

**TOWN OF CINCO BAYOU  
REGULAR TOWN COUNCIL MEETING  
MAY 11, 1995**

Mayor Laginess called the Cinco Bayou Town Council Meeting to order at 6:05 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL            Present: Mayor Laginess  
                                 Councilman Broxson  
                                 Councilman Gage  
                                 Councilman Kendrick

                         Absent: Councilwoman Chamberlain  
                                 Councilman Skelly

Also Present: Manager Borchik            Attorney Mcinnis            John Ford  
                         Secretary Payne            Engineer King            G. Keith  
                         Keith Balsley            Betty Gage

PUBLIC HEARING

Bids - Opp Boulevard Stormwater Drains - Engineer King advised the Council that no bids were received for the Opp Boulevard stormwater drain project. Attorney Mcinnis suggested that the bidding be closed and to allow Engineer King to hire a contractor to do the work. Councilman Gage made a motion to close the bids and allow the Town Engineer to hire a contractor, seconded by Councilman Broxson. The motion was approved unanimously.

Resolution No. 95-05 - First reading of Resolution 95-05, a Resolution amending the General Operating Budget for FY 1995. Attorney McInnis read Resolution No. 95-05 by title only. Councilman Kendrick made a motion to accept the first reading of Resolution No. 95-05, seconded by Councilman Gage. The motion was unanimously approved.

REGULAR BUSINESS

1. Minutes - April 13, 1995 - Councilman Kendrick made a motion to approve the minutes for April 13, 1995, seconded by Councilman Gage. The motion was unanimously approved.

2. Financial Report - April, 1995 - Councilman Broxson made a motion to approve the Financial Report for April, 1995, seconded by Councilman Kendrick. The motion was unanimously approved.

3. Mr. Balsley - Noise & Privacy Complaint - Mr. Balsley presented his complaint to the Council and explained that he resides at 211 Opp Boulevard, next door to Serigraphia. Mr. Balsley explained that the noise coming from the compressors located behind the Serigraphia building is so loud that it keeps them awake at night. Mr. Balsley expressed his concerns to the

Council and asked their help in resolving this issue. Mr. Balsley stated that he had tried to resolve this issue before bringing it to the Town Council but Mr. Keith, the owner of Serigraphia, had been uncooperative.

**NOTE: COUNCILMAN SKELLY ARRIVED AT THIS TIME 6:10**

After a lengthy discussion concerning different alternatives for solving Mr. Balsley's complaints, Mayor Laginess suggested that since the City of Destin had sound measuring equipment, they be asked to measure the noise level at 211 Opp Boulevard. Mr. Balsley stated that the Okaloosa County Sheriff's Department also had sound measuring equipment and could do the same testing. Councilman Kendrick then made a motion to ask the Okaloosa County Sheriff's Department to measure the noise level at 211 Opp Boulevard, seconded by Councilman Skelly. The motion was unanimously approved. Councilman Skelly then asked Mr. Balsley if there could be a landscape barrier put between the two properties to buffer the noise level. At that time Mr. Keith, the owner of Serigraphia, arrived at the meeting and Mayor Laginess brought him up to date on the discussion. He asked Mr. Keith if he was doing anything to resolve the problem. Mr. Keith said he had not been ignoring Mr. Balsley's complaint. He stated that he has contacted the factory engineer for the equipment in question, but he has not responded as yet. Mr. Keith also said he will do everything he can to work with Mr. Balsley to resolve the problem. After further discussion between Mr. Balsley, Mr. Keith and the Council, Attorney McInnis suggested that since the properties in question are zoned commercial, that the two neighbors try and resolve their disagreement themselves before bringing it before the Council

4. Mr. Destin - Business Location - The Town Manager advised the Council that Mr. Destin had withdrawn his request as he no longer had approval from the Georgia Dalton Carpet dealer for the use of the parking area in front of the store.

5. Security Contract Review - Mayor Laginess advised the Council that he had planned to ask Councilwoman Chamberlain to work with Attorney McInnis to review and rewrite the security contract with AMSEC. Councilwoman Chamberlain was not present and in her absence, the Mayor asked the Town Manager to briefly discuss the present contract. Manager Borchik stated that the present contract favored AMSEC as it did not specify patrol hours or patrol procedures and all options pertaining to contract review, cancellation, rates, etc., were in favor of AMSEC. Manager Borchik indicated that he was sure American Security would be willing to work with the Town to produce an acceptable contract that would satisfy both AMSEC and the Town. Attorney McInnis agreed with Manager Borchik and stated further that these changes would not effect the security that the Town now has with American Security patrols. The new contract would provide more options to the Town and would become effective October 1, 1995 with the new budget.

6. Town Policies Review - Manager Borchik asked the Council to review the Town's policies pertaining to Personnel, Purchasing, Travel & Per Diem and the use of the Town Hall. The policies are outdated and are not in line with the present organization. At that time Mayor Laginess called for a special workshop meeting to be held on Thursday May 18, 1995, for the purpose of reviewing the personnel policies and job description for Town Manager/Clerks position.

7. Special Committees for Grant Applications - Mayor Laginess advised the Council the Town had requested and received three grant application packets; The SBA grant for Trees, The FRDAP grant for park improvements and the LWF grant for waterfront improvements. Councilman Skelly expressed his concerns for applying for and receiving a grants and then not using them. Councilman Kendrick expressed his concerns about having enough money in the budget to match these grants and recommended that the Town say "No" to any of these grants. Mayor Laginess again asked for volunteers and Councilman Skelly said he would volunteer with the condition that since the Tree Committee did such a good job, he would like to get them involved. At that time Mayor Laginess appointed Ms.Carolynn Leach, Elisabeth Skelly and Ms. Betty Horvath to head the special committee for the grants.

