) percent of the existing tree material.

(B) On-site inspection. Prior to the issuance of a tree removal permit, the Town Manager shall conduct an on-site inspection.

(C) Conditions of approval. The Town Manager may approve a permit if one or more of the following conditions is present:

(1) Safety Hazard - Necessity to remove trees which pose a safety hazard to pedestrians or vehicular traffic or threaten to cause a disruption of public services; or which pose a safety hazard to persons or buildings;

(2) Diseased or weakened trees - Necessity to remove diseased trees, or trees weakened by age, storm, fire, or other injury;

(3) Good forestry practices - Necessity to observe good forestry practices;

(4) Construction of improvements - Necessity to remove trees in order to construct proposed improvements as a result of:

(a) Need for access imeddiately around th proposed structure for construction equipment.

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(b) Need for access to the building site for construction eqiuipment.

(c) Essential grade changes.

(d) Surface water drainage and utility installations.

(e) Location of driveways, buildings or other permanent improvements.

(5) Compliance with other ordinances or codes - Necessity for compliance with other Town of Cinco Bayou codes, e.g., building, health provisions, zoning, etc.

(D) Review. The Town Manager shall have ten (10) working days after receipt of a completed application filed pursuant to this Ordinance in which to approve or deny the requested permit. In the event an application is denied, the Town Manager shall specify in writing the reason for said action. If no final action with respect to a completed application is taken within the required ten (10) working days, the application shall be deemed to have been approved.

SECTION 9. Enforcement.

(A) Stop work order. Whenever the Town Manager determines that a violation of this Ordinance has occurred, the following actions shall be initiated:

(1) Written notice. Immediately issue writted notice by personal delivery or certified mail to the person violating the Ordinance of the nature and location of the vilation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial actions and shall have ten (10) working days after receipt of said notice, or such longer time as may be allowed by the Town Manager, to complete the remedial action set forth in such notice.

(2) Remedial work and stop work orders. If a subsequent violation occurs during the ten (10) working days referred to in (A)(1) above, or if remedial work specified in the notice of the violation is not completed within the time allowed, or if lcearing and development of the land is occurring without a permit, then the Town Manager shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land on which the clearing and/or developing is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the persons resonsible for the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the prject into compliance. If such person fails to complete the recommended action after the issuance of such stop work order, then the Town Manager may issue a stop work order on all or any portion of

the entire project.

(3) Upon completion of the remedial steps required by notice refrred to in Section 9, the Town Manager shall issue a notice of compliance and cancellation of said notice or Stop Work Order.

(B) Penalty. The fine for violating this Ordinance shall be based on the size of the tree removed without a permit. The fine shall be established at fifty dollars ($50.00) per diameter inch of the tree removed. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. Each day a violation of a stop work order continues shall constitute a separate offense. Each protected tree removed without a permit or in violation of a permit shall constitute a separate offense. Any person may seek an injunction against any violation of this chapter, and recover such damages as he may suffer.

(C) A tree planting trust fund shall be established and funded by the fines pursuant to (B). A tree replacement program shall be developed by the Town Council.

(D) Expenditures from the tree planting trust fund established in (C), are hereby authorized and may be made by the Mayor to community organizations such as homeowner associations, civic organizations, and garden clubs, according to the following criteria:

(1) Each grant is limited to one-third of the cost of the proposed project, but in no event to exceed five hundred dollars ($500.00);

(2) The tree planting fund must have sufficient funds for the project requested;

(3) The Town Council must approve each request; and

(4) The funds must be utilized for providing trees or other appropriate vegetation that will enhance the natural beauty of the community, serve to deter graffiti or defacement of public or private property, and create sound buffers where desirable.

SECTION 10. Appeal.

Any person adversely affected by a decision of the Town Manager in the interpretation or enforcement of the provisions of this Ordinance may appeal such decision to the Town Council of Cinco Bayou. Such appeal should be submitted in writing within thirty (30) days of the rendering of the subject order, requirement, decision or determination.

Appendix A

Protected Tree List

Species Type A—(Small, 4"—7" diameter trunk):

Dogwood (*Cornus florida*)
Redbud (*Cercis canadensis*)

Species Type B—(Medium, 8"—13" diameter trunk):

American holly (*Ilex opaca*)
Southern magnolia (*Magnolia grandiflora*)*
Eastern red cedar (*Juniperus virginiana*)*
Southern red cedar (*Juniperus silicicola*)*

Species Type C—(Large, 14" + diameter trunk):

Live oak (*Quercus virginiana*)*
Laurel oak (*Quercus laurifolia*)*
Sweet gum (*Liquidambar styraciflua*)*
Sycamore (*Platanus occidentalis*)*
Pecan (*Carga illinoensis*)*
Water oak (*Quercus nigra*)*
Red maple (*Acer rubrum*)*

*Shade trees.

