



CITY OF CRESTVIEW

OFFICE OF THE CITY CLERK

P.O. DRAWER 1209, CRESTVIEW, FLORIDA 32536

Phone # (850) 1560 Fax # (850) 682-8077

June 8, 2020

6:00 PM

Council Chambers

REGULAR COUNCIL MEETING

Pursuant to Executive Order No. 20 -69, issued by the Office of Governor Ron Desantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Procedures for the public comment will be provided via the website and social media before the scheduled meeting date. . The members of the City Council or CRA Board appearing remotely for this meeting will be announced at the beginning of the meeting.

The Public is invited to view our meetings on the City of Crestview Live stream a at <https://www.cityofcrestview.org/488/Agendas> or the City of Crestview Facebook Page. You may submit questions on any agenda item in advance (by 3:00 PM the day of the meeting, please) to cityclerk@cityofcrestview.org.

1. Call to Order

2. Invocation, Pledge of Allegiance

3. Open Policy Making and Legislative Session

4. Approve Agenda

5. Presentations and Reports

5.1. Presentation from All In Credit Union

5.2. Presentation from Tim Stewart, Edward Jones

6. Consent Agenda

7. Resolutions

7.1. Resolution 2020-8 - CDBG Citizen Participation Plan

7.2. Resolution 2020-9 Budget Amendment

7.3. Resolution 2020-10 Formation of a Citizens' Advisory Council

8. Public Hearings / Ordinances on Second Reading

- 8.1. Ordinance 1769 - Recreational Camps Special Exception
- 8.2. Ordinance 1767 - Pharmaceutical Sales Special Exception

9. Ordinances on First Reading

- 9.1. Ordinance # 1773 amending and renaming Division-5-Code Enforcement Board, Establishing Special Magistrate.
- 9.2. Ordinance #1774 amending Chapter 38-Health and Sanitation

10. Action Items

- 10.1. Department of Justice , Corona-virus Emergency Supplement Funding (CESF)
- 10.2. Appointment of Planning and Development Board.
- 10.3. Appointment of CDBG Citizen Advisory Board

11. City Clerk Report

- 11.1. Update on the Environmental Center

12. City Manager Report

13. Comments from the Mayor and Council

14. Comments from the Audience

15. Adjournment

Note: The Reports section is for items that were submitted by a citizen or group of Citizens no later than the Wednesday 2 weeks prior to the meeting to the Clerk's office for approval. These items will be scheduled under the section titles Presentations and Reports. Supporting documents must be submitted at this time to be on the regular agenda. All Action Item are for staff and elected officials only and must be submitted for approval no later than the Wednesday 10 days prior to the meeting. Those not listed on the regular agenda who wish to address the council should fill out a yellow card. The Card must be submitted to the City Clerk. Speaking time should be three minutes or less, large groups may designate a spokesperson. All remarks should be addressed to the Council as a whole and not to individual members. All meeting procedures are outlined in the Meeting Rules and Procedures brochure available outside the Chambers. If any person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City Council of the City of Crestview, Florida does not discriminate upon the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American With Disabilities Act to insure access to and participation in the meeting should contact the Office of the City Clerk at (850)682-1560 prior to the meeting to make appropriate arrangements.

Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM:
DATE:
SUBJECT: Presentation from All In Credit Union

BACKGROUND:

DISCUSSION:

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Communication- To engage, inform and educate public and staff

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

RECOMMENDED ACTION

Staff respectfully requests

Attachments

None



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM:
DATE:
SUBJECT: Presentation from Tim Stewart, Edward Jones

BACKGROUND:

DISCUSSION:

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

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Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

RECOMMENDED ACTION

Staff respectfully requests

Attachments

None



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Resolution

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Crista Shephard
DATE: 6/3/2020
SUBJECT: Resolution 2020-8 - CDBG Citizen Participation Plan

BACKGROUND:

The City of Crestview receives the opportunity for funding from the U.S. Department of Housing and Urban Development (HUD), through the Community Development Block Grant (CDBG) Program.

The City is considered eligible to be considered as an “entitlement community” with a prescribed formula for funding developed by the U. S. Department of Housing and Urban Development (HUD). The Formula uses select City demographic information.

Staff is currently in the process of developing the first Five Year CDBG Consolidated Plan.

CDBG projects must meet HUD national objectives and be designed to benefit low- and moderate-income persons or aid in the prevention or elimination of slum and blight.

As part of the Consolidated Plan process, the City must adopt and adhere to a Citizen Participation Plan, as required by 24 CFR Part 91 to encourage citizen participation in the process of preparing and implementing plans related to programs funded by HUD.

DISCUSSION:

In accordance with 24 CFR Section 91.105, the City of Crestview Community Development Services Department has prepared a Citizen Participation Plan.

The Citizen Participation Plan covers the five-year Consolidated Plan, each subsequent Annual action Plan, each year's Consolidated Annual Performance Evaluation Report, and any Consolidated Plan amendments.

The adoption of this plan will ensure that community has an opportunity to participate in the allocation of funding each year. For this reason, it is important that the plan includes an advisory committee that will be representative of the community. This committee will review applications and advise the City Council on programs that it believes will be beneficial to the program.

The resolution provided herein will officially adopt the plan and allow staff to move forward with developing the the CDBG program for the City of Crestview.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

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Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

As a CDBG “entitlement community”, the City expects to receive approximately \$160,000.00 annually to be used to implement programs that meet HUD national objectives.

RECOMMENDED ACTION

Staff respectfully requests City Council adoption of Resolution 2020-8 to approve the Community Development Block Grant Citizen Participation Plan.

Attachments

1. Citizen Participation Plan DRAFT

RESOLUTION: 2020-8

A RESOLUTION relating to adoption of the City's Community Development Block Grant (CDBG) and Citizen Participation Plan; providing for severability; and providing an effective date.

WHEREAS, The City of Crestview, Florida receives funding from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) Program as an Entitlement Community, is subject to the regulations set out in the Code of Federal Regulations; and

WHEREAS, as an Entitlement Community, the City of Crestview, Florida is required to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the City Council has reviewed the Citizen Participation Plan attached hereto.

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA, that

SECTION 1

In accordance with 24 CFR Part 91.105(a), the City of Crestview hereby adopts the Citizen Participation Plan, a copy of which is attached hereto in accordance with Section 104(a)(3) of the Housing and Community Development Act of 1974.

SECTION 2

This Resolution shall become effective immediately upon final passage and approval.

ADOPTED at a Regular Meeting of the Crestview City Council this 8th day of June, 2020.

By: _____
Mayor J.B. Whitten

Attest:

Elizabeth Roy, City Clerk

CITY OF CRESTVIEW, FLORIDA
CITIZEN PARTICIPATION PLAN
FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
APRIL 2020

I. Introduction

- A. The City of Crestview, Florida receives funding from the U.S. Department of Housing and Urban Development (HUD), through the Community Development Block Grant (CDBG) Program. The City is considered an “entitlement community” with a prescribed formula for funding developed by HUD using select City demographic information.
- B. In accordance with 24 CFR Section 91.105, the City of Crestview Community Development Services Department has prepared a Citizen Participation Plan to provide for and encourage citizen participation in the process of preparing and implementing plans related to programs funded by the U. S. Department of Housing and Urban Development (HUD).
- C. The City must adopt and adhere to a Citizen Participation Plan, as required by 24 CFR Part 91. The Citizen Participation Plan covers the five-year Consolidated Plan, each subsequent Annual action Plan, each year's Consolidated Annual Performance Evaluation Report, and any Consolidated Plan Amendments. Citizens are encouraged to participate in all phases of the CDBG program and will be provided full access to program information. However, final responsibility and authority for the development and implementation of the CDBG program and related plans will lie with the City of Crestview.

II. Purpose

The Citizen Participation Plan establishes policies and procedures to encourage citizen participation in the consolidated planning process. The Development Services Department, as lead agency for the Consolidated Plan, is responsible for the citizen participation process. The City supports and encourages full participation of citizens, community groups, and other interested agencies in both the development and evaluation of programs and activities covered in the preparation and implementation of the Five-Year Consolidated Plan, Annual Action Plan, Substantial Amendments, Consolidated Annual Performance Evaluation Report (CAPER), and other HUD-related plans.

III. Objective

The Citizen Participation Plan encourages citizen participation by all City residents, emphasizing the involvement of low and moderate-income residents, people living in low-to-moderate-income neighborhoods, people living in slum and blighted areas,

residents with disabilities, minority residents, residents of HUD-assisted housing, those living with HIV/AIDS, and current or formerly homeless individuals and families.

IV. Citizen Participation Coordinator

The City's CDBG Program is managed by the Community Development Services Department. Citizen comments and requests for information are received during regular office hours of the City in person, by calling (850) 689-1618, by email at cdbg@cityofcrestview.org, or by writing the Community Development Services Department, City of Crestview, 198 North Wilson Street, Crestview, FL 32536.

V. Citizen's Advisory Committee

The Citizen Advisory Committee (CAC) shall consist of five members. The committee shall designate one member to be chairperson and vice-chairperson for each calendar year. Members shall be residents of the City, and at least three members shall represent low and moderate-income residents, and/or property owners in low- or moderate-income areas. The members shall be responsible for recruiting and recommending members to be appointed by the City Council for a term of four years. Members shall be appointed by a vote of the City Council. The Citizen Advisory Committee shall be advisory to the CDBG staff. Responsibilities of the CAC shall be: Review and make recommendations on the proposed annual distribution of CDBG funding and prioritize funding applications.

VI. Citizen Participation Opportunities

- A. The City of Crestview encourages citizens to voice their concerns and share their ideas concerning its federal programming. To encourage citizen participation, the City will:
1. Hold at least one public meeting during the development of the Consolidated Plan or Annual Action Plan, prior to submittal to the state.
 - a. In the event of a local state of emergency, activation of the emergency management plan, pandemic plan, or any other event that suspends the normal operation of business, public meetings may be conducted through a virtual meeting process.
 2. Make arrangements to have an interpreter present at meetings if a significant number of non-English speaking residents can be reasonably expected to participate.
 3. Publish all public notices in a paper of local circulation, not in the legal section, Post notices at City Hall, at the Crestview Public Library, and on the City website.

4. Offer at least 30-day comment periods on the draft versions of the Consolidated Plan, each Annual Action Plan, and any substantial amendments to the Consolidated Plan or Action Plan.
5. Offer at least a 15-day comment period on the Consolidated Annual Evaluation and Performance Report prior to submitting the final report to HUD.
6. Make copies of the proposed and final Consolidated Plan, Annual Action Plan, Substantial Amendments, and CAPER available to the public by request.
7. Post draft and final versions of the Consolidated Plan, Annual Action Plan, CAPER and any substantial amendments to the Consolidated Plan or Action Plan on the City's website.
8. Attach a summary of citizen comments and complaints and summary of any comments not accepted (and the reasons why the complaint was not accepted) to the final Consolidated Plan Annual Action Plan, CAPER, or Substantial Amendment.

VII. Technical Assistance

- A. Upon request, the City will provide technical assistance to organizations that wish to develop proposals for funding assistance under any programs covered by the Consolidated Plan. Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful.
- B. Technical assistance shall also be utilized to foster public understanding of federal program requirements. Technical assistance for developing proposals will be limited to guidance in completing applications for funding, providing information on deadlines and project eligibility, and providing technical assistance concerning HUD regulations. City staff will neither prepare applications, nor appear as advocates for or against specific project proposals. The City will determine the level and type of technical assistance on a case-by-case basis.

VIII. Grievances

The City of Crestview will provide citizens with timely responses to grievances or complaints. Such substantive objections must address at least one of the following (as specified in HUD regulations): The City's description of needs and objectives in its Consolidated Plan is plainly inconsistent with available facts and data; The City's proposed activities are plainly inappropriate to meeting the needs and objections identified by the City; The City's application does not comply with HUD requirements regulating programs under the Consolidated Plan or other applicable

laws; The City's application proposes activities that are otherwise ineligible as specified in applicable HUD regulations. Citizens may submit a written grievance or complaint to the City Manager at City of Crestview, 198 North Wilson Street, Crestview, FL 32536. The City will make reasonable effort to issue a written response to every written grievance or complaint within 15 working days of receipt. When this is not possible the City shall, within 15 working days of receipt, issue a letter indicating the status of the response and approximate anticipated date of a final determination.