#### COUNCILMEMBERS REPORTS/COMMENTS

Councilman Kendrick requested the status of the boat ramp. Manager Borchik informed him the temporary repairs on the pier that was damaged had been completed and at the present time, is safe for use. Final repairs for the complete facility will begin in about 10 days. Councilman Kendrick also inquired on the concrete slab at the end of the Cinco Bayou Bridge. The Town Manager advised that the owners plan on doing something with it next year and in the mean time, they have instructed Kelly Temporary Services to hire a security guard and have the property cleaned up. At that time Councilman Kendrick made a motion that in the event everything else fails, to have Attorney McInnis look into the legal aspect of getting the slab removed, seconded by Councilman Skelly. The motion was unanimously approved

Councilman Skelly inquired on the status of old sign and other material behind Impact Graphics. Manager Borchik informed him they had not removed the material or cleaned up the property. Councilman Skelly suggested that the Town clean up the property and send them the bill. Attorney McInnis cautioned the Council about going on their property without first sending them ten (10) day written notice to clean up the property. Councilman Skelly also thanked the Council for their support during the three (3) years it took to plant the trees. He is delighted and feels the money was well spent

Councilman Skelly announced that he had attended a dinner for the Mental Health Association of Okaloosa and Walton Counties to accept an award that was presented to the Town for its support of Project Cheer over the last fifteen (15) years. He commented that he did not know that Cinco Bayou was the only municipality supporting the Mental Health Association for that length of time. In addition, Councilman Skelly, expressed his surprise at Manager Borchik's resignation and said Manager Borchik's position would be hard to fill.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME - None

COMMITTEE REPORTS

1. Administrative Committee - No Report
2. Finance & Budget Committee - Manager Borchik informed the Council that next year's budget is coming up. This year's revised budget was increased to \$183,070.00 because of the Tree Project, but that would still leave \$120,000.00 in the reserve account.
3. Comprehensive Plan Committee - No Report

CORRESPONDENCE

1. Letter, Panhandle League of Cities - Annual Dinner - No Action
2. Letter, Mr. Mosteferis - Park Gate - Manager Borchik reported that the Park Gate is presently 31 inches wide and would be widened to 32 inches to accommodate a wheelchair as required by ADA.

TOWN MANAGER'S REPORT

1. The seawall in Frances Park is eroding and in need of repair. In addition, someone has removed several seawall blocks, possibly to launch a boat! We will work with the Engineer on this.
2. On Monday, May 8, 1995, EWS began enforcing the tag and bag trash pickup system. They are "red tagging" anyone that does not use an EWS bag or have current EWS tags on their trash cans.

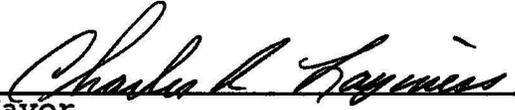
Councilman Skelly inquired on the status of the new sign that was ordered for "Win Davis Park", Manager Borchik informed him that it would be ordered as soon as Impact Graphics cleans up their property because their's was the lowest bid received.

MAYOR'S ANNOUNCEMENTS - Mayor Laginess reminded everyone that the Town Picnic, usually held on the third Tuesday of the month, will be moved to the fourth Tuesday, May 23, 1995, due to the election being held on May 16, 1995. Mayor Laginess said he would ask Sadie Robblee to call everyone and change the picnic date to May 23, 1995. and he would like everyone to attend.

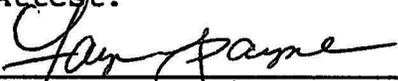
Councilman Kendrick, made a motion to accept Manager Borchik's resignation with extreme regret, seconded by Councilman Gage. The motion was unanimously approved. Mayor Laginess also expressed his regret at Manager Borchik's resignation and wished him good luck. Attorney McInnis expressed his regrets and thanked Manager Borchik for being a good friend and for the service he has given the Town.

Councilman Broxson made a motion to adopt a resolution for Mr. Borchik's fifteen (15) years of dedicated service to the Town of Cinco Bayou, seconded by Councilman Gage. The motion was unanimously approved.

There being no further business the meeting was adjourned at 7:05 P.M.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Town Manager/Clerk

*Deputy Clerk*

**RESOLUTION 95-05**

A RESOLUTION OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA, REVISING THE GENERAL OPERATING BUDGET FOR THE TOWN OF CINCO BAYOU, FLORIDA, FOR THE FISCAL YEAR OCTOBER 1, 1994 THROUGH SEPTEMBER 30, 1995.

**WHEREAS**, the Town Council of the Town of Cinco Bayou, Florida, adopted the General Operating Budget on September 21, 1994, with Resolution 94-07; and,

**WHEREAS**, the Town Council of the Town of Cinco Bayou, Florida, has reviewed the revenues and expenditures for the first half of Fiscal Year 1995; and,

**WHEREAS**, The Town Council of the Town of Cinco Bayou unanimously agreed that a budget revision is necessary to reflect the current financial activities for the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA THAT:**

1. The current General Operating Budget (\$168,368.00) for the fiscal year ending September 30, 1995 is hereby revised and increased to \$ 183,070.00 by unanimous decision of the Town Council of the Town of Cinco Bayou, Florida, without objection, at a public hearing held after due notice of the same.

2. This resolution shall take effect immediately upon its passage and approval by the Mayor.

Adopted this 8th day of June, 1995

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Manager/Clerk

TOWN OF CINCO BAYOU  
FINANCIAL STATEMENT AS OF APRIL 30, 1995

ASSETS

Cash	\$ 19,450.71	
Petty Cash	25.00	
		\$ 19,475.71
Investments		
Money Market Account (Ready Bank)	11,228.14	
Money Market Account (Barnett)	57,678.31	
Certificate of Deposit (Compass Bank)	75,000.00	
		\$ 143,906.45
Fixed Assets		
Land	\$ 14,730.00	
Buildings	180,300.42	
Park Improvements	85,954.57	
Street/Sidewalks	156,892.06	
Sewer (Storm)	41,717.91	
Office Furniture	19,160.32	
Other Equipment	25,239.22	
		\$ 523,994.50
	<u>TOTAL ASSETS</u>	\$ 687,376.66

LIABILITIES AND FUND EQUITIES

Liabilities		
Accrued Annual Leave Payable	1,465.00	
		\$ 1,465.00
Fund Equities		
Investments in Fixed Assets	\$ 523,994.50	
Fund Balances, General	138,656.35	
* Reserves (Revenues vs Expenditures)	23,260.81	
		\$ 685,911.66
	<u>TOTAL LIABILITIES &amp; FUND EQUITIES</u>	\$ 687,376.66

* Revenue - October 1, 1994 thru April 30, 1995	\$ 118,424.25
Expenditures, October 1, 1994 thru Apr 30, 1995	<u>95,163.44</u>
Reserves (Revenues vs Expenditures)	\$ 23,260.81