Appendix B

Tree Replant List

In addition to the three (3) categories of trees identified in the "Protected Tree List," the following trees may be planted to meet the minimum tree replanting requirements in section 12-6-7(A)(2).

Species Type A (Small):

Dahoon holly (*Ilex cassine*)*
Fringe tree (*Chionanthus virginicus*)
Ashe's magnolia (*Magnolia ashei*)*
Red Bay (*Persea palustris*)*
Smooth red bay (*Persea borbonia*)*
Sassafras (*Sassafras variifollium*)
Yaupon (*Ilex vomitoria*)
Wild olive (*Osmanthus americana*)
Scrubby post oak (*Quercus margaretta*)
Wild crabapple (*Malus angustifolia*)
Hop hornbeam (*Ostyra virginiana*)
Wax myrtle (*Myrica cerifera*)*
Crape myrtle (*Laqerstroemia indica*)

Species Type B (Medium):

Cherry laurel (*Prunus caroliniana*)*
Large-leafed magnolia (*Magnolia macrophylla*)*
Hornbeam (*Carpinus caroliniana*)
River birch (*Betula nigra*)*
Florida maple (*Acer banbatum floridanum*)*
Sweetbay (*Magnolia virginiana*)*

Species Type C (Large):

Tulip tree (*Liviodendron tulipifera*)
Willow tree (*Quercus phellos*)
Sour gum (*Nyssa sylvatica*)
Southern red oak (*Quercus fulcata*)*
Shumard's red oak (*Quercus shumardii*)*
Hackberry (*Celtis laevigata*)
White oak (*Quercus alba*)*
Bald cypress (*Taxodium distichum*)*

*Shade trees.

Appendix C

Recommended Vegetation List for Buffer Yard Visual Screen

Ligustrum (*Ligustrum japonicum*)
Azalea (*Rhododendron indicum, Rhododendum simsii, Rhodendron obtusum*)
Red top (*Photinia glabra* and *Photinia froseri*)
Cleyera (*Cleyera japonica*)
Wax myrtle (*Myrica cerifera*)
Pampas grass (*Cortaderia selloana*)
Thorny elaeagnus (*Elaeagnus pungens*)
Silverberry (*Elaeagnus macrophylla*)
English holly (*Ilex aquifolium*)
Chinese holly (*Ilex cornuta*)
Japanese holly (*Ilex crenata*)
Yaupon holly (*Ilex vomitoria*)
Oleander (*Nerium oleander*)
Chinese juniper (*Juniperus chinensis*)
Savin juniper (*Juniperus sabina*)
Rocky Mountain juniper (*Juniperus scopulorum*)

Suggested planting sizes:

One-gallon plant—Approximately 15—24 inches in height.
Three-gallon plant—Approximately 24—36 inches in height.

ARC INDUSTRIES
414 Bob Sikes Boulevard Fort Walton Beach, Florida 32548 (904) 862-6913

May 2, 1988

CONTRACT AGREEMENT

ARC Industries, a division of the Association for Retarded Citizens of Okaloosa County, Inc., agrees to provide lawn maintenance to the Town of Cinco Bayou, 35 Kelly Avenue, Fort Walton Beach, FL 32548 for the sum of $550.00 per month. Service will consist of cutting the grass, edging and raking at the following locations:

Laguna Park on Laguna Street & Yacht Club Drive
Leyenda Park on Kidd Street & Yacht Club Drive
Francis Park on Kidd Street

This agreement is based on lawn maintenance service as follows:

May through September once a week or as needed.
October through February once a month.
March through April twice a month.

ARC Industries will supply all equipment necessary to fulfill this contract agreement. Fertilizers and related items will be purchased by the customer.