CDBG Public Participation Information Table

Type of submittal:	Consolidated Plan (including Year 1 Annual Action Plan)	Annual Action Plan	Consolidated Annual Performance and Evaluation Report (CAPER)	Substantial Amendments
Description	Once every five (5) years, the City of Crestview will develop a Consolidated Plan that identifies goals and strategies for providing affordable and decent housing, a safe and suitable living environment, and adequate economic opportunities for program-eligible populations. The Consolidated Plan includes the Year 1 Annual Action Plan.	Each program year, the City of Crestview will develop an Annual Action Plan that identifies sources of funding and projects to be completed during the program year to implement the Consolidated Plan.	Each program year, the City of Crestview will issue a Consolidated Annual Performance and Evaluation Report (CAPER) showing how the Consolidated Plan and Annual Action Plan were implemented. The CAPER includes a description of the resources available and investment of those resources in terms of geographic distribution and populations assisted.	A substantial change in the proposed use of program funds requires that a Substantial Amendment to the Consolidated Plan and/or Annual Action Plan be submitted to HUD. <i>Technical Amendments are defined by minor changes that do not change the National Object of the originally funded CDBG activity. All changes to the Annual Action Plan through Technical Amendments are included in the CAPER at the end of the year.</i>
Public Hearings	Minimum of one (1) public hearing to be held at the conclusion of the 30-day comment period.	Minimum of one (1) public hearing at the conclusion of a 30-day public comment period.	Minimum of one (1) public hearing at the conclusion of a 15-day public comment period.	Minimum of one (1) public hearing at the conclusion of a 30-day public comment period.
Public Meeting/Workshops (Includes Citizen's Advisory Committee Meetings)	Minimum of one (1) public meeting, with the first to be held early in the planning process.	Minimum of one (1) public meeting, with the first to be held early in the planning process.	Public meetings are not required by HUD regulation for the preparation of the CAPER. <i>The City, at its discretion, may decide to hold a public meeting in addition to the one (1) required public hearing.</i>	The City, at its discretion, may decide to hold a public meeting in addition to the one (1) required public hearing.
Public Notice Requirements	A public notice will be posted in a local newspaper of general circulation, at least fifteen (15) calendar days prior to public hearings.	A public notice will be posted in a local newspaper of general circulation, at least fifteen (15) calendar days prior to public hearings.	A public notice will be posted in a local newspaper of general circulation at least 15 days prior to submittal of the report to HUD.	A public notice will be posted in a local newspaper of general circulation at least fifteen (15) calendar days prior to public hearings.



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Resolution

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Gina Toussaint, Finance Director
DATE: 6/4/2020
SUBJECT: Resolution 2020-9 Budget Amendment

BACKGROUND:

A plan of potential enhancements and improvements to the John McMahon Environmental Center was presented to Council in a workshop held on January 22, 2018. Funding sources were also introduced at that time which included a \$20,000 - \$30,000 donation by Kiwanis Club.

Council gave a consensus to move forward with the recommended upgrades.

DISCUSSION:

The City recently received a donation from Kiwanis Club in the amount of \$25,057.62 for the full purchase price of environmental park playground equipment. This includes cost of installation, wood fiber safety surfacing, playground border and access playcurb. Quote information is attached.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

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FINANCIAL IMPACT

With the donation from Kiwanis Club, there is no negative financial impact to the City. With Council acceptance of the donation and approval of the equipment purchase, a budget amendment will be required as noted in the attached resolution.

RECOMMENDED ACTION

Staff respectfully requests adoption of Resolution No. 2020-9 Budget Amendment. Staff also requests approval of donation acceptance and subsequent disbursement to purchase the playground equipment as presented.

Attachments

1. Budget Amendments
2. Quote Information

RESOLUTION: 2020-9

A RESOLUTION OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING THE BUDGET TO MORE ACCURATELY REFLECT ESTIMATED REVENUES AND APPROPRIATIONS. THE AMENDMENT IS THE RESULT OF MONEY DONATED FOR THE PURCHASE OF PLAYGROUND EQUIPMENT AT THE JOHN MCMAHON ENVIRONMENTAL CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that it is in the best interest of the City to amend its budget for the fiscal year 2020; and

WHEREAS, the City's budget needs to be amended to reflect such change.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Crestview of Okaloosa County, Florida that:

1. The Budget is amended to accurately reflect estimated revenues and appropriations, a copy of which is attached hereto.
2. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED IN REGULAR SESSION THIS 8th OF June, 2020

CITY OF CRESTVIEW, FLORIDA

JB Whitten, Mayor

Attest:

Elizabeth M. Roy, City Clerk

-
-

RECEIPTS/RESOURCES (Budget Amendment)

<u>FUND #</u>	<u>ACCOUNT #</u>	<u>TITLE</u>	<u>AMOUNT</u>
001	0000.369.21.00	Other--Reimbursements	11,247.00
001	0000.366.00.00	Donated Income	5,300.00
001	0000.364.00.00	Fixed Asset Disposition	11,250.00
001	0000.369.20.13	Educational--CPR	1,000.00
001	0000.334.70.00	St. Grants-Cult. & Rec.	100,000.00
			<u>128,797.00</u>

EXPENDITURES (Budget Amendment)

<u>FUND #</u>	<u>ACCOUNT #</u>	<u>TITLE</u>	<u>AMOUNT</u>
001	0721.521.64.00	Equipment	3,675.00
001	1424.524.64.00	Equipment	7,572.00
001	0822.522.52.00	Operating Supplies	16,050.00
001.	0822.522.52.07	Educational Expenses	1,500.00
001.	0972.572.63.00	Improvements	100,000.00
			<u>128,797.00</u>

RECEIPTS/RESOURCES (Budget Amendment)

<u>FUND #</u>	<u>ACCOUNT #</u>	<u>TITLE</u>	<u>AMOUNT</u>
001	0000.366.00.00	Donations	25,057.62
			<u>25,057.62</u>

EXPENDITURES (Budget Amendment)

<u>FUND #</u>	<u>ACCOUNT #</u>	<u>TITLE</u>	<u>AMOUNT</u>
001	2773.572.64.00	Equipment	25,057.62
			<u>25,057.62</u>



City of Crestview

Quote Comparison Form

Requisition No. _____

Name CHUCK POWELL

Date: 5/28/20

Dept: BFM.

Item/Service Requested:

Quote 1 GameTime c/o
JA DAWSON
Company _____

Contact _____

Vendor No. _____

Phone No. 800-221-8869

Quote \$25,057.42

____mail____telephone____fax ☒email____other

Quote 2

Company N/A

Contact _____

Vendor No. _____

Phone No. _____

Quote _____

____mail____telephone____fax____email____other

Quote 3

Company N/A

Contact _____

Vendor No. _____

Phone No. _____

Quote _____

____mail____telephone____fax____email____other

I hereby affirm that the above quotes have been sought and conform in every respect with the requirements of the City's Purchasing Manual.

[Signature]

Department Head



Environmental Park Playground

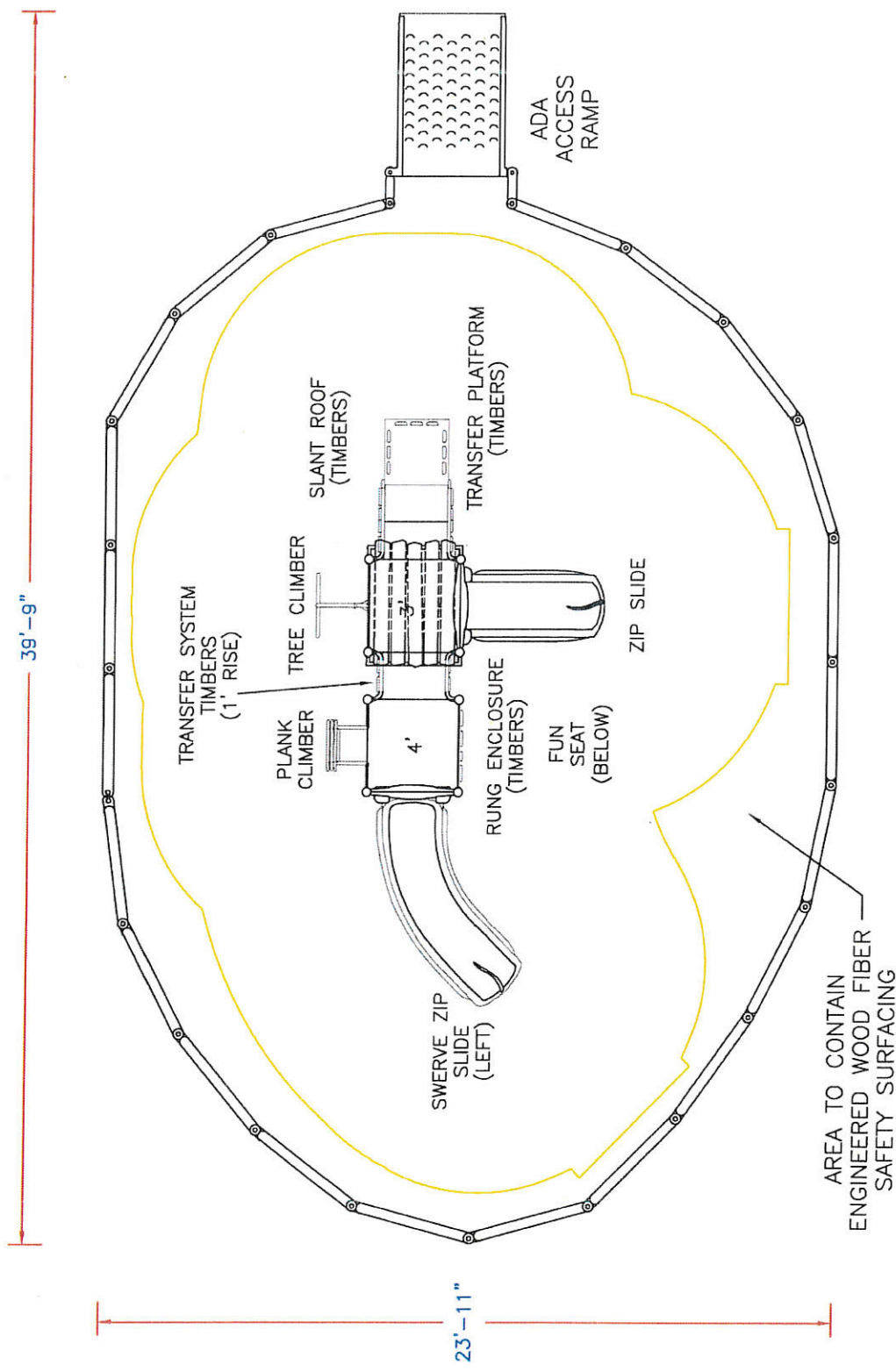
**J.A. Dawson
& Company**
Your Total Recreation Resource



**J.A. Dawson
& Company**
Your Total Recreation Resource

Environmental Park Playground

GameTime®
A PLAYCORE Company



J.A. Dawson & Company
 Your Total Recreation Resource
 P.O. Box 1178
 Pelham, AL 35124
 205.663.5058
 800.221.8869
 f. 205.663.5012
 www.jadawsonco.com

Environmental Park Playground
 Project Manager:
 John Kilpatrick

This play equipment is recommended for children ages 2-5 or 5-12

Minimum Area Required:	24' x 40'
Scale:	NTS
This drawing can be scaled only when in an 8 1/2" x 11" format	

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614

Drawn By:	M. Isbell
Date:	5.26.2020
Drawing Name:	04571-A1



c/o J.A. Dawson & Company
P.O. Box 1178
Pelham, AL 35124
Phone: 800-221-8869
Fax: 205-663-5012

05/26/2020
Quote #100290-01-01

Environmental Center Playground

City of Crestview Parks and Recreation
Attn: Chuck Powell
100 North Hathaway St
Crestview, FL 32539
Phone: 850-682-6132
Fax: 850-682-1754
chuckpowell@cityofcrestview.org

Ship to Zip 32536

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - 04571-D1 PrimeTime Play Structure	\$16,869.00	\$16,869.00
1	4858	GameTime - Access Playcurb-W/Adap	\$547.00	\$547.00
23	4862	GameTime - 12" Playground Border	\$54.00	\$1,242.00
32	EWf	GT-Impax - sqft of Engineered Wood Fiber Safety Surfacing	\$24.00	\$768.00
1	INSTALL	GameTime - Installation of Playground Equipment, Border, and Safety Surfacing	\$8,130.00	\$8,130.00
Contract: OMNIA			Sub Total	\$27,556.00
			Discount	(\$4,210.60)
			Freight	\$1,712.22
			Total	\$25,057.62

OMNIA Partners / U.S. Communities Contract #2017001 134

Purchase Orders must be made out to GameTime when purchasing through the contract.