**TOWN OF CINCO BAYOU  
LIST OF DEPOSITS & PAYMENTS  
APRIL 1995**

Check No.	To Whom	Purpose	D T	Check Amt.	Deposits
9413	A. Borchik	3/1 - 3/31	1	2,306.06	
9414	AMSEC	April Patrol	1	1,350.00	
9415	Carl Deer	Grading	3	185.00	
9416	FWB	Irrigation Taps	4	375.00	
9417	Gatlin L&S	Misc Supplies	4	2.44	
9418	Daily News	Legal Ad	4	118.98	
	Deposit	94/95-34	7		863.37
9419	Centel	TH Phone	7	67.81	
9420	Adv Home Svs	Rainhandler	7	87.00	
9421	Anchors, FM & K	Legal Svs	13	269.50	
9422	Stones BP	Tire Repair	13	4.50	
9423	Florida Pest Cont	TH Spray	13	20.00	
9424	C. Laginess	Apr Exp	13	100.00	
9425	E. Broxson	Apr Exp	13	50.00	
9426	R. Chamberlain	Apr Exp	13	50.00	
9427	R. Gage	Apr Exp	13	50.00	
9428	J. Kendrick	Apr Exp	13	50.00	
9429	J. Skelly	Apr Exp	13	50.00	
	Deposit	94/95-35	14		1,517.95
9430	F. Payne	4/3 - 4/14	14	418.44	
9431	Void			-	
9432	R. Magee	4/3 - 4/14	14	468.16	
9433	Bruns & Asoc	Tree Arch Cont	14	575.00	
9434	Fritz Tree Svs	Tree Cont (40%)	17	2,865.60	
9435	Choctaw Eng.	Eng Svs	17	230.00	
9436	Chevron	Mar Fuel	17	16.80	
9437	S. Robblee	Cake	18	20.00	
9438	City of FWB	Water & Sewer	18	36.22	
	Town Hall				19.71
	Street ROW Irrig				6.88
	Parks				9.63
	Deposit	94/95-36	21		1,589.26
9439	Gulf Power Co.	Electricity	21	687.06	
	Town Hall				185.70
	Traffic Signal				41.29
	Street Lights				428.93
	Laguna Park				10.50
	Frances Park				10.50
9440	National Ins Svs	Health Ins	21	286.02	
	Deposit	94/95-37	25		6,173.77
9441	Davis Nursery	ROW Planting	25	1,047.36	
	Deposit	94/95-38	27		5,318.16
9442	Baughn Alignm't	Truck Maint	27	24.95	
9443	Al's Chevron	Truck Tires	27	130.00	

9444	F. Payne	4/17 - 4/28	28	418.44
9445	R. Magee	4/17 - 4/28	28	468.16
9446	Barnett Bank	April W/H	28	1,306.46
9447	National Linen	Uniforms	28	72.63
9448	Void			-
9449	Fritz Tree Svs	Tree Project	28	5,425.53
9450	Petty Cash	Vou 9533 - 35	28	13.66

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Total Checks Written                   \$ 19,646.78

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Deposits April 1 - 30	\$ 15,462.51
Stale Dated Chech # 9317	60.00
Balance Carried Forward - 4/1/95	<u>23,574.98</u>
Total Funds Available - May	\$ 39,097.49
Less Checks Written - May 1 - 31	<u>19,646.78</u>
Barnett Checking Balance - 5/30/95	\$ 19,450.71
Petty Cash	25.00
Compass Bank CD	75,000.00
Barnett Bank MMA	57,678.31
Ready Bank Savings Account	<u>11,228.14</u>

**TOTAL FUNDS AVAILABLE                   \$ 163,382.16**

TOWN OF CINCO BAYOU  
REVENUES  
FYE 1995  
(OCT 94 THRU SEPT 95)

<u>SOURCE</u>	<u>AMOUNT</u>
Ad Valorem Taxes (2.563 mills)	52,916.00
Franchise Fees	20,400.00
Gulf Power	16,500.00
Okaloosa Gas	2,100.00
Warner Communications	1,800.00
Utility Taxes	33,200.00
Gulf Power	17,500.00
CENTEL	8,700.00
Ft Walton Beach (Water)	3,200.00
Okaloosa Gas	3,800.00
Cinco Bayou Occupational License	7,000.00
State Shared Revenue	48,277.00
Cigarette Tax	1,200.00
Revenue Sharing	21,997.00
Mobile Home Licenses	100.00
Alcoholic Beverage Licenses	980.00
Half Cent Sales Tax	15,500.00
Local Option Gas Tax	8,500.00
County Shared Revenue	1,400.00
Occupational Licenses	400.00
Municipal Fines	1,000.00
Interest	4,000.00
Other Miscellaneous Revenues	1,200.00
<b><u>TOTAL REVENUE - \$ 168,393.00</u></b>	

7/22/94

**TOWN OF CINCO BAYOU  
EXPENDITURES  
FYE 1995  
(OCT 94 THRU SEPT 95)**

<u>ACCOUNT #</u>	<u>EXPENDITURE</u>	<u>AMOUNT</u>
<u>GENERAL GOVERNMENT SERVICE</u>		
51312	Salaries and Wages (\$ 34,500.00 - Town Manager/Clerk) (\$ 13,104.40 - Secretary) (\$ 3,640.00 - Maintenance Man)	\$ 51,244.00
51321	FICA	3,855.00
51323	Life & Health Insurance (\$ 300.00 - Life Insurance) (\$ 6,500.00 - Health Insurance) (\$ 400.00 - Deductables) (\$ 400.00 - Administrative fees) (\$ 900.00 - Medicare Tax)	8,500.00
51324	Workmans Compensation Insurance	800.00
51332	Accounting and Auditing	4,800.00
51431	Legal Counsel - Professional Services (\$ 3,000.00 - Retainer @ \$250.00/mo) (\$ 2,000.00 - Legal Fees)	5,000.00
51931	Professional Services - Other (\$ 600.00 - Engineer Retainer @ \$50/mo) (\$ 900.00 - Engineering Fees) (\$ 3,500.00 - Municipal Code)	5,000.00
51934	Other Contractual Services	360.00
51940	Travel and Per Diem (\$ 800.00 - Meetings) (\$ 4,200.00 - Mayor & Council Expenses Mayor - \$100.00/mo Council - \$50.00/mo)	5,000.00
51941	Communications Services (\$ 900.00 - Town Hall)	900.00
51942	Transportation (\$ 350.00 - Postage) (\$ 75.00 - Freight)	425.00