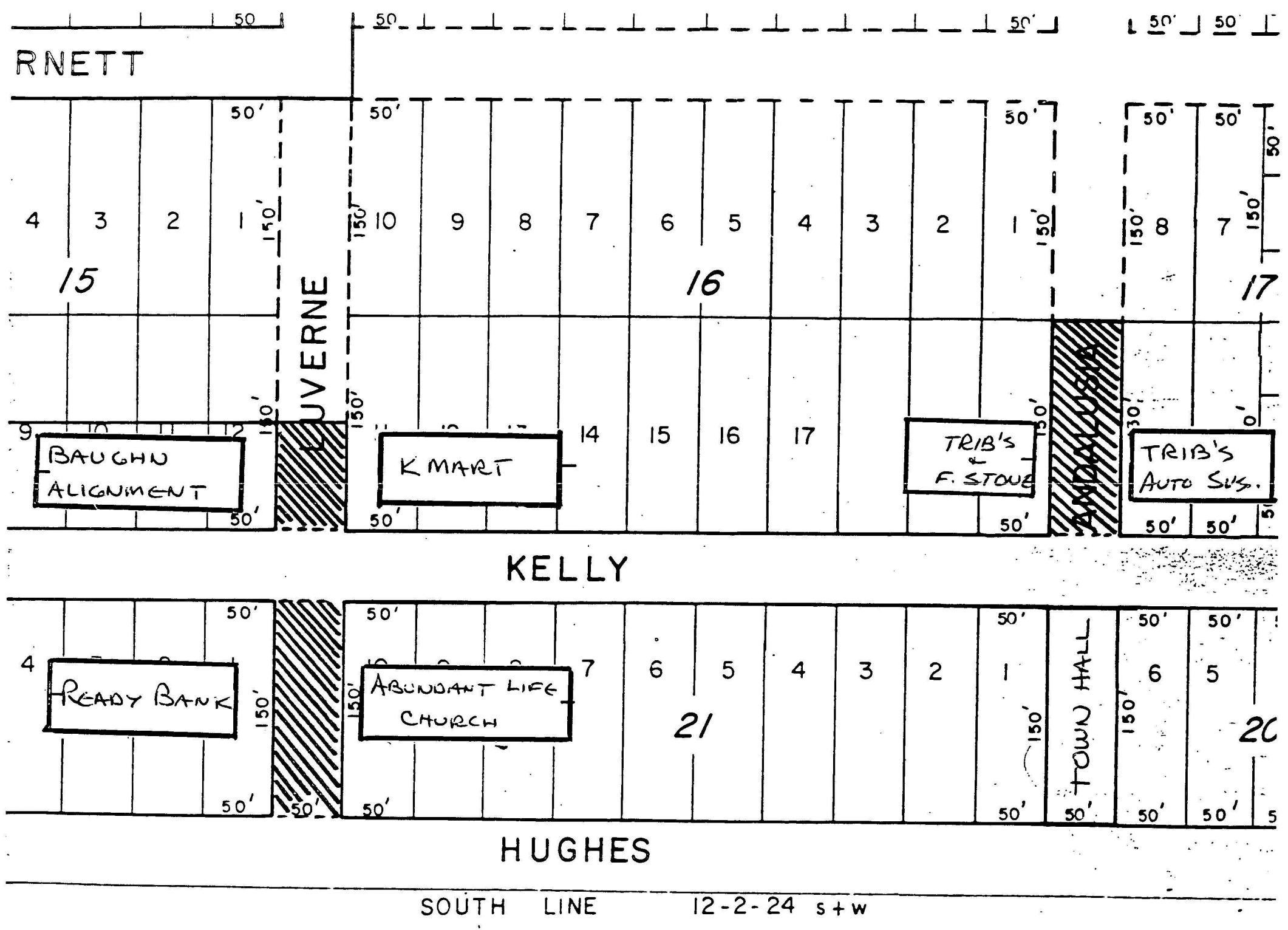
This agreement can be amended by mutual consent of both parties, and can be cancelled with a 30 day written notice by either party.

Mary Hicks
ARC Industries - Services Division

Town of Cinco Bayou by:

5-2-88
Date

Date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KELLY
READY BANK
ABUNDANT LIFE CHURCH
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TOWN HALL
HUGHES
SOUTH LINE 12-2-24 s+w

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Board of County Commissioners

County Seat
Crestview, Florida 32536
Tel. (904) 682 2711

Okaloosa County
Florida

Annex
Shalimar, Florida 32579
Tel. (904) 651 3710

April 21, 1988

Honorable Charles Laginess
Mayor of Cinco Bayou
35 Kelly Ave.
Cinco Bayou, FL 32548

Dear Mayor Laginess:

For the past three years Okaloosa County has been investigating solid waste disposal requirements and alternatives in order to develop a long range program for all County residents. Due to recent changes in laws affecting landfilling, and a scarcity of land for that purpose, a variety of resource recovery options were investigated in great detail during 1986 and 1987. Costs were compiled and in the spring of 1987 the County elected to contract with a private firm providing for disposal for a thirty year period. We have forecast costs in the range of $22 to $24 per ton for the 1988-89 fiscal year. The cost includes a sum for the closure of the Wright Landfill which will be done over a period of several years at an estimated total cost of $6,000,000. The private firm of Waste Associates, Inc. will construct transfer stations and transport solid waste to a landfill in North Okaloosa County. The County has assumed the responsibility for providing this service for all County residents at the lowest possible cost and consistent with all appropriate laws governing solid waste disposal.