Environmental Center Playground

05/26/2020
Quote #100290-01-01

Acceptance of quotation:

SIGNED ACCEPTANCE OF THIS QUOTE ASSUMES ACCEPTANCE OF ALL TERMS AND CONDITIONS IN THIS QUOTE.

Accepted By (printed): _____ Signature: _____

P.O. No: _____ Purchase Amount: \$25,057.62

Date: _____ Title: _____

Phone: _____ Facsimilie: _____

Order Information:

Bill To: _____ Contact: _____

Address: _____ Tel: _____

City, State, Zip: _____

Email for Invoicing: _____

Ship To: _____ Contact: _____

Address: _____ Tel: _____

City, State, Zip: _____

FIN# (FEDERAL IDENTIFICATION NUMBER) _____

SALES TAX EXEMPTION CERTIFICATE #: _____

COPY OF TAX EXEMPTION CERTIFICATE MUST BE PROVIDED FOR ALL TAX EXEMPT ORDERS

Environmental Center Playground

05/26/2020
Quote #100290-01-01

TERMS AND CONDITIONS OF SALE Required for Complete Order: Purchase Order or Signed quote , 50% down and 50% net 30 after delivery or installation with credit approval or 100% payment with order, complete billing & shipping address w/ contact names and phone numbers, and color selections. Contractors provide fully executed bld/performance/payments bonds as applicable. Pricing: f.o.b. factory, firm for 30 days from date of quotation. Acceptance of this Transaction: constitutes entire agreement between buyer and seller. Failure to pay when agreed is basis for legal action to be taken. Buyer agrees to pay all legal costs for collection and reasonable attorney fees, and hereby waives rights of exemption as to personal property under the laws of the state of Alabama or any other state. In connection with this transaction, a finance charge will be imposed on the past due balance at an annual percentage rate of 18%, or 1-1/2% per month. Delivery Schedule: Upon written notification of order (with or without installation services) delivery will be made in appx. 45-60 days. Customer has 10 days after ordering to make request to delay ship date if site will not be ready. All efforts will be made to accommodate requests, but no change is guaranteed. Freight carrier is instructed to call 24 hours in advance to arrange delivery. Returned Goods: Returned goods are subject for a restocking fee of 30% in addition to both the outbound and inbound freight charges. Goods must be packaged to protect against damage in transit in accordance with best commercial practices. Labor and material costs to make returned goods merchantable will be deducted from any credit. Returned goods will not be accepted without an authorization number (RGA) assigned by J.A. Dawson & Co., Inc. To be eligible for credit, returned good must be received at manufacturer within 45 days of issuance of a returned goods authorization number. Unloading: Unless unloading service is contracted, unloading of delivery truck is responsibility of customer. Forklift may be required. If unloading, customer is responsible for accepting and noting any damages or shortages on the freight bill and inspecting/inventorying equipment upon receipt. Customer must notify our office immediately of any discrepancies. Freight carrier is instructed to call your designated contact 24 hours in advance to arrange delivery. If job site is not prepared and ready for installation when equipment delivers, any pre-existing unloading agreement is voided and customer is responsible for truck unloading and equipment storage. Additionally Insured: Any entity or person named as additionally insured, add \$150.00 per each occurrence. TERMS AND CONDITIONS IF CONTRACTING INSTALLATION SERVICES Utilities: Customer is responsible for the location and marking of all underground utilities and sprinklers prior to installation. J.A. Dawson & Co., Inc. is not responsible for damages or repairs to any form of underground utility or sprinklers. Equipment Layout: To be as illustrated & accepted on submitted drawings. Any requested changes may result in additional charges. Site Conditions: Installation quotations are based on a prepared level surface (slope not to exceed 1/2" over 25'), and open truck access to the area. We require a 10' wide path into the site and unloaded equipment to be within 100'. Please notify estimator of site concerns to ensure proper quotation. If installation crew arrives and installation cannot be performed due to unprepared surface or inadequate access, an additional \$1,500.00 will be charged for return trip. Pier spoils from installation shall be spread at site. Site will be left rough grade. Upcharge of \$65.00 per hour per man plus necessary equipment rental will be added for installation in rock, concrete or existing asphalt. Removal of existing equipment, trees, etc. is by others unless specifically contracted. Machinery Use: Installation requires the use of heavy machinery. All efforts are made to minimize damage to the site. It is recommended that all final landscaping, fencing, sidewalks, etc. be completed after installation of equipment and/or surfacing. J.A. Dawson & Co., Inc. is not responsible for damage to grass or other site features due to normal, necessary equipment use. Please notify estimator to discuss concerns prior to accepting quotation in case revisions are needed. Waste Disposal: Dumpster or approved dumping area must be provided for packaging and other waste during installation. J.A. Dawson & Co., Inc. is not responsible for removing waste from the property unless specifically contracted. Security: J.A. Dawson & Co., Inc. is pleased to supply & install your equipment in a timely, professional manner. Upon completion, the equipment is secured with tape to discourage play and allow concrete to dry for 72 hours. Premature play will cause equipment to become loose in the concrete footings. Customer is responsible for prohibiting access to equipment during this critical drying time. J.A. Dawson & Co., Inc. is not responsible for equipment that becomes loose in the concrete due to premature access or events beyond our control. If purchasing rubber safety surfacing, the 72 hour waiting period also applies. Premature access will leave imprints in rubber surfacing. Customer is responsible for security.

J.A. DAWSON & CO., INC.

DATE

CUSTOMER

DATE



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Resolution

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: JB Whitten, Mayor
DATE:
SUBJECT: Resolution 2020-10 Formation of a Citizens' Advisory Council

BACKGROUND:

Many municipalities form Citizens' Advisory Councils to keep citizens involved in the City Government and to encourage citizen participation in local government.

DISCUSSION:

Mayor Whitten wishes to form a Citizens' Advisory Council for the City of Crestview.

The purpose of this council will be to advise the Mayor on issues, policy and activities throughout the city.

The mayor will hold meetings with the advisory council as needed to obtain insight from the members on any given item being discussed.

The mayor will share the information collected with the city manager and city council as needed.

The common process for establishing advisory councils is to pass a resolution by the City Council of the City of Crestview.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Communication- To engage, inform and educate public and staff

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

Financial impact from the formation of the committee has not been established at this time.

RECOMMENDED ACTION

Staff respectfully requests that the Council adopt Resolution 2020-10

Attachments

None

ORDINANCE 2020-10

A RESOLUTION OF THE CITY OF CRESTVIEW, FLORIDA, ESTABLISHING A CITIZENS' ADVISORY COUNCIL, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Many municipalities use citizen advisory councils to inject fresh ideas and new perspectives into local decision-making; and

WHEREAS, Citizens' Advisory councils can promote community service and foster a better understanding among people of how government works; and

WHEREAS, Citizens' Advisory councils are an excellent means of promoting regular and active civic engagement among people; and

WHEREAS, as such, the City Council desires to create a Citizens' Advisory Council; and

WHEREAS, the City Council finds that this Resolution is in the best interest and welfare of the residents of the City of Crestview.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY OF CRESTVIEW COUNCIL OF THE CITY OF CRESTVIEW, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Creation of the Citizens' Advisory Council. The City Council hereby creates a Citizens' Advisory group, to be known as the City of Crestview Citizens Advisory Council to report to and inform the City Mayor regarding issues of special interest to citizens with the City.

Section 3. Composition of the Group. The Group shall consist of 7 members that represent the demographics of Crestview and is composed of diverse members.

Section 4. Dissolution of Group. The Group shall automatically dissolve upon completion of the task at hand, unless otherwise extended by the City Council.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED IN REGULAR SESSION THIS 8TH DAY
OF JUNE,
2020

J.B. Whitten, Mayor

Elizabeth M Roy, City Clerk



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Trae Duley, Planner
DATE:
SUBJECT: Ordinance 1769 - Recreational Camps Special Exception

BACKGROUND:

Staff conducted several meetings with potential developers interested in developing a to recreational campground/ recreational vehicle parks within the City limits.

The current Land Development Code does not address this specific use at this time.

The first reading was approved on May 11, 2020 with no changes.

DISCUSSION:

The item provide herein is Chapter 102 within article XII of the existing code. Section 102-221 will provide a new set of regulations for recreational campgrounds, recreational vehicle parks in the Land Development Code. The items in this section include but are not limited to;

- Established this code to allowing special exceptions for recreational camps and recreational vehicle parks in Agriculture (A), Commercial (C-1), Industrial (M-1), Conservation (C) zoning districts. While allowing this use at the same time protecting the integratory of the surrounding areas.
 - Establishes definition for “Recreational camp” or “Recreational camps” means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for one or more resident or transient members of the public and designed and operated for recreational or other non-profit purposes.
 - Establishes definition for “RV Park” or “RV Parks”, for purposes of this subsection, means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for one or more resident or transient members of the public and designed and operated for profit.
 - Allows for minimum lot sizes and acreage in each district as related zoning and if the park is located on a multi lane or collector road.
 - In addition to the foregoing requirements, RV Parks in the C district may only be allowed in accordance with an approved management plan.
1. The management plan shall be prepared at the expense of the applicant by a person or persons qualified in the appropriate fields of study, and conducted according to professionally accepted

standards. At a minimum, the management plan must provide for the following:

1. Description of goals and objectives based on type of natural resources to be managed;
 2. Description of all proposed uses, including existing and any proposed physical and access improvements;
 3. Description of prohibited activities, such as mowing in wetland buffers, or removal of native vegetation in protected habitat areas;
Descriptions of ongoing activities that will be performed to protect, restore, or enhance the natural resources to be protected.
- Establishes sanitary facilities including showers, toilets, and sinks shall be provided. Potable water from a municipal water supply shall be used for such sanitary facilities, unless the facility is served by a private well registered, approved and tested by the Department of Health as a limited use public water system.
 - Establishes recreational camps for five or more members of the public as defined in Section 513.01, Florida Statutes, are subject to the provisions of Chapter 513, Florida Statutes and shall not be permitted as a special exception unless the Department of Business and Professional Regulation has issued a permit for such activity and such permit remains valid and current at all times and such property meets every provision of this section not in conflict with the requirements of Chapter 513, Florida Statutes.

The above list is not a comprehensive list of items included within section 102-221 is intended to point out some of the significant items. The format and adoption of this section will increase the efficiency of the review and regulations of such developments.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There will be no impact on the existing City budget.

RECOMMENDED ACTION

Staff respectfully requests adoption of Ordinance 1769 on second reading.

Attachments

None

ORDINANCE NO. 1769

AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF A SPECIAL EXCEPTION FOR RECREATIONAL CAMPS; PROVIDING PROCEDURES AND REQUIREMENTS FOR APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA:

SECTION 1 – AUTHORITY. Pursuant to Chapter 163 of the Florida Statutes, the City of Crestview possesses the authority to enact land development regulations necessary and desirable to implement the City's adopted comprehensive plan, including regulation of the use of land, ensuring safety and health of residents and protection of environmental resources.

SECTION 2 – CREATION OF SPECIAL EXCEPTION WITHIN THE LAND DEVELOPMENT CODE FOR RECREATIONAL CAMPS AND RECREATIONAL VEHICLES. Within Article XII, Chapter 102, Land Use Regulations, there is hereby created the following section 102-221:

Sec. 102-221 – Special Exceptions.