<u>ACCT #</u>	<u>EXPENDITURE</u>	<u>AMOUNT</u>
51943	Utility Service (Town Hall) (\$ 3,200.00 - Electricity) (\$ 300,00 - Water & Sewer)	3,500.00
51945	Insurance (\$ 2,600.00 - Liability) (\$ 500.00 - Vehicle)	2,600.00
51946	Repairs & Maintenance - Town Hall (\$ 550.00 - Copier Maintenance Agreement) (\$ 240.00 - Monthly Pest Control) (\$ 85.00 - Annual Termite Control) (\$ 150.00 - Fire Safety Inspection) (\$ 900.00 - Miscellaneous)	1,925.00
51949	Other Current Charges (\$ 1,500.00 - Legal Ads) (\$ 350.00 - Storage, Christmas Decorations)	\$ 1,850.00
51951	Office Supplies (\$ 300.00 - Copier paper) (\$ 150.00 - Copier Supplies) (\$ 150.00 - Computer Supplies) (\$ 600.00 - Miscellaneous)	\$ 1,200.00
51952	Operating Supplies (\$ 500.00 - Gasoline) (\$ 450.00 - Truck Repair/Parts/Tires) (\$ 600.00 - Equipment Maintenance/Parts) (\$ 700.00 - Uniforms) (\$ 250.00 - Miscellaneous)	\$ 2,500.00
51954	Books, Publications, Subscriptions and Memberships (\$ 500.00 - Economic Development Council) (\$ 200.00 - Elected Officials Manuals) (\$ 150.00 - Florida League of Cities) (\$ 100.00 - Panhandle League of Cities) (\$ 100.00 - 1994 Sunshine Law Manuals) (\$ 50.00 - Okaloosa League of Cities) (\$ 96.00 - Daily News) (\$ 30.00 - Barnett Visa) (\$ 200.00 - Miscellaneous)	\$ 1,426.00
51963	Capital Improvements	0
51964	Capital Outlay	0

<u>ACCT #</u>	<u>EXPENDITURE</u>	<u>AMOUNT</u>
51982	Aid to Private Organizations (\$ 500.00 - Bridgeway Center) (\$ 200.00 - Shelter House) (\$ 200.00 - OW Child Care) (\$ 75.00 - Project Cheer) (\$ 50.00 - OWCC Symphony) (\$ 30.00 - Transportation Board)	1,055.00

PUBLIC SAFETY

52134	Law Enforcement (AMSEC Contract - \$1,350.00/Month)	16,200.00
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PHYSICAL ENVIRONMENT: GARBAGE, SOLID WASTE DISPOSAL

53443	Solid Waste Disposal (\$ 1,000.00 - Clean-Up Dumping Charges)	1,000.00
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TRANSPORTATION: ROADS, STREETS AND SIDEWALKS

54112	Salaries & Wages	\$ 7,280.00
54131	Professional Services (\$ 1,500.00 - Engineering Svs)	1,500.00
54143	Utility Service (\$ 6,000.00 - Street Lights) (\$ 500.00 - Traffic Lights) (\$ 750.00 - Irrigation Taps) (\$ 300.00 - Christmas Lights)	7,550.00
54146	Repairs and Maintenance (\$ 2,000.00 - ROW Maintenance) (\$ 1,500.00 - Curb Repair) (\$ 2,500.00 - Pot Hole Repair) (\$ 500.00 - Signal Repair)	6,500.00
54152	Operating Supplies	1,000.00
54153	Materials and Supplies	1,300.00
54163	Capital Improvements (\$ 5,000.00 - Road/Drainage Projects) (\$ 8,953.00 - ROW Tree Planting Project) (\$ 1,250.00 - Kelly/Irwin Trees/Planting) (\$ 900.00 - Sea Way/Yacht Club Dr Landscaping)	16,103.00
54164	Capital Outlay	0

HUMAN SERVICES: ANIMAL CONTROL

56234	PAWS Contract	702.00
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<u>ACCT #</u>	<u>EXPENDITURE</u>	<u>AMOUNT</u>
<u>RECREATION AND CULTURE: PARKS</u>		
57212	Salaries and Wages	3,640.00
57234	Other Contractual Services	5,960.00
	ARC Park Maintenance Contract	
	(\$ 550.00/month X 8 mos)      \$ 4,400.00	
	Skips Nursery Contract	
	(\$ 390.00/month X 4 mos)      1,560.00	
57243	Utilities	1,200.00
	(\$ 300.00 - Electricity)	
	(\$ 440.00 - Water)	
	(\$ 460.00 - Rubbish/Trash Pick-up)	
57246	Repairs and Maintenance	8,895.00
	(\$4,080.00 - Boat Ramp)	
	(\$3,510.00 - Tree Pruning/Mulch/Fertilize)	
	(\$ 305.00 - Laguna Fence)	
	(\$1,000.00 - Misc)	
57252	Operating Supplies	500.00
57263	Capital Improvements	0
57264	Capital Outlay	1,000.00
	(\$ 500.00 - 4 Grills)	
	(\$ 500.00 - 5 Picnic Tables)	
57499	Special Events	800.00
	(\$ 450.00 - Town Picnics)	
	(\$ 350.00 - Miscellaneous)	
<u>TOTAL EXPENDITURES - \$ 183,070.00</u>		

5/9/95

May 6, 1995

5895

To: Conco Bayou City Council

Subject: Privacy infringement

I currently reside at 211 Opp Blvd.  
Conco Bayou, Fla. and feel our  
privacy has been compromised  
since Seographics Inc. has built  
their addition with windows on the  
side pass to our property line.

According to Irene Baldoy from whom  
I purchased this residence Mr. Greg Keide  
had made a commitment to her that  
there would be no windows installed  
in his structure to compromise her  
privacy. Currently there is one loading  
door lower & upper and 2 windows installed  
on the end of the building facing my  
property line.

I have not been able to determine if  
these installations were disclosed during  
the initial building plan review.

Again your assistance is requested relative  
to my problem resolution.

Thank You.  
Irene Baldoy  
(904) 243-6202.



residing in a C1 Lite Business zoning area  
and/or I should have, upon acquisition of  
the residence. My immediate response was yes  
I realized that, however my concern is not over  
zoning its NOISE!!

Seniographics INC. is basically a 5 day, 2 shift  
operation and periodically 7 day 2 shift  
operation, as workloads dictate.

It is felt Seniographics INC. was very  
inconsiderate, installing Mechanical Devices  
& pressure relief systems external of their  
facility, without benefit of:

- a. Enclosures
- b. Muffling Devices
- c. Proper Insulating

There currently two (2) Compressors operating  
externally.

1. Hydrovane # 178 (see exhibit 1)
2. Ingersoll Rand T20 (see exhibit 2)

The Hydrovane 178, 48 have been installed  
with the pressure relief system within approx.  
25 to 30 ft of their property line & 35' or

OUR MASTER Bedroom & Guest room of our residence. Enclosed is (Exhibit 3) attempting to depict THE relationship of the compressor installation and our residence.

The second compressor, INGERSOLL-RAND T20 (EXHIBIT 2) IS INSTALLED external of THE BUILDING is very loud & echoes THRU THE PARK & neighborhood, operating AS THE Demand deems necessary.

We generally cannot sit comfortably in front or back yards and carry on a normal conversation due to the noise, not mentioning having to lose nights sleep or being awakened by the pressure relief system & compressor.

This operation is a manufacturing operations type business and should be considered as such, it is not a "mom and Pop" Heat Transfer" "T" shirt operation.

It is quite obvious to me at THIS time, MR Greg KEITHS immediate concern or corrective action, to date in correcting the noise problems are unacceptable to my wife & I.