At this time it is necessary to prepare interlocal agreements with municipalities that choose to avail themselves of this service. It is also important that municipalities with solid waste collection services indicate a willingness to join this program since the quantities of material must be accurately

Please Address Reply To:

predicted prior to any further planning. We anticipate the Wright Landfill will close July 1, 1988.

Please respond by May 29 to the above request as it is imperative that we know if your waste material will be a part of the quantity that we have obligated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA

Bill W. Peebles, Jr.

BILL W. PEEBLES, JR.
Chairman

BWPJr:jj

cc: Dave Heinrich
Director of Public Works

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Board of County Commissioners

County Seat
Crestview, Florida 32536
Tel. (904) 682 2711

Okaloosa County
Florida

Annex
Shalimar, Florida 32579
Tel. (904) 651 3710

April 26, 1988

Town of Cinco Bayou
Attn: Mayor Charles Laginess
35 Kelly Ave.
Cinco Bayou, FL. 32548

SUBJECT: SOLID WASTE DISPOSAL

Dear Mayor Laginess:

Another meeting of the Municipal Officials Panel to discuss this subject is scheduled for Thursday, May 5, at 10:00 a.m., at the Shalimar Courthouse large conference room. The agenda for discussion will be as follows:

(1) The July 1 Closure of Wright

- alternatives
- municipal participation in transfer to Baker

(2) Tip Fees

- preferred method of collection
- costs

Request that your municipality be represented at this meeting. It will be important for county officials to know if your solid waste will require county planning for disposal.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA

BW Peebles

BILL W. PEEBLES
Chairman

BWP:jk

Please Address Reply To:

CINCO BAYOU
CRESTVIEW
DESTIN
FORT WALTON BEACH
LAUREL HILL

Okaloosa County League of Cities

RECEIVED 4/26/88 KB

MARY ESTHER
NICEVILLE
SHALIMAR
VALPARAISO

M E M O R A N D U M

DATE: APRIL 25, 1988

TO: OKALOOSA COUNTY LEAGUE OF CITIES

FROM: JOE YOUNG - SECRETARY/TREASURER

REFERENCE: APRIL 22, 1988 MEETING

MEMBERS PRESENT:
Bill Phillips, President
Joe Young, Secretary/Treasurer
John Shortall, Fort Walton Beach
(Representing Lee Bobo)
Al Swihart, Niceville
Dick Gage, Cinco Bayou
Reid Gilland, Valparaiso
A. P. Day, Laurel Hill

GUESTS: Renee' Williams, Fort Walton Beach

MEMBERS ABSENT:
Bart Hudson, Shalimar
Bill Kilpatrick, Crestview

Meeting called to order by the president. The following items were discussed:

1. Soviet Visitors to Okaloosa County: Renee' Williams presented the Executive Board with information pertaining to a program where Soviet Citizens Meet Middle America. The program allows cities to apply to host four Soviet citizens in their community for approximately three days. Purpose of the program is to foster public relations between Soviet and American citizens. The League of Women Voters has accepted this challenge and will apply for Soviets to visit Okaloosa County sometime during the months of September or October. The purpose of her presentation is to solicit support from each city, suggestions and ideas, and active participation with planning and moral support.

2. Homebuilders Association: Marilyn J. Cameron, Executive Director, of the Home Builders Association Okaloosa - Walton Counties, Inc., will be at the next Executive Board meeting to discuss General Contractor License Fees in Okaloosa County. The home builders association which represents approximately four hundred (400) members in Okaloosa County and would like to see unity in license fees for general contractors doing business in Okaloosa County.

3. Panhandle League of Cities Lobbying Program in Tallahassee:

a) The Panhandle League which the Okaloosa County League is a member has a lobbying program whereby at least two officieals from Northwest Florida spends Wednesday and Thursday of each week with our legislators lobbing for issues applicable to Northwest Florida, Okaloosa County, and our own cities.

b) Al Swihart, Representative of Niceville is President of the Panhandle League. He have us a briefing on his experiences during his visit with the legislators. He recommends contacting the Florida League of Cities Staff office for up to date information of legislative activities taking place to help make your two day stay more productive.

4. Legislative Day - May 4, 1988: All cities are requested to attend the Florida Legislative Day in Tallahassee. A letter was sent to Pat Thomas, Dempsey Barron, Bo Johnson, and Robert Harding requesting their presence at the league luncheon. Lets have every city in Okaloosa County represented at the luncheon.