- (a) Recreational camps. Recreational camps are allowed by special exception in the Agriculture (A), Commercial (C-1), Industrial (M) and Conservation (C) districts in accordance with the following standards.
- (b) For purposes of this subsection, "Recreational camp" or "Recreational camps" means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for one or more resident or transient members of the public and designed and operated for recreational or other non-profit purposes.
- (c) The minimum lot area within the A, C-1 or M districts shall be 40 acres. In the C district the minimum lot area shall be 80 acres.
- (d) Recreational camps in the C district may only be allowed in accordance with an approved management plan. The management plan shall be prepared at the expense of the applicant by a person or persons qualified in the appropriate fields of study, and conducted according to professionally accepted standards. At a minimum, the management plan includes the following:
 - (1) Description of goals and objectives based on type of natural resources to be managed;
 - (2) Description of all proposed uses, including existing and any proposed physical and access improvements;
 - (3) Description of prohibited activities, such as mowing in wetland buffers, or removal of native vegetation in protected habitat areas;
 - (4) Descriptions of ongoing activities that will be performed to protect, restore, or enhance the natural resources to be protected. This may include:
 - a. Removal or control of invasive vegetation and debris;
 - b. Replanting with native vegetation as necessary;
 - c. Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive foraging, breeding, roosting, and nesting areas;
 - d. Fencing or other institutional controls to minimize impact of human activities on wildlife and vegetation, such as predation by pets;

- e. Prescribed burning, thinning, or comparable activities performed in an environmentally sensitive manner to restore or maintain habitat;
 - f. Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring, and reporting;
 - g. Any additional measures determined to be necessary to protect and maintain the functions and values of conservation areas in conjunction with wildfire mitigation;
 - h. Set of schedules, estimated costs, staffing requirements, and assignments of responsibility for specific implementation activities to be performed as part of the management plan, and identification of means by which funding will be provided;
 - i. Performance standards with criteria for assessing goals and objectives;
 - j. Five-year monitoring plan with schedule and responsibility;
 - k. Ownership and party responsible for management activities;
 - l. Provision for changes to be reviewed and approved by the City; and
 - m. Contingency plans for corrective measures or change if goals not met, and recognition of City enforcement authority.
- (e) The maximum density of cabins, lodges and/or tent campsites shall not exceed one per five acres. Density shall be calculated as gross density and include all land area exclusive of major water bodies starting at the high water mark.
 - (f) Cabins or lodges shall comply with the Florida Building Code and must contain a minimum of 250 square feet of floor space per occupant with a maximum capacity of 10. Use of mobile homes or recreational vehicles for lodging is prohibited.
 - (g) A single permanent residence is allowed.
 - (h) All structures, cabins and tent sites shall be setback a minimum of 200 feet from the property line.
 - (i) Vehicular access shall be from a paved public roadway.
 - (j) A unified plan for water distribution and wastewater disposal meeting the requirements of the Health Department shall be provided as part of any application for a recreational camp.
 - (k) Sanitary facilities including showers, toilets, and sinks shall be provided. Potable water from a municipal water supply shall be used for such sanitary facilities, unless the facility is served by a private well registered, approved and tested by the Department of Health as a limited use public water system.
 - (l) Recreational camps for five or more members of the public as defined in Section 513.01, Florida Statutes, are subject to the provisions of Chapter 513, Florida Statutes and shall not be permitted as a special exception unless the Department of Business and Professional Regulation has issued a permit for such activity and such permit remains valid and current at all times and such property meets every provision of this section not in conflict with the requirements of Chapter 513, Florida Statutes.
 - (m) Any violation of this section, including a property owner's operating or allowing unpermitted recreational camps shall be punished as provided for in section 1-11 of the City Code and each day that such condition continues is regarded as a new and separate offense.
 - (n) Recreational vehicle parks. Recreational vehicle parks ("RV Parks") are allowed by special exception in the Agriculture (A), Commercial (C-1), Industrial (M) and Conservation (C) districts in accordance with the following standards.
 - (o) Definitions.
 - (1) "RV Park" or "RV Parks", for purposes of this subsection, means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for one or more resident or transient members of the public and designed and operated for profit.

- (2) “Unit” or “Units” means one trailer or one vehicle used as living quarters for one or more resident or transient members of the public.
- (3) “Tent” or “Tents” means a portable shelter of cloth or other material, whether designed for camping or fabricated for some other purpose, used for storage or as living quarters for one or more resident or transient members of the public.
- (p) Minimum lot size and density. The minimum lot size and density for RV Parks shall be as follows:
 - (1) If the parcel is accessed directly from a multi-lane or arterial road as defined in the City of Crestview Comprehensive Plan, the minimum lot size shall be 2.5 acres and the maximum allowable density shall be 18 units per acre, with a maximum of one tent per 25 units.
 - (2) If the parcel is accessed directly from a collector road as defined in the City of Crestview Comprehensive Plan, the minimum lot size shall be 5 acres and the allowable density shall be 9 units per acre, and a maximum of one tent per 25 units.
 - (3) If the parcel is accessed from any road which is not an arterial or collector road as defined in the City of Crestview Comprehensive Plan, the minimum lot size shall be 15 acres and the allowable density shall be 6 units per acre, and a maximum of one tent per 25 units.
 - (4) Density shall be calculated as gross density and include all land area exclusive of major water bodies starting at the high water mark.
 - (5) For cabins or other permanent structures, the density, setback and other requirements of the zoning district in which the property is located shall apply.
 - (6) A single permanent residence is allowed.
 - (7) Cabins and other structures shall comply with the Florida Building Code and must contain a minimum of 250 square feet of floor space per occupant with a maximum capacity of 10.
 - (8) Use of mobile homes for lodging is prohibited, except that one mobile home may be located onsite for an office, resident manager or security watchman if a permanent residence is not located on the property.
- (q) Vehicular access shall be from a paved public roadway.
- (r) A unified plan for water distribution and wastewater disposal meeting the requirements of the Health Department shall be provided as part of any application for a recreational camp.
- (s) Sanitary facilities including showers, toilets, and sinks shall be provided. Potable water from a municipal water supply shall be used for such sanitary facilities, unless the facility is served by a private well registered, approved and tested by the Department of Health as a limited use public water system.
- (t) Protection of Resources. In addition to the foregoing requirements, RV Parks in the C district may only be allowed in accordance with an approved management plan. The management plan shall be prepared at the expense of the applicant by a person or persons qualified in the appropriate fields of study, and conducted according to professionally accepted standards. At a minimum, the management plan must provide for the following:
 - (1) Description of goals and objectives based on type of natural resources to be managed;
 - (2) Description of all proposed uses, including existing and any proposed physical and access improvements;
 - (3) Description of prohibited activities, such as mowing in wetland buffers, or removal of native vegetation in protected habitat areas;
 - (4) Descriptions of ongoing activities that will be performed to protect, restore, or enhance the natural resources to be protected. This may include:
 - a. Removal or control of invasive vegetation and debris;
 - b. Replanting with native vegetation as necessary;
 - c. Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive foraging, breeding, roosting, and nesting areas;

- d. Fencing or other institutional controls to minimize impact of human activities on wildlife and vegetation, such as predation by pets;
 - e. Prescribed burning, thinning, or comparable activities performed in an environmentally sensitive manner to restore or maintain habitat;
 - f. Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring, and reporting;
 - g. Any additional measures determined to be necessary to protect and maintain the functions and values of conservation areas in conjunction with wildfire mitigation;
 - h. Set of schedules, estimated costs, staffing requirements, and assignments of responsibility for specific implementation activities to be performed as part of the management plan, and identification of means by which funding will be provided;
 - i. Performance standards with criteria for assessing goals and objectives;
 - j. Five-year monitoring plan with schedule and responsibility;
 - k. Ownership and party responsible for management activities;
 - l. Provision for changes to be reviewed and approved by the City; and
 - m. Contingency plans for corrective measures or change if goals not met, and recognition of City enforcement authority.
- (u) Any violation of this section, including a property owner's operating or allowing unpermitted recreational camps shall be punished as provided for in section 1-11 of the City Code and each day that such condition continues is regarded as a new and separate offense.

SECTION 3 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4 – SCRIVENER'S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager's designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 5 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7 – EFFECTIVE DATE. This ordinance shall take effect on the sixth business day following adoption, unless the Mayor declines to exercise the veto power in writing after adoption.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW,

FLORIDA ON THE _____ DAY OF _____, 2020.

ATTEST:

ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS _____ DAY OF _____,
2020.

J. B. WHITTEN
Mayor



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Trae Duley, Planner
DATE:
SUBJECT: Ordinance 1767 - Pharmaceutical Sales Special Exception

BACKGROUND:

In November of 2016, the citizens of the State of Florida voted to approve Amendment 2, which allowed the use of medical marijuana in the State of Florida.

On November 13, 2017 the City Council adopted Ordinance 1629, an ordinance amending Chapter 18 of the Code of Ordinances addressing Cannabis related activities. Ordinance 1629 Revoked the temporary moratorium initially adopted by the City Council. The moratorium prohibited the sale of cannabis within the city limits until such time as the City Council determined the permanent disposition of the issue.

The City Council based its decision to ban medical marijuana treatment centers from being located within the boundaries of the municipality on Section 381.986(11)(b)1 of the Florida Statutes.

At a regular council meeting in December 2019 the City Council members were approached by several residents asking questions about the City's prohibition on the sale of medical marijuana within the city limits.

On January 30, 2020 during a workshop to discuss the Cannabis ordinance the City Council instructed the City Manager to prepare an ordinance to allow medical marijuana facilities in appropriate zoning districts.

This was approved at first reading on May 11, 2020 with no changes.

DISCUSSION:

Ordinance 1767 amends Chapter 102 of article VII of the Code of Ordinances.

Section 102-129 will provide a new set of regulations for Pharmaceutical Sales in the Land Development Code. The items in this section include but not limited to;

- Established this code to allowing special exceptions for Pharmaceutical Sales in Commercial (C-1), Commercial (C-2), Downtown Mixed Use (DMU) Industrial (M-1) zoning districts. While allowing this use at the same time protecting the integratory of the surrounding areas.
- Provides minimum lots sizes required is 43,560
- Provides minimum building size is 2,500 square feet floor area. The “floor area” of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces

of the exterior walls or from the center line of walls separating two buildings.

- Provides minimum required front, side and rear yards shall be 20 feet measured from the edge of the building or the edge of any parking area, whichever is closest to property line, on each side.
- Provides minimum parking will be one space for each 150 square feet of floor area, plus one space per employee on the largest staffed shift. When calculation of the number of required parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number. Employee parking shall be designated by permanent signage.
- Only one structure may be located on the parcel.
- No outdoor refuse collection or storage area shall be located in a street yard, and all such areas shall maintain a minimum setback of ten feet from any lot line and shall be enclosed and on a paved or concrete surface.

The above list is not a comprehensive list of items included within section 102-129 is intended to point out some of the significant items. The format and adoption of this section will increase the efficiency of the review and regulations of such developments.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There will be no financial impact on the existing City budget.

RECOMMENDED ACTION

Staff respectfully requests adoption of Ordinance 1767 on second reading.

Attachments

None

ORDINANCE NO. 1767

AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF A SPECIAL EXCEPTION FOR PHARMACEUTICAL SALES IN THE COMMERCIAL (C-1) DISTRICT; AMENDING SUBSECTION (F) OF SECTION 102-129 OF ARTICLE VII, CHAPTER 102, LAND USE REGULATIONS; PROVIDING FOR ESTABLISHMENT OF A SPECIAL EXCEPTION FOR PHARMACEUTICAL SALES IN THE COMMERCIAL (C-2) DISTRICT; PROVIDING FOR ESTABLISHMENT OF A SPECIAL EXCEPTION FOR PHARMACEUTICAL SALES IN THE DOWNTOWN MIXED USE (DMU) DISTRICT; AMENDING SUBSECTION (H) OF SECTION 102-129 OF ARTICLE VII, CHAPTER 102, LAND USE REGULATIONS; PROVIDING FOR ESTABLISHMENT OF A SPECIAL EXCEPTION FOR PHARMACEUTICAL SALES IN THE INDUSTRIAL (M-1) DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA:

SECTION 1 – AUTHORITY. Pursuant to Chapter 163 of the Florida Statutes, the City of Crestview possesses the authority to enact land development regulations necessary and desirable to implement the City's adopted comprehensive plan, including regulation of the use of land and ensuring safe and convenient onsite traffic flow.