RECEIVED  
58-95

I have reviewed the drawings as well as Ref "A" & "B" on file in our City Hall attempting to ascertain whether Semographic Inc. had made a original disclosure as plan to install externally of the facility and received subsequent approval and couldn't make that determination.

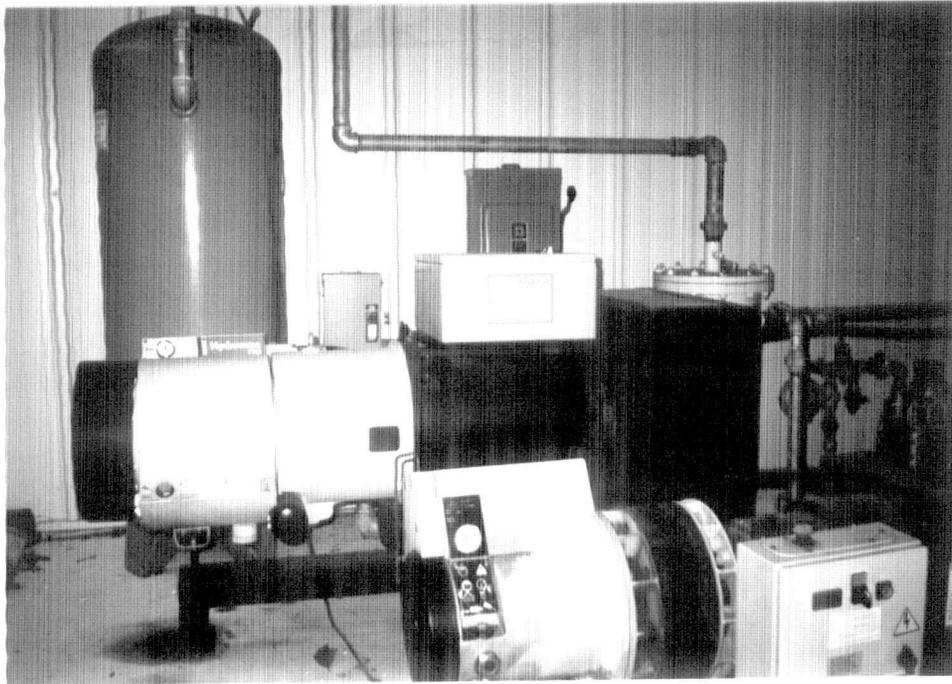
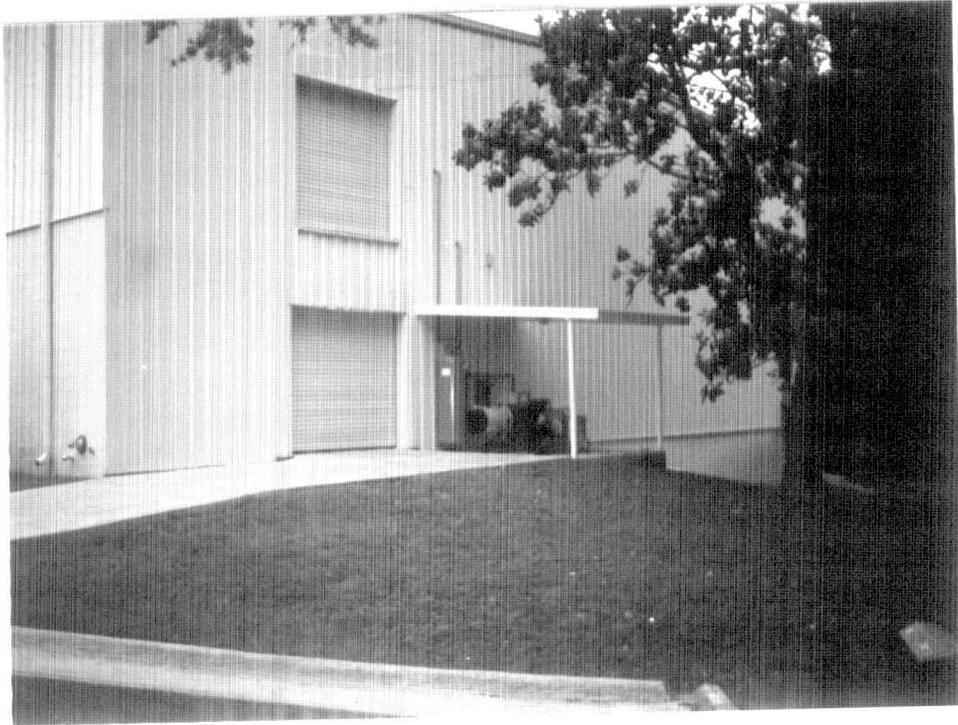
I am enclosing exhibit 4 (ref C) District Code 222, raise hopefully it be a assistance to the Council.

It is requested the council assist in the resolution and closure of this action.