The legislative day will be held at the Tallahassee-Leon County Civic Center from 10 am to 4 pm. Recommend each official attending pre-register if possible.

5. Highway 85 Four Laning: Bill Phillips presented a resolution from the City of Destin supporting the effort to four lane Highway 85 from Crestview to Alabama. After some discussion, motion by Joe Young, seconded by John Shortall to send Crestview a resolution from the Okaloosa County League of Cities supporting same. Motion carried.

6. Transportation Day - May 10, 1988: Recommend every city be represented at the Transportation Day in Tallahassee. Transportation is a major concern to every city in Okaloosa County. It was suggested that Ted Mathis and his Highway 85 committee be present.

7. Dorcas Landfill Agreement:

a) Bill Phillips recommended each municipality read the agreement to help each municipality in the county to be better informed.

b) Much discussion on this subject took place, however it was generally agreed that waste disposal is a major issue each municipality should become throughly informed about.

c) John Shortall invites all interested persons to attend a Solid Waste presentation by Charles Rigdon in the Fort Walton Beach City Council Chambers at 7 pm on Tuesday, April 26, 1988.

8. Say No To Drugs:

a) The State of Florida has designated May 9 through May 13 as Red Ribbon Week in recognition of the war against drugs.

b) The City of Destin has issued a Proclamation declaring same. Copy attached.

c) May 14, 1988 is the Okaloosa County "Say No to Drugs" parade. Each city, industry, business, and civic groups will sponsor trophies for awards by category for parade participants. Maximum participation is important in this worthwhile community effort.

Original document is skewed

9. Soil and Water Stewartship Week: A. P. Day, Laurel Hill, reminded the Board the April 24 through May 1st was National Soil and Water Stewartship week.

10. Comprehensive Planning Committee: Every city has recently been asked to appoint a primary and alternate member to the Okaloosa County Comprehensive Planning Committee. This is a voting position, therefore, each municipality should appoint individuals with ability to be active with the committee and have authority to represent their city as a voting member.

11. Next Executive Board meeting will be held on May 20, 1988 at 11:30 am, Western Steer Restaurant, Niceville, Florida.

12. Municipal Clerk's Week: Attahced is the League Proclamation declaring May 8-14, 1988 as Municipal Clerk Week. Our thanks to the outstanding municipal clerks in our county.

Respectfully submitted,

Joe Young

Joe Young
Secretary/Treasurer

City of Fort Walton Beach

RECEIVED 4/27/88 1813

P.O. Box 4009 • Fort Walton Beach, Florida 32549
Telephone (904) 243-3141

MEMO TO: Destin Fire Control District, Chairman & Commissioners
North Bay Fire Control District, Chairman & Commissioners
Ocean City-Wright Fire Control District, Chairman & Commissioners
Okaloosa Island Fire Control District, Chairman & Commissioners
South Okaloosa Fire Control District, Chairman & Commissioners
Board of County Commissioners, Chairman & Commissioners
Mary Esther, Mayor & Council
Niceville, Mayor & Council
Valparaiso, Mayor & Council

FROM: City Manager, City of Fort Walton Beach

DATE: April 22, 1988

During a recent Council meeting in this City, a discussion took place concerning a consolidated fire service dispatch center to serve south Okaloosa County. During the discussion, statements were made regarding mutual aid, automatic response, hazardous material operations, and other multi-jurisdictional functions presently being provided by fire departments in south Okaloosa County. A comment was made that many of the services now being provided by the fire departments and the proposal of a centralized dispatch function appears to approach a quasi-consolidated service, then why not go one step further and actually consolidate. As a result, the Fort Walton Beach City Council adopted the attached resolution suggesting each elected body involved designate one of its Commissioners to form a committee to study the feasibility of consolidation. The Fort Walton Beach City Council also designated David deVaux to represent this City if a committee is actually formed.

For the purpose of determining if a committee is to be formed, Councilman deVaux has requested that I invite each chairman of the appropriate elected boards/councils to attend a meeting to be held in the conference room of the Fort Walton Beach City Hall on May 11, 1988, at 3:00 p.m. Would you please respond to Helen Spencer, City Clerk, if you or a representative will attend the meeting. The date and time of the meeting is tentative, so if it is inconvenient, please advise the City Clerk so as the date and time may be adjusted.

Please do not hesitate to contact me if you have any questions or comments.

CHARLES E. KEELER, JR.
City Manager

ks

Copy: Chief Obiak, Fort Walton Beach Fire Department
Cinco Bayou, Mayor & Council
Destin, Mayor & Council
Emergency Management
Emergency Medical Services
Fort Walton Beach, Mayor & Council
Shalimar, Mayor & Council