SECTION 2 – CREATION OF SPECIAL EXCEPTION FOR PHARMACEUTICAL SALES IN COMMERCIAL (C-1) DISTRICT. Within subsection (f) of Section 102-129 of Article VII, Chapter 102, Land Use Regulations, there is hereby created the following sub-section:

- (8) Special Exceptions. After review of an application and plans by the Community Development Services director or designee, the following may be approved as special exceptions:
- a. Stores manufacturing selling, leasing or renting pharmaceutical equipment, supplies and consumables, including prescription and non-prescription medicines and holistic medicine supplies, and Medical Marijuana Treatment Centers licensed by the State of Florida, provided the following requirements are met:
 1. Minimum Lot Size Requirements. The minimum required lot size is 43,560 square feet.
 2. Building Size Requirements.
 - i. Floor Area. The minimum building size is 2,500 square feet floor area. The "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment — except equipment, open or enclosed, located on the roof — penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines, and enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "floor area."

- ii. Floor Area Ratio. The maximum building size is limited by a floor area ratio of 0.10. The "floor area ratio" of the building on any lot is the floor area of the building on that lot divided by the area of such lot.
- 3. Minimum Yard Requirements. The minimum required front, side and rear yards shall be 20 feet measured from the edge of the building or the edge of any parking area, whichever is closest to property line, on each side.
- 4. Minimum Off-Street Parking and Loading Requirements; Location. The parking and loading requirements shall be as follows:
 - i. One space for each 150 square feet of floor area, plus one space per employee on the largest staffed shift. When calculation of the number of required parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number. Employee parking shall be designated by permanent signage.
 - ii. Provisions for off-street loading and number of required berths shall be made in accordance with Article VIII of the Land Use Regulations. On-street loading or unloading is prohibited. Loading areas shall not obstruct pedestrian pathways.
 - iii. Parking spaces shall meet the minimum size set forth in Article VIII.
 - iv. All driveways, access aisles and parking spaces shall be surfaced in paver bricks, concrete or asphalt. Wheel stops are required for each parking space.
 - v. Parking and loading spaces are prohibited in landscape buffers, easement areas, and right of way areas.
 - vi. The provision of parking spaces and passenger loading areas for persons who have disabilities is governed by Chapter 553, Florida Statutes.
 - vii. All required parking shall be provided on the same lot or project as the principal use. The location of required parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. A minimum queuing distance of 25 feet is required between the property line and the first parking space.
 - viii. Off-site parking shall not be used to determine compliance with minimum parking spaces set forth in this section.
 - ix. A minimum of ten percent of the required parking spaces shall be located at the side or rear of each building it is intended to serve. A public pedestrian walk shall connect all parking areas to a facility entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lit, and unobstructed.
- 5. Number of Structures. Only one structure may be located on the parcel.
- 6. Landscaping and Buffering. Article XXIII of the Land Use Regulations applies to the uses authorized as special exceptions, except that any exemptions set forth in Section 102-572 shall not apply.
- 7. Site and Development Plan Review. Site and development plan review shall be required.
- 8. Outdoor Refuse Collection and Storage Areas. No outdoor refuse collection or storage area shall be located in a street yard, and all such areas shall maintain a minimum setback of ten feet from any lot line and shall be enclosed and on a paved or concrete surface.

SECTION 3 – AMENDMENT OF SUBSECTION (F) OF SECTION 102-129 OF ARTICLE VII, CHAPTER 102, LAND USE REGULATIONS. Subsection (f) of Section 102-129 of Article VII, Chapter 102, Land Use Regulations is hereby amended as follows to delete apothecaries and pharmacies as permitted uses in the C-1 district:

(f) *C-1 (commercial district)*. Within any C-1 commercial district, no building, structure, land or water shall be used except for one or more of the following uses:

(1) *Uses permitted.*

a. ~~Apothecary shops and pharmacies.~~

SECTION 4 – CREATION OF SPECIAL EXCEPTION FOR PHARMACEUTICAL SALES IN DOWNTOWN COMMERCIAL (C-2) DISTRICT. Within subsection (g) of Section 102-129 of Article VII, Chapter 102, Land Use Regulations, there is hereby created the following sub-section:

(8) *Special Exceptions.* After review of an application and plans by the Community Development Services director or designee, the following may be approved as special exceptions:

- a. Stores manufacturing selling, leasing or renting pharmaceutical equipment, supplies and consumables, including prescription and non-prescription medicines and holistic medicine supplies, and Medical Marijuana Treatment Centers licensed by the State of Florida, provided the following requirements are met:
 1. Minimum Lot Size Requirements. The minimum required lot size is 43,560 square feet.
 2. Building Size Requirements.
 - i. Floor Area. The minimum building size is 2,500 square feet floor area. The “floor area” of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment — except equipment, open or enclosed, located on the roof — penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines, and enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in “floor area.”
 - ii. Floor Area Ratio. The maximum building size is limited by a floor area ratio of 0.10. The “floor area ratio” of the building on any lot is the floor area of the building on that lot divided by the area of such lot.
 3. Minimum Yard Requirements. The minimum required front, side and rear yards shall be 20 feet measured from the edge of the building or the edge of any parking area, whichever is closest to property line, on each side.
 4. Minimum Off-Street Parking and Loading Requirements; Location. The parking and loading requirements shall be as follows:
 - i. One space for each 150 square feet of floor area, plus one space per employee on the largest staffed shift. When calculation of the number of required parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number. Employee parking shall be designated by permanent signage.
 - ii. Provisions for off-street loading and number of required berths shall be made in accordance with Article VIII of the Land Use Regulations. On-street loading or unloading is prohibited. Loading areas shall not obstruct pedestrian pathways.
 - iii. Parking spaces shall meet the minimum size set forth in Article VIII.
 - iv. All driveways, access aisles and parking spaces shall be surfaced in paver bricks, concrete or asphalt. Wheel stops are required for each parking space.

- v. Parking and loading spaces are prohibited in landscape buffers, easement areas, and right of way areas.
- vi. The provision of parking spaces and passenger loading areas for persons who have disabilities is governed by Chapter 553, Florida Statutes.
- vii. All required parking shall be provided on the same lot or project as the principal use. The location of required parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. A minimum queuing distance of 25 feet is required between the property line and the first parking space.
- viii. Off-site parking shall not be used to determine compliance with minimum parking spaces set forth in this section.
- ix. A minimum of ten percent of the required parking spaces shall be located at the side or rear of each building it is intended to serve. A public pedestrian walk shall connect all parking areas to a facility entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lit, and unobstructed.
- 5. Number of Structures. Only one structure may be located on the parcel.
- 6. Landscaping and Buffering. Article XXIII of the Land Use Regulations applies to the uses authorized as special exceptions, except that any exemptions set forth in Section 102-572 shall not apply.
- 7. Site and Development Plan Review. Site and development plan review shall be required.
- 8. Outdoor Refuse Collection and Storage Areas. No outdoor refuse collection or storage area shall be located in a street yard, and all such areas shall maintain a minimum setback of ten feet from any lot line and shall be enclosed and on a paved or concrete surface.

SECTION 5 – CREATION OF SPECIAL EXCEPTION FOR PHARMACEUTICAL SALES IN DOWNTOWN MIXED USE (DMU) DISTRICT. Within subsection (h) of Section 102-129 of Article VII, Chapter 102, Land Use Regulations, there is hereby created the following sub-section:

- (9) Special Exceptions. After review of an application and plans by the Community Development Services director or designee, the following may be approved as special exceptions:
 - a. Stores manufacturing selling, leasing or renting pharmaceutical equipment, supplies and consumables, including prescription and non-prescription medicines and holistic medicine supplies, and Medical Marijuana Treatment Centers licensed by the State of Florida, provided the following requirements are met:
 - 1. Minimum Lot Size Requirements. The minimum required lot size is 43,560 square feet.
 - 2. Building Size Requirements.
 - i. Floor Area. The minimum building size is 2,500 square feet floor area. The “floor area” of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment — except equipment, open or enclosed, located on the roof — penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines, and enclosed porches, and

- floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "floor area."
- ii. *Floor Area Ratio.* The maximum building size is limited by a floor area ratio of 0.10. The "floor area ratio" of the building on any lot is the floor area of the building on that lot divided by the area of such lot.
 3. *Minimum Yard Requirements.* The minimum required front, side and rear yards shall be 20 feet measured from the edge of the building or the edge of any parking area, whichever is closest to property line, on each side.
 4. *Minimum Off-Street Parking and Loading Requirements; Location.* The parking and loading requirements shall be as follows:
 - i. One space for each 150 square feet of floor area, plus one space per employee on the largest staffed shift. When calculation of the number of required parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number. Employee parking shall be designated by permanent signage.
 - ii. Provisions for off-street loading and number of required berths shall be made in accordance with Article VIII of the Land Use Regulations. On-street loading or unloading is prohibited. Loading areas shall not obstruct pedestrian pathways.
 - iii. Parking spaces shall meet the minimum size set forth in Article VIII.
 - iv. All driveways, access aisles and parking spaces shall be surfaced in paver bricks, concrete or asphalt. Wheel stops are required for each parking space.
 - v. Parking and loading spaces are prohibited in landscape buffers, easement areas, and right of way areas.
 - vi. The provision of parking spaces and passenger loading areas for persons who have disabilities is governed by Chapter 553, Florida Statutes.
 - vii. All required parking shall be provided on the same lot or project as the principal use. The location of required parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. A minimum queuing distance of 25 feet is required between the property line and the first parking space.
 - viii. Off-site parking shall not be used to determine compliance with minimum parking spaces set forth in this section.
 - ix. A minimum of ten percent of the required parking spaces shall be located at the side or rear of each building it is intended to serve. A public pedestrian walk shall connect all parking areas to a facility entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lit, and unobstructed.
 5. *Number of Structures.* Only one structure may be located on the parcel.
 6. *Landscaping and Buffering.* Article XXIII of the Land Use Regulations applies to the uses authorized as special exceptions, except that any exemptions set forth in Section 102-572 shall not apply.
 7. *Site and Development Plan Review.* Site and development plan review shall be required.
 8. *Outdoor Refuse Collection and Storage Areas.* No outdoor refuse collection or storage area shall be located in a street yard, and all such areas shall maintain a minimum setback of ten feet from any lot line and shall be enclosed and on a paved or concrete surface.

SECTION 6 – AMENDMENT OF SUBSECTION (H) OF SECTION 102-129 OF ARTICLE VII, CHAPTER 102, LAND USE REGULATIONS. Subsection (h) of Section 102-129 of Article VII,

Chapter 102, Land Use Regulations is hereby amended as follows to delete apothecaries and pharmacies as permitted uses in the DMU district:

(h) DMU (Downtown mixed used district): Within the DMU district, no building, structure, land or water shall be used except for one or more of the following uses:

(1) Uses permitted.

a. ~~Apothecary shops/pharmacies.~~

SECTION 7 – CREATION OF SPECIAL EXCEPTION FOR PHARMACEUTICAL SALES IN INDUSTRIAL (M-1) DISTRICT. Within subsection (i) of Section 102-129 of Article VII, Chapter 102, Land Use Regulations, subsection 3 is hereby amended as follows:

(3) *Special Exceptions.* ~~After review of an application and plans by the planning director~~ Community Development Services director or designee, and subsequent approval by the ~~planning commission and board of adjustment, the following may be approved~~ as special exceptions:

a. Construction and demolition landfills.

b. Stores manufacturing selling, leasing or renting pharmaceutical equipment, supplies and consumables, including prescription and non-prescription medicines and holistic medicine supplies, and Medical Marijuana Treatment Centers licensed by the State of Florida, provided the following requirements are met:

1. *Minimum Lot Size Requirements.* The minimum required lot size is 43,560 square feet.