Thank You  
Keith Balesby  
211 opp Bfud.  
Cinco Bayon  
904-243-6202

Exhibit

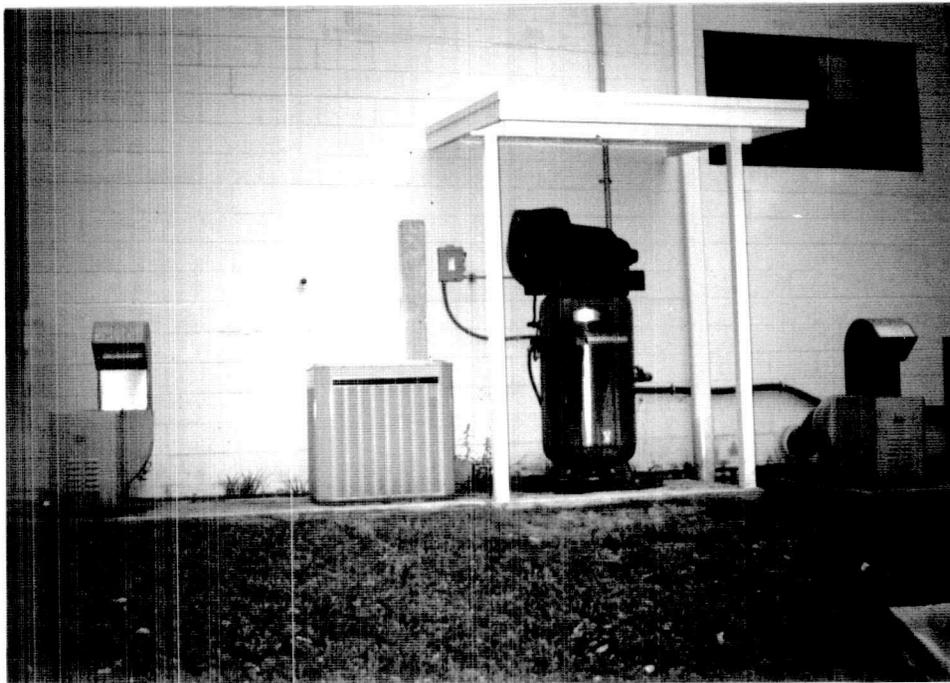
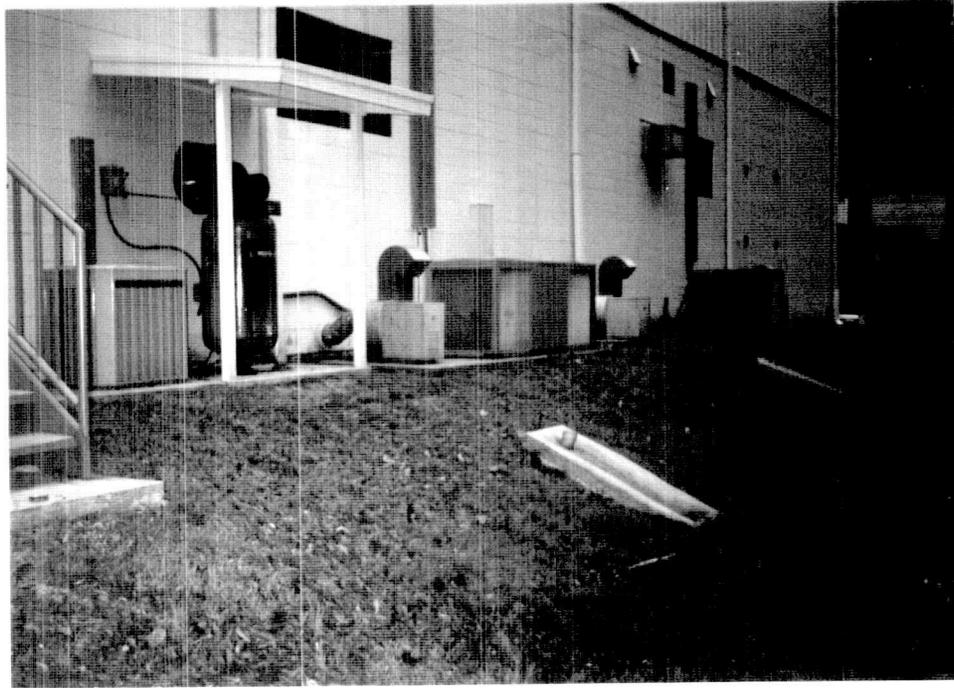
1



Compressor

MFR: HYDROVANE 178, 4B

Exhibit 2



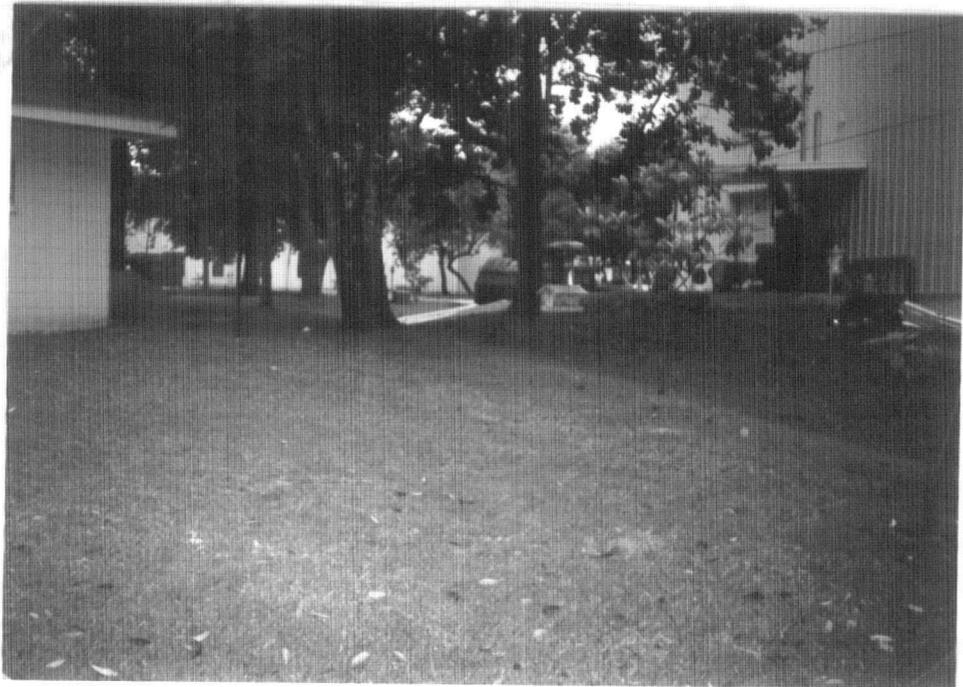
Compressor

INGERSOLL RAND

Model T20

LOCATION: Rear of Bldg.

# EXHIBIT 3



THIS picture depicts my residence  
IN RELATIONSHIP TO EQUIPMENT  
designated in EXHIBIT 1.