2. *Building Size Requirements.*

i. *Floor Area.* The minimum building size is 2,500 square feet floor area. The “floor area” of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment — except equipment, open or enclosed, located on the roof — penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines, and enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in “floor area.”

ii. *Floor Area Ratio.* The maximum building size is limited by a floor area ratio of 0.10. The “floor area ratio” of the building on any lot is the floor area of the building on that lot divided by the area of such lot.

3. *Minimum Yard Requirements.* The minimum required front, side and rear yards shall be 20 feet measured from the edge of the building or the edge of any parking area, whichever is closest to property line, on each side.

4. *Minimum Off-Street Parking and Loading Requirements; Location.* The parking and loading requirements shall be as follows:

i. One space for each 150 square feet of floor area, plus one space per employee on the largest staffed shift. When calculation of the number of required parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number. Employee parking shall be designated by permanent signage.

- ii. Provisions for off-street loading and number of required berths shall be made in accordance with Article VIII of the Land Use Regulations. On-street loading or unloading is prohibited. Loading areas shall not obstruct pedestrian pathways.
- iii. Parking spaces shall meet the minimum size set forth in Article VIII.
- iv. All driveways, access aisles and parking spaces shall be surfaced in paver bricks, concrete or asphalt. Wheel stops are required for each parking space.
- v. Parking and loading spaces are prohibited in landscape buffers, easement areas, and right of way areas.
- vi. The provision of parking spaces and passenger loading areas for persons who have disabilities is governed by Chapter 553, Florida Statutes.
- vii. All required parking shall be provided on the same lot or project as the principal use. The location of required parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. A minimum queuing distance of 25 feet is required between the property line and the first parking space.
- viii. Off-site parking shall not be used to determine compliance with minimum parking spaces set forth in this section.
- ix. A minimum of ten percent of the required parking spaces shall be located at the side or rear of each building it is intended to serve. A public pedestrian walk shall connect all parking areas to a facility entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lit, and unobstructed.
- 5. Number of Structures. Only one structure may be located on the parcel.
- 6. Landscaping and Buffering. Article XXIII of the Land Use Regulations applies to the uses authorized as special exceptions, except that any exemptions set forth in Section 102-572 shall not apply.
- 7. Site and Development Plan Review. Site and development plan review shall be required.
- 8. Outdoor Refuse Collection and Storage Areas. No outdoor refuse collection or storage area shall be located in a street yard, and all such areas shall maintain a minimum setback of ten feet from any lot line and shall be enclosed and on a paved or concrete surface.

SECTION 8 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 9 – SCRIVENER’S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 10 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 11 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 12 – EFFECTIVE DATE. This ordinance shall take effect on the sixth business day following adoption, unless the Mayor declines to exercise the veto power in writing after adoption.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW,

FLORIDA ON THE _____ DAY OF _____, 2020.

ATTEST:

ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS _____ DAY OF _____,
2020.

J. B. WHITTEN
Mayor



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Barry Henderson, Development Service Director
DATE:
SUBJECT: Ordinance # 1773 amending and renaming Division-5-Code Enforcement Board, Establishing Special Magistrate.

BACKGROUND:

F.S. Ch. §162, the Local Government Code Enforcement Boards Act, grants cities the authority to establish a Code Enforcement Board or Special Magistrate to conduct hearings where violations continue to exist. Historically, the Code Enforcement Board processed code violations that has been a lengthy and cumbersome process. Several examples are;

- Seven volunteers required.
- Four or more of the seven members must be present to constitute a quorum to conduct the meeting.
- The board attorney must attend every meeting.
- The city compensates the board attorney and can be costly at times.
- Board members do not possess knowledge of codes and ordinances which sometimes causes delayed meetings or tabled issues until another meeting or more research completed.
- Board members possess minimal or no legal training making the meeting longer while the attorney answer all legal question.
- The board does not render a ruling or levy fines immediately this is a lengthy process and can take several meetings to accomplish.
- The board's ruling takes 30-60 days once the case is heard. This causing the violation to exist. Causing undue stress or safety issue in the neighborhood.
- The respondents provided thirty days to comply and more time granted by the board.

Failure of a board to follow the processes outlined in F.S.Ch. §162, as well as ensuring procedural due process is met in these types of hearings, can lead to indefensible orders overturned by courts.

DISCUSSION:

While the City of Crestview has had a Code Enforcement Board in place for some time, the Board has seldom met. With the change in form of government, one of the tasks given to the city manager was to enhance overall code enforcement throughout the city.

A special magistrate provides an equitable and expeditious process that will provide the tools required for a successful code compliance program that will enhance property values and the overall aesthetics of residential and commercial properties in the city.

Special magistrates possess the knowledge and jurisdiction, to enforce all non-criminal government ordinances that safeguard the health, safety and welfare of the community by utilizing a variety of tools to ensure

compliance, including fines, liens, citations, abatement, and foreclosure.

Several benefits of a special magistrate;

- Special magistrates are only one person.
- A quorum is not required, therefore streamlining the process.
- Special magistrates are paid with fees and fines collected and can be spread across several departments.
- Special magistrates possess knowledge of codes and ordinances which moves the process faster.
- Special magistrates possess legal training and will not have to ask questions or have research done.
- Rulings are immediate and binding.
- Decisions are based solely on the evidence provided.
- Case preparation is minimal and will speed up the timeframe for compliance.
- Emergency hearings can be called at any time.

A code enforcement board proceeding is comparable to a jury; a special magistrate is the “judge.”

The purpose of this division is to create the position of special magistrate with authority to impose administrative fines and other noncriminal penalties to promote, protect, and improve the health, safety, morals, and welfare of the city and to provide an equitable, expeditious, effective and an inexpensive method of enforcing City codes and ordinances where a pending or repeated violation exists or continues to exist. This part of this chapter has been enacted pursuant to the authority of F.S. ch. 162, and other applicable law.

Pursuant to F.S. ch. 162, there is hereby created the position of special magistrate. The City Manager shall appoint at least one special magistrate to exercise the authority and powers set forth in this division.

A special magistrate shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of the city code, ordinances and state statutes authorizing hearings by special magistrates, except as specifically excluded herein.

Special magistrates are vested with all powers provided in Chapter 162, Florida Statutes and with the following specific powers, which shall not be construed as a limitation on available powers:

- Control proceedings before the special magistrate;
- Impose sanctions necessary to maintain dignity of the proceedings and to stop any activity which impedes or obstructs the administration of justice;
- Subpoena alleged violators and witnesses;
- Subpoena evidence;
- Administer and take testimony under oath;
- Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance; and
- Make findings of fact based on the evidence in the record and state conclusions of law.

Upon request of a code enforcement officer, or at such other times as may be necessary, the special magistrate may call a hearing. Minutes shall be kept by City clerical staff of all hearings conducted by a special magistrate, and all hearings and proceedings shall be open to the public.

The special magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted to the special magistrate in this Chapter.

Special Magistrate shall impose fines pursuant to this section shall not exceed \$250 per day for a first violation

and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a special magistrate finds the violation to be irreparable or irreversible in nature, he or she may impose a fine not to exceed \$5,000 per violation.

In determining the amount of the fine, if any, the special magistrate shall consider the following factors:

- The gravity of the violation
- Any actions taken by the violator to correct the violation
- Any previous violations committed by the violator

The special magistrate may reduce a fine imposed pursuant to this section.

Special Magistrate shall have jurisdiction to assess a reasonable administrative fee to recoup the actual costs of notice, preparation, and presentation of alleged violations.

Any aggrieved party may appeal a final administrative order of a special magistrate to the circuit court as provided in Section 162.11 of the Florida Statutes.

All notices required by this part must be provided to the alleged violator using any method authorized by Section 162.12 of the Florida Statutes.

GOALS & OBJECTIVES

The proposal is consistent with the goals outlined in "A New View Strategic Plan 2020" as follows;

Foundational – Special magistrates will provide the tools necessary for a successful code compliance program.

Organizational Capacity, Effectiveness & Efficiency – To provide an effective and efficient method where violations continue to exist.

Quality of Life

Community Character - To promote, protect, and improve the health, safety, and welfare of the citizens of Crestview, by providing equitable, expeditious, and effective enforcement of city codes and ordinances.

Safety – The special magistrate and the compliance division be cohesive in implementing an effective code compliance program that will, in time, improve the safety of the community.

Opportunity - This will support a vibrant community by ensuring code compliance and supporting neighborhood enhancement efforts.

Community Culture - To preserve aesthetics and provide a safe, attractive community where property owners and tenants take pride in their property.

FINANCIAL IMPACT

There will be minimal impact on the budget.

RECOMMENDED ACTION

Staff respectfully requests approval for the use of a special magistrate and to allow the City Manager or designee to advertise for, interview, select and contract the services of a special magistrate.

Attachments

Ordinance 1773

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING AND REPLACING DIVISION-5-CODE ENFORCEMENT BOARD, IN CHAPTER-2-ADMINISTRATION, ARTICLE-III-BOARDS COMMITTEES AND COMMISSIONS, IN THE CITY OF CRESTVIEW CODE OF ORDINANCES WITH DIVISION-5- SPECIAL MAGISTRATES; PROVIDING FOR AUTHORITY; PROVIDING FOR ESTABLISHMENT OF SPECIAL MAGISTRATES TO CONDUCT ENFORCEMENT HEARINGS; PROVIDING FOR APPOINTMENT OF SPECIAL MAGISTRATES; PROVIDING FOR QUALIFICATIONS OF SPECIAL MAGISTRATES; PROVIDING FOR POWERS OF SPECIAL MAGISTRATES; PROVIDING FOR PROCEDURES FOR ENFORCEMENT HEARINGS; PROVIDING FOR NOTICE AND APPEALS OF SPECIAL MAGISTRATE HEARINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crestview currently provides for a code enforcement board in the City of Crestview Code of Ordinances; and

WHEREAS, Chapter 162, Part I, Florida Statutes, authorizes counties and municipalities, by Ordinance, to create administrative boards with authority to impose administrative fines and other noncriminal penalties to enforce any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist; and hearings and assess fines against violators of the respective county or municipal codes and ordinances; and

WHEREAS, Subsection 162.03(2), Florida Statutes, authorizes counties and municipalities, by Ordinance, to adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances; and

WHEREAS, designating special magistrates to conduct code enforcement hearings provides for a more straightforward, convenient, and cost-effective approach to conducting such hearings; and

WHEREAS, Special magistrates have been determined by the City of Crestview to be capable of rendering decisions fairly and impartially; and

WHEREAS, the City finds it necessary to provide for notice and appeal procedures to ensure the fairness and impartiality of code enforcement hearings; and

WHEREAS, the residents of the City of Crestview must abide by City ordinances and benefit from other resident's abiding by such ordinances; and

WHEREAS, the enforcement of ordinances provides benefits to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Crestview; and

WHEREAS, as a matter of legislative determination and public policy, the City Council finds it in the public interest for the provisions, prohibitions, and penalties hereinafter contained and enacted by Florida Statutes Chapter 162.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA:

SECTION 1 - AUTHORITY. The authority for enactment of this ordinance is F.S.Ch. §162.

SECTION 2 - FINDING OF FACTS. The preceding, whereas clauses are hereby adopted as findings of fact.

SECTION 3 – AMENDMENT OF DIVISION 5 OF ARTICLE III WITHIN CHAPTER 2, CODE OF ORDINANCES Sections 2-111 through 2-115 of Division 5 of Article III within Chapter 2 of the City of Crestview Code of Ordinances are repealed in their entirety and replaced with the following sections:

Sec. 2-111 - Purpose.

The purpose of this division is to create the position of special magistrate with authority to impose administrative fines and other noncriminal penalties to promote, protect, and improve the health, safety, morals, and welfare of the city and to provide an equitable, expeditious, effective and an inexpensive method of enforcing City codes and ordinances where a pending or repeated violation exists or continues to exist. This part of this chapter has been enacted pursuant to the authority of F.S. ch. 162, and other applicable law.

Sec. 2-112 - Definitions.