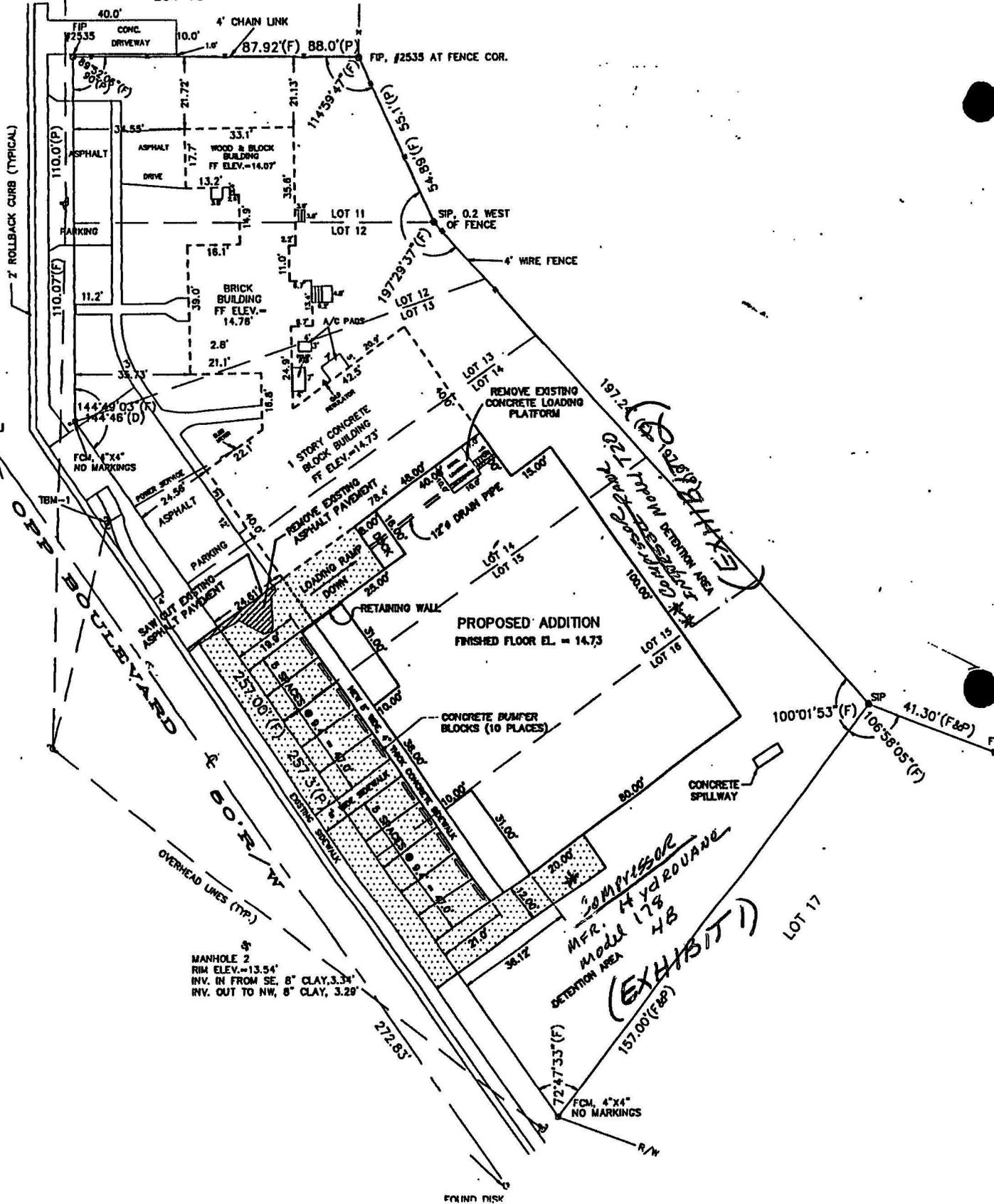
My residence is Approx. 35 ft from  
THE NOISE SOURCE.

60' R/W

TROY STREET

OFF BOULEVARD

LOT 10



FOUND DISK BOE CORP.

TBM-1

MANHOLE 2  
RIM ELEV. = 13.54'  
INV. IN FROM SE, 8" CLAY, 3.34'  
INV. OUT TO NW, 8" CLAY, 3.29'

COMPRESSOR  
MFR. HYDROUANE  
Model 173  
DETECTION AREA  
**(EXHIBIT 1)**  
157.00'(F&P)

LOT 17

FOUND DISK



ORDINANCE NO. 222

AN ORDINANCE OF THE CITY OF DESTIN RELATING TO NOISE; PROVIDING FOR AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR MEASUREMENT OF SOUND; PROVIDING FOR CLASSIFICATION OF USE OCCUPANCIES; PROVIDING FOR MAXIMUM PERMISSIBLE SOUND LEVELS BY USE OCCUPANCY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SPECIAL PERMITS; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for the enactment of this Ordinance is Section 1.01 (b) and (k) of the City Charter; Section 166.021, Florida Statutes; Article VIII, Section 2 (b) of the State Constitution; and Article 2, Section 7 of the State Constitution.

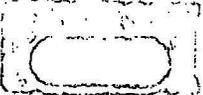
SECTION 2. DEFINITIONS. For the purpose of this Ordinance, the following terms, phrases, words, abbreviations and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning, or for those so included, the meaning found in Ordinance 001.

A. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated DBA.

B. "Decibel (Db)" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

C. "Sound pressure level" means twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure level to the reference of twenty (20) micronewtons per square meter.

D. "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels.



E. "Sound level" means the A-weighted sound pressure level, measured with a sound level meter (SLM).

F. "Person" means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of the United States, the State, or any political subdivision thereof.

G. "Emergency work" means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

H. "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

I. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

J. "Property line" means an imaginary line along the surface and its vertical plane extension, which defines the boundary of the real property owned, rented, or leased by one person from that owned, rented or leased by another person. Intra-building real property lines are excluded.

K. "Average level" means the average of the sound level over some stated period of time.

L. "Ambient Noise" means the all encompassing noise that is normally associated with a particular environmental surrounding, usually being made up of a composite of sounds. This is sometimes referred to as background noise.

M. "Source" means the location of and the activity which emits noise or sound which is audible outside the source owner's property line.

N. "Receiver" means the location, or land use category of a location, where persons are located who are annoyed by noise or sound they hear coming from another property.

O. "Holiday Weekend" means the following weekends: Easter, Memorial Day, 4th of July, and Labor Day.

P. "Weekend" means - Friday 5 p.m. - Sunday 10 p.m.

### SECTION 3. PROHIBITIONS

It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which exceeds the limits set forth in this Ordinance for the use occupancy.

### SECTION 4. MEASUREMENT OF SOUND.

A. The measurement of sound or noise shall be made with the City's sound level meter which shall meet the standards prescribed by the American National Standards Institute (ANSI). The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used at all times. Traffic, aircraft and other transportation noise sources and other noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. If the background noise interferes with the primary noise being measured, the primary noise being measured shall be limited to a level which is the greater of either the Table I value, or where combined with the ambient sound, a level which is two (2) decibels above the level of the ambient sound level measurement alone.

B. The slow meter response of the City's sound level meter shall be used in order to best determine that the average level has not exceeded the limits set forth for the use occupancy category in Table I below. A sound level meter with a level averaging circuit may be used.

C. The measurement shall be made at or up to fifty (50) feet beyond the property line of the property on which such noise is generated. In the event of a complaint, the measurement shall be made at or up to fifty (50) feet beyond the property line of the property on which such noise is generated in the direction of the complainant location. Any measurement shall be at least two (2) minutes in duration.

D. In the case of an elevated or directional sound or noise source, compliance with the noise limits shall be maintained at any elevation at the boundary.

E. The ambient sound level measurement shall be measured at the same location along the property line utilized in Section 4C, while the primary noise being measured is inoperative. If the primary noise being measured cannot be turned off; is not turned off or if additional sound is created to distort the ambient sound

level measurement, the ambient sound level measurement will be estimated by performing a measurement in the same general area of the noise being measured.