The following terms shall have the meanings set forth in this division unless the context clearly indicates otherwise:

City Attorney means the legal counselor or advisor to the City as appointed from time to time by the City Council, who shall be legal counsel to the code enforcement officer (“CEO”) and shall advise the CEO accordingly concerning the officer’s duties, powers, jurisdiction, and authority. The City

Attorney shall not advise the CEO and the special magistrate simultaneously.

City Council means the elected governing and legislative body of the City.

City Manager means the person appointed by the City Council to direct the administrative and executive operations of the City.

Code Enforcement Officer means any authorized agent or employee of the City whose duty it is to enforce codes and ordinances enacted by the City, and who has received appropriate training as determined by the City. This shall include, but not be limited to, code inspectors, including law enforcement officers, and municipal fire safety inspectors as defined in F.S. ch. 633. Designation of a code enforcement officer and appropriate training for such officer shall be determined by the City Manager.

Special magistrate means a special magistrate appointed under this Chapter.

Sec. 2-113 – Creation and Appointment of special magistrates; Jurisdiction; Powers.

- (1) Pursuant to F.S. ch. 162, there is hereby created the position of special magistrate. The City Manager shall appoint at least one special magistrate to exercise the authority and powers set forth in this division. The City Manager may appoint up to three (3) special magistrates. Appointments shall be made based on experience or interest in code enforcement, and subject to the following requirements:
 - a. A special magistrate must be an attorney and a member in good standing with the Florida Bar;
 - b. A special magistrate shall possess knowledge and experience in local government law, judicial and administrative procedure, and rules of evidence;
 - c. A special magistrate shall not be a City employee;
 - d. A special magistrate shall serve a term of two (2) years, and may be reappointed for succeeding terms; and
The City Manager may suspend or remove a special magistrate at any time, with or without cause, based on the needs of the City.
- (2) A special magistrate shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of the City code, ordinances and state statutes authorizing hearings by special magistrates, except as specifically excluded herein.
- (3) Special magistrates are vested with all powers provided in Chapter 162, Florida Statutes and with the following specific powers, which shall not be construed as a limitation on available powers:
 - a. Control proceedings before the special magistrate;
 - b. Impose sanctions necessary to maintain dignity of the proceedings and to stop any activity which impedes or obstructs the administration of justice;
 - c. Subpoena alleged violators and witnesses;
 - d. Subpoena evidence;
 - e. Administer and take testimony under oath;

- f. Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance; and
- g. Make findings of fact based on the evidence in the record and state conclusions of law.

A special magistrate may request to have independent legal counsel to advise him or her, concerning the duties, powers, jurisdiction, and authority of the office. The City Manager, with consent of the City Council, may appoint independent legal counsel to advise the special magistrate.

Sec. 2-114 - Enforcement Procedure.

- (1) It shall be the duty of the code enforcement officer to initiate enforcement proceedings of the various codes.
- (2) Except as provided in subsections (3) and (4), if a violation of the codes is found, the code enforcement officer shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer shall notify a special magistrate and request a hearing. The special magistrate, through clerical staff provided by the City, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed to the violator as provided in s. 162.12 of the Florida Statutes. At the option of the special magistrate, notice may additionally be served by publication or posting as provided in s. 162.12 of the Florida Statutes. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the special magistrate even if the violation has been corrected prior to the hearing, and the notice shall so state.
- (3) If a repeat violation is found, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a repeat violation, shall notify a special magistrate and request a hearing. The special magistrate, through clerical staff provided by the City, shall schedule a hearing and shall provide notice pursuant to s. 162.12 of the Florida Statutes. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the hearing, and the notice shall so state. If the repeat violation has been corrected, the special magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the special magistrate.
- (4) If the code enforcement officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the special magistrate and request a hearing.
- (5) If the owner of property that is subject to an enforcement proceeding before an special magistrate or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
 - a. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
 - b. Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.

- c. Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- d. File a notice with the code enforcement officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.

A failure to make the disclosures described in paragraphs (a), (b), and (c) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

- (6) In addition to the enforcement procedures set forth herein, the "Supplemental County or Municipal Code or Ordinance Enforcement Procedures" set forth in F.S. ch. 162, pt. II, and F.S. § 125.69, are hereby incorporated herein by reference.

Sec. 2-115 - Conduct of Hearing.

- (1) Upon request of a code enforcement officer, or at such other times as may be necessary, the special magistrate may call a hearing. Minutes shall be kept by City clerical staff of all hearings conducted by a special magistrate, and all hearings and proceedings shall be open to the public. The City shall provide clerical and administrative personnel as may be reasonably required by a special magistrate for the proper performance of his or her duties.
- (2) Each case before a special magistrate shall be presented by the code enforcement officer or by a member of the administrative staff of the City. If the City prevails in prosecuting a case before the special magistrate, it shall be entitled to recover all costs incurred in prosecuting the case before the special magistrate and such costs may be included in the lien authorized under s. 162.09(3) of the Florida Statutes.
- (3) A special magistrate shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The special magistrate shall take testimony from the code enforcement officer and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (4) At the conclusion of the hearing, the special magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted to the special magistrate in this Chapter. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in s. 162.09(1) of the Florida Statutes, the cost of repairs may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records and the order is complied with by the date specified in the order, the special magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

Sec. 2-116-Administrative Fines & Penalties; Costs of Repair; Liens.

- (1) A special magistrate, upon notification by a code enforcement officer that an order of the special magistrate has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer. In addition, if the violation is a violation described in s. 162.06(4), the special magistrate shall notify the City Manager, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the City to make further repairs or to maintain the property and does not create any liability against the City for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a special magistrate finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph (2)(a).
- (2) (a) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a special magistrate finds the violation to be irreparable or irreversible in nature, he or she may impose a fine not to exceed \$5,000 per violation.
(b) In determining the amount of the fine, if any, the special magistrate shall consider the following factors:
 - i. The gravity of the violation;
 - ii. Any actions taken by the violator to correct the violation; and
 - iii. Any previous violations committed by the violator.
(c) A special magistrate may reduce a fine imposed pursuant to this section.
- (3) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the City, which may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, a special magistrate may authorize the City Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

- (4) Actions for money judgments under this Division may be pursued only on fines or penalties levied after October 1, 2000.
- (5) The special magistrate shall have jurisdiction to assess a reasonable administrative fee to recoup the actual costs of notice, preparation, and presentation of alleged violations.

Sec. 2-117 - Appeals.

An aggrieved party may appeal a final administrative order of a special magistrate to the circuit court as provided in Section 162.11 of the Florida Statutes.

Sec. 2-118 - Notices.

All notices required by this part must be provided to the alleged violator using any method authorized by Section 162.12 of the Florida Statutes.

SECTION 4 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5 – SCRIVENER’S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the city manager or designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 6 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 7 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8 – EFFECTIVE DATE. This ordinance shall take effect on adoption.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW,
FLORIDA ON THE _____, DAY OF _____, 2020.

APPROVED BY ME THIS _____ DAY OF _____, 2020.

J. B. WHITTEN Mayor

ATTEST:

ELIZABETH M. ROY
City Clerk



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Barry Henderson, Development Service Director
DATE: 6/4/2020
SUBJECT: Ordinance #1774 amending Chapter 38-Health and Sanitation

BACKGROUND:

Chapter 38, Health and Sanitation was adopted in November 1993. Various sections of the ordinance are open for interpretation, antiquated and are virtually enforceable. If an inoperable vehicle is observed on a property, the officer must refer to the definition of debris for the inoperable vehicle. There is a definition for inoperative, however the ordinance only references it in one section 38-3 (8), which is a fragmented paragraph, of which the intent is uncertain. Also, the ordinance does not have any provisions for dilapidated structures, structures unfit for occupancy or vacant structures. This code is 27 years making it obsolete and difficult for the code division to perform the job effectively and efficiently.

To protect the health, safety and welfare of the community, it is imperative to provide tools that will support enforcement activities. The way to achieve this is by employing a special magistrate and by adopting an ordinance that addresses property violations in a transparent manner. Adopting a new Property Maintenance and Housing Standards ordinance will foster the community's vision of quality of life and a sustainable community that promotes social equity in the interest of the health, safety and welfare of the public. The proposed amendment eliminates outdated procedures, provides transparency, provides requirements not currently being addressed in an enforceable ordinance.

DISCUSSION:

This chapter aims to protect the comfort, health, repose, safety, and general welfare of the citizens who reside in the city and prevent nuisances affecting the community. It is hereby declared by the city council, that the creation of a nuisance shall constitute an irreparable public injury. In order to accomplish the foregoing purpose, it is deemed necessary to establish a mechanism of review and provide for remedies in order to abate a public nuisance by the action of a special magistrate, city council, or county court.

Defines owner as a holder of any legal or equitable estate in the premises, whether alone or jointly with others and whether in possession or not, and, if the case permits shall include all individuals, associations, partnerships, corporations and others who have interest in a structure and any who are in possession or control thereof as an agent of the owner, as executor, administrator, trustee, or guardian of the estate of the owner.

Defines a structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat-infested, contains filth and contamination, or other essential items required by this code, or

because the location of the structure constitutes a hazard to the occupants of the structure or the public.

Defines a nuisance as defined by law or any attractive nuisance which may be detrimental to the health or safety of the community, whether in a structure or building, on the premises of a structure or building, or upon an unoccupied lot. This definition includes, but is not limited to, the following:

- Any attractive nuisance which may prove detrimental to the health or safety of the community, whether in a building, on the premises of a building or upon an unoccupied lot including, but not limited to, unclean swimming pool or spa, abandoned appliances, vehicles and any structurally unsound fences or structures, lumber, trash, fences, debris, and vegetation; and
- Unsanitary condition or anything offensive to the senses or dangerous to health, including but not limited to, the emission of odors, sewage, human waste, liquids, gases, dust, smoke or whatever may render air, food or drink detrimental to the health of human beings; and
- Physical condition includes old, dilapidated or abandoned scrap or metal, paper, building materials or equipment, bottles, glass, furniture, rags, tires, vehicles or parts thereof; and
- Any vegetation which is not commercially grown or sold for landscaping or is grown, sold or used for decoration but is not being maintained; and
- Physical conditions dangerous to human life or detrimental to health or persons on or near the premises where the condition exists.

The Code Compliance Division shall have all powers, duties, and responsibilities to administer and enforce city codes: The Building Official shall be deemed an officer to enforce the provisions of this Chapter.

Prohibits any owner, agent, lessee, or occupant of any property within the city limits shall not allow or permit a public nuisance as defined in this Chapter. The existence of any of the following conditions or conduct is hereby declared to constitute a public nuisance. Every owner shall maintain their property, structures, and buildings in compliance with these requirements.

Prohibits commercial vehicles larger than 4 tons shall not be allowed to park in residential districts except to deliver materials or provide a temporary service. Vehicles containing hazardous materials such as fuels, explosives, chemicals, or gases are prohibited from being parked unattended in residential districts at any time. Prohibits any person owning, operating, or having possession of any property within the city shall allow the accumulation of stagnant water. Roofs or other structures or improvements designed for the retention of water are exempt from this section but shall be subject to the design capabilities of a said roof, structure, or improvement or other governing codes.

Prohibits any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property.

Prohibits any person owning property, acting as manager or agent for the owner of the property, or in possession or control of the property to fail to remove or effectively obscure any graffiti upon any public or private building, structure or any other real or personal property.

Establishes standards that do not replace or modify standards set by other ordinances or sections of this code for the construction, replacement, or repair of structures. Where the provisions of this Chapter impose a lower standard than any other ordinance or section of the code or the laws of the state, the higher standard shall prevail.

Establishes that exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, customers, pedestrians, and other persons utilizing the premises and shall be

promptly removed and abated by the owner or occupant. It shall be the duty of the owner or occupant to keep the premises free of hazards.

Establishes that the building official may order the demolition or removal of a structure when it is determined that:

- The structure poses a serious threat to public health, safety, or welfare; or
- It is damaged, deteriorated, or defective to such an extent that the cost of restoration or repair exceeds fifty-one percent of the assessed building value.