**SECTION 5. CLASSIFICATION OF USE OCCUPANCIES.** For purposes of defining "use occupancies," all premises zoned as a residential category shall be considered residential use. All premises containing transient commercial sleeping quarters legally permitted shall be considered tourist use. All premises containing business where sales, professional, or other commercial use is legally permitted shall be considered commercial use. All premises where manufacturing is legally permitted shall be considered manufacturing use. Hospitals, nursing homes, schools, libraries, and church uses shall be considered residential uses. In other cases of multiple use zones, the more restrictive zoned use category shall prevail. Any area not otherwise classified shall conform to commercial standards.

**SECTION 6. MAXIMUM PERMISSIBLE SOUND LEVELS BY USE OCCUPANCY.** No person shall operate or cause to be operated any source of sound from any use occupancy in such a manner as to create a sound level which exceeds the limits set forth in the use occupancy category in Table I.

TABLE I

Use Occupancy Category	Time	Sound Level Limit DBA
Residential (Non-Holiday Weekdays)	6 a.m. - 10 p.m.	60
	10 p.m. - 6 a.m.	55
Residential (Holiday Weekends)	6 a.m. - 12 a.m.	60
	12 a.m. - 6 a.m.	55
Commercial or Tourist (Weekdays)	6 a.m. - 10 p.m.	70
	10 p.m. - 6 a.m.	65
Commercial or Tourist (Weekends)	6 a.m. - 12 a.m.	70
	12 a.m. - 2 a.m.	70
	2 a.m. - 6 a.m.	65

**Manufacturing** At all times - no sound that is generated by a source facility shall be audible at the property line of the said source facility.

**SECTION 7. EXEMPTIONS.** The following uses and activities shall be exempt from noise level regulations:

A. Air conditioners are exempt from provisions of Table I of this Ordinance when this equipment is functioning in accord with the manufacturer's specifications and with all manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition according to standards promulgated by the American Refrigeration Institute. The same exception shall apply to lawn mowers, agricultural equipment and homeowners' mechanized tools during daylight hours.

B. Nonamplified crowd noises.

C. Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accordance with its manufacturers' specifications and uses as standard equipment, its manufacturers' mufflers and noise-reducing equipment and in proper operating condition; and providing construction operations are limited to the hours between 6 a.m. and 6 p.m.

D. Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches.

E. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

F. Noises resulting from emergency work as defined in Section 2 (G).

G. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with Section 8. Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in Section 8.

H. Noises made by persons having obtained a permit to use the streets.

I. All noises coming from the normal operations of aircraft (not including scale model aircraft).

J. Those motor vehicles controlled by Florida Statutes, Section 316.293 (1988), but not those motor vehicles exempted from coverage.

K. Motor vehicles defined in Florida Statutes, Section 316.293 (6) (a) and (b), (1988).

L. Vessels operated on the waters of the City muffled pursuant to Section 327.65, Florida Statutes, (1988).

**SECTION 8. SPECIAL PERMITS.** Applications for a special permit for relief from the maximum allowable noise level limits designated in this Ordinance may be made in writing to the City Manager or his designee. Any special permit granted by the City Manager or his designee hereunder must be in writing and shall contain all conditions upon which said special permit shall be effective. The City Manager, or his designee, may grant the relief as applied for under the following conditions:

A. The City Manager or his designee may prescribe any reasonable conditions or requirements as deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.

B. Special permits for entertainment. Special permits may be granted for the purpose of entertainment under the following conditions:

(1). The function must be open to the public (admission may be charged).

(2). The function can take place on either public or private property.

(3). The function must be staged between the hours of 9 a.m. and 12:00 midnight.

(4). The function must not be an ordinary event in the affairs of the applicant.

(5). A special permit for entertainment may be issued for no longer than three (3) consecutive days and is nonrenewable.

(6). If the function is to recur, it shall not recur more than four (4) times each calendar year.

C. Special permits for non-entertainment. Special permits for non-entertainment special purposes may be issued under the following conditions:

(1)(a). If the special purpose relates to the operation of a trade or business but is not in the ordinary course of that trade or business; or,

(b).If the special purpose does not relate to the operation of a trade or business and is not be an ordinary event in the affairs of the applicant; and

(2). If the special purpose is a recurring purpose but does not recur more often than four (4) times each calendar year; and,

(3)(a).If the special purpose is absolutely necessary to the operation of the applicant's trade or business; or,

(b).If the special purpose does not relate to the operation of the trade or business, that the special purpose be compatible with the ordinary activities of the neighborhood in which the special purpose is to occur; and,

(4). Except in emergency situations, as determined by the City Manager, the special permit may be issued only for four (4) hours between 7:00 a.m. and 11:00 p.m. on weekdays and 1 p.m. and 11:00 p.m. on weekend days.

(5). Special permits may be issued for no longer than fifteen (15) consecutive days, renewable by further application to the City Manager.

D. No special permit may be issued to permit the use of any loudspeaker or sound-amplifying device on the exterior of any building which at any time exceeds the sound level limits in Table I except those used for emergency warnings.

## SECTION 9. VIOLATIONS AND PENALTIES.

A. No acts proscribed by this ordinance shall be deemed a violation thereof, unless and until the following conditions have been met:

(1) The City Manager or his designee has issued a written warning to the offender.

(2) Within seven (7) days, the person or party causing such excessive and unnecessary noise has persisted in the creating of such noise.

B. Any person who, after meeting the conditions outlined in subsection 9A above, violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding

\$500.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

C. Any person or persons entitled to lawfully possess or who claims lawful possession of such property at the particular time involved shall each be responsible for compliance with this Ordinance and each may be punished for its violation as may the person actually causing such sound.

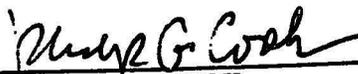
SECTION 11. SEVERABILITY. Each separate provision of this Ordinance is deemed independent of all other provisions herein so that if any portion or provision of this Ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 12. EFFECTIVE DATE. This Ordinance shall become effective upon its adoption by City Council and signature of the Chairman.

Adopted: 18 February 1992

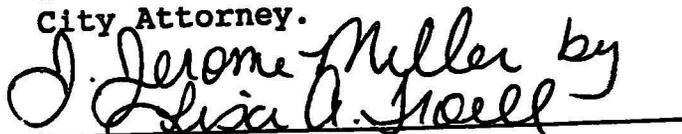
  
\_\_\_\_\_  
JAMES W. VAUGHN  
MAYOR

ATTEST:

  
\_\_\_\_\_  
PHILIP G. COOK  
CITY MANAGER

  
\_\_\_\_\_  
CAROLYN LEE GARRETT  
CITY CLERK

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

  
\_\_\_\_\_  
J. JEROME MILLER

CITY ATTORNEY

FIRST READING 2-3-92  
SECOND READING 2-18-92

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