Establishes that when the building official has reason to condemn a structure, or equipment under the provisions of this section, a notice of violation shall be posted in a conspicuous place on or about the structure and shall be served on the owners of the land, agent, or the person responsible for the structure or equipment by the United States certified mail, return receipt requested. If the notice pertains to equipment, it shall also be placed on the equipment in violation. The notice shall specify a reasonable time in which the structure or equipment owner or the person or persons responsible for the structure or equipment shall abate the condition and bring such structure or equipment into compliance.

Establishes that when the building official, determines that a structure, or parts thereof, does not meet the standards required by this Chapter, presents a serious threat to the public, health, safety, and welfare of the community, the building official, may order the repair, stabilization, or replacement of any part of the structure, including the removal of any work done in violation of this code. In the event of default by the owner, occupant or operator repairing, stabilizing, or replacing the part of the structure so ordered within the time fixed in the order, the building official may issue a subsequent order authorized in this section, as may be deemed necessary.

Establishes all orders of the building official shall be final upon the expiration of the time set forth in order for appeal, unless, prior to the expiration of such period, a written petition for appeal is filed with the building official.

Provides for any person who violates any of the provisions of this section is punishable as provided in F.S. 162.

GOALS & OBJECTIVES

The amendment is consistent with the goals outlined in "A New View Strategic Plan 2020" as follows;

Foundational – The proposed amendment will provide the necessary guidelines for a successful code compliance program.

Organizational Capacity, Effectiveness & Efficiency – To provide an effective and efficient method where violations continue to exist.

Quality of Life

Community Character - To promote, protect, and improve the health, safety, and welfare of the citizens of Crestview, by adopting regulations that will ensure a successful code compliance program.

Safety – The implementation of the proposed ordinance will provide a method for an effective code compliance program that will, in time, improve the safety of the community.

Opportunity - This will support a vibrant community by ensuring code compliance and supporting neighborhood enhancement efforts.

Community Culture - To preserve the aesthetics of the city and to provide a safe, attractive community where property owners and tenants take pride in their property.

FINANCIAL IMPACT

There will be no impact on the budget.

RECOMMENDED ACTION

Staff respectfully requests approval on first reading of Ordinance 1774, amendment of Chapter 38, Health and Sanitation.

Attachments

None

ORDINANCE: 1774

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, RELATING TO PROPERTY MAINTENANCE AND HOUSING STANDARDS; RENAMING AND AMENDING CHAPTER 38 HEALTH AND SANITATION OF THE CITY OF CRESTVIEW CODE OF ORDINANCES; PROVIDING INTENT; PROVIDING FOR APPLICABILITY; PROVIDING DEFINITIONS; PROVIDING FOR BUILDING OFFICIAL; PROVIDING FOR ADMINISTRATIVE FINES, COSTS OF REPAIRS, AND LIENS; PROVIDING FOR NOTICES; PROVIDING FOR SUPPLEMENTAL ENFORCEMENT PROVISIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to ensure that properties, buildings, and structures are maintained, it is necessary to adopt proper regulations; and

WHEREAS, within the city limits of Crestview, property, buildings, structures and appurtenant structures may contain defects which increase the hazards of fire, accident or other calamities or other conditions which render such property, buildings, structures, and appurtenant structures unsafe, unsanitary, dangerous or detrimental to the health, safety and general welfare of the community; and

WHEREAS, defects or other conditions are a result of lack of maintenance and from general neglect; and

WHEREAS, these defects or other conditions can be relieved, prevented or eliminated through properly enforced standards, resulting in the upgrading of living conditions and an overall enhancement of the health, safety and general welfare of all residents and property owners within the community; and

WHEREAS, since its adoption, several provisions of Chapter 38 Health and Sanitation have become antiquated and require revision; and

WHEREAS, the City Council also desires to create additional provisions effectively implementing proper maintenance standards; and

WHEREAS, the City Council desires to update the standards for maintenance of property and structures in the city; and

WHEREAS, the City Council finds that the revisions of previously established codes and the implementation of a Property Maintenance Code serves a municipal purpose and is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

CRESTVIEW, FLORIDA:

SECTION 1- AUTHORITY. The authority for enactment of this ordinance is F.S.Ch. §166.

SECTION 2- FINDING OF FACTS. The preceding, whereas clauses are hereby adopted as findings of fact.

SECTION 3 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SEC. 38-1. – PURPOSE.

~~The purpose of this chapter is to protect the comfort, health, repose, safety and general welfare of the citizens who reside in the city and to prevent the maintenance of nuisances affecting the public generally. It is hereby declared by the city council that the creation or maintenance of a nuisance shall constitute irreparable public injury. In order to accomplish the foregoing purpose, it is deemed necessary to establish a mechanism of review and provide for remedies in order to abate a public nuisance by action of the city code enforcement board, city council or county court.~~

SEC. 38-2. – DEFINITIONS.

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.~~

~~**Abandoned** means voluntarily relinquished by the owner for an apparently indefinite period of time. As applied to motor vehicles or other articles of personal property, the term includes but is not limited to any motor vehicle or other article of personal property which is left upon private property without the consent of the owner, lessee or occupant thereof for longer than two hours.~~

~~**Board** means the city code enforcement board which was created by the City Code.~~

~~**Debris** means abandoned or inoperative material which is stored externally and shall include but not be limited to one or more of the following: discarded household items, inoperative or abandoned machinery, motor vehicles, boats, trailers or household appliances, including but not limited to freezers, refrigerators, iceboxes, stoves, dishwashers, and washing or drying machines for clothing, or refuse, garbage, rubbish, trash, junk, use scrap, lumber, steel, plumbing fixtures, insulation, barrels, boxes, drums, piping, glass, iron machinery, excelsior or plastic.~~

~~**Excessive growth** means the growth of weeds or plants which are not cultivated or landscaped or regularly tended which reach a height in excess of 12 inches.~~

~~**Externally** means outside a fully enclosed building or structure, except that materials stored in a carport shall not be deemed to be stored externally.~~

~~**Inoperative** means not in working condition as designed, or incapable of being operated lawfully. For example, without limiting the meaning of the term, a motor vehicles designed to be operated upon the public streets shall be deemed inoperative if a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon the public streets is not affixed thereto, or if one or more parts which are required for the operation of the vehicle are missing or not attached to the vehicle as designed.~~

~~**Nuisance** means that conduct defined in F.S. ch. 823, that conduct specified in this chapter and:~~

~~(1) Any continuing condition or use of premises or of building exteriors or of land premises or of building exteriors or of land which causes substantial diminution of the value of property in the vicinity of such condition or use;~~

~~(2) Any continuing condition or use of premises, building exteriors or land which unreasonably annoys, injures or endangers the comfort, health, repose, privacy or safety of the public through offensive odors, noises, substances, smoke, ashes, soot, dust, gas fumes, chemical diffusion, smog, flooding, disturbance and vibrations of earth, air, or structures, emanations, light, sights, entry on adjoining property by persons or vehicles; or~~

~~(3) Other unreasonable intrusions upon the free use and comfortable enjoyment of the property of the citizens of the city.~~

~~**Owner**, with respect to real property, means the person, corporation, partnership, or other legal entity, singular or plural, which is a record owner as recorded on the current tax rolls of the county. For condominium property, the term "owner" means the condominium association and not the individual unit owners.~~

~~**Premises** means the land and all structures and articles appurtenant or attached thereto which are owned, leased, occupied or controlled by a person.~~

~~**Property** means any individual parcel of real property or any portion thereof.~~

SEC. 38.3.-- CONDITIONS AND CONDUCT.

~~The existence of any of the following specific conditions or conduct is hereby declared to constitute a public nuisance as that item is used in this chapter:~~

~~(1) A condition or use that causes a substantial diminution of property value of property in the vicinity of the condition or use.~~

~~(2) Condition similar to that described in F.S. ch. 823 that has occurred or is occurring.~~

~~(3) A condition or use that unreasonably intrudes upon the free use, privacy and comfortable enjoyment of the property of the citizens of the city. The use or condition may be considered an unreasonable intrusion upon the free use and comfortable enjoyment of property when one or more of the following conditions are found to exist:~~

~~a. The repeated intrusion upon property adjoining or surrounding the use or condition identified in the complaint of odors, gases, smoke, ashes, soot, dust, fumes, chemical diffusion, smog or other particles or gases.~~

~~b. The repeated intrusion upon property of disturbances of earth or air including but not limited to vibrations, explosions, light and loud, raucous and unnecessary noise, and the repeated unauthorized intrusion of adjoining~~

~~property by patrons or uses of the premises, which unreasonably disturbs or interferes with the peace, comfort, privacy, and repose of owners or possessors of real property in the enjoyment and the use of their property.~~

~~c. The repeated unauthorized intrusion upon property by persons or vehicles which adversely disturb the privacy, comfort, peace, repose, and use of owners or possessors of property adjoining the premises where the persons or vehicles complained of originates.~~

~~d. The repeated attraction to the premises where the use or condition complained of is maintained by persons who, through frequent raucous or disorderly conduct, through repeated disturbances of the peace or through violation of any law of the state, county or city, adversely affect ordinarily reasonable and reasonably behaved persons in the enjoyment and use of their property.~~

~~(4) Buildings which are unoccupied, abandoned, boarded up, partially destroyed, or left for unreasonably long periods of time in a state of partial construction or disrepair, such as broken windows, partial walls and foundations, unpainted or peeled paint surfaces, etc., abuse or neglect as to appearance provided that any unfinished building or structure which has been in the course of construction three years or more, and which the appearance and other conditions of such unfinished building or structure substantially detracts from the appearance of the immediate neighborhood or reduces the value of property in the immediate neighborhood or is a nuisance, shall be deemed and presumed to have been left for an unreasonably long period of time in the sense of this subsection.~~

~~(5) Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, hazardous pools, excavations, or neglected machinery.~~

~~(6) Overt blocking of drainage pipes, ditches, channels, and streams, so as to cause flooding and adversely affect surrounding property.~~

~~(7) The existence of excessive growth of weeds or vegetation, or the existence of any accumulation of debris, trash, garden trash, junk, untended growth of vegetation, or undergrowth of dead or living vegetation, upon any property to the extent and manner that such property contains or is likely to contain rodents, reptiles or other vermin, or furnishes a breeding place for flies, mosquitoes, or wood-destroying insects, or otherwise threatens the public health, safety or welfare.~~

~~(8) The outdoor storage of all or part of any dismantled, partially dismantled, inoperative or discarded vehicle, recreational vehicle, machinery, farm equipment, aircraft, construction equipment, boat, personal watercraft, trailer, truck, motorcycle, or bicycle, which is located on the premises of a lawfully established storage yard or which is on the premises of a lawfully established vehicle service establishment and is in the process of repair or maintenance by that establishment.~~

~~(9) Any other condition or use that constitutes a nuisance to the public, generally, as that term is defined in section 38-2, which is continually or repeatedly maintained, the abatement of which would be in the best interest of the health, safety and welfare of the citizens of the city.~~

SEC. 38-4. - MAINTENANCE OF PRIVATE PROPERTY.

~~No person owning, leasing, operating, occupying or having control of any premises within the city shall maintain, keep or permit any nuisance, as defined in section 38-2 and as further defined in section 38-3,~~

affecting the citizens of the city.

SEC. 38-5.- PENALTY.

~~Any violation of this section shall be punished as provided for in section 1-11 of the City Code and each day that such condition continues regarded as a new and separate offense.~~

Sec. 38-1. – Purpose.

This Chapter aims to protect the comfort, health, repose, safety, and general welfare of the community who reside in the city and prevent nuisances affecting the community. It is hereby declared by the city council, that the creation of a nuisance shall constitute an irreparable public injury. Requiring an established mechanism of review and provide for remedies for abate a public nuisance by the action of a special magistrate, city council, or county court.

Sec. 38-2.- Definitions.

The words, terms, and phrases used in this Chapter shall have the meaning ascribed to them, except where the context indicates a different purpose. Words not defined in this Chapter shall have the meaning stated in Webster's current New Collegiate Dictionary, as revised.

Meaning of certain words. Whenever the words "structure," "building," "dwelling," "dwelling unit," and "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof."

Accessory structure; A structure which is incidental to that of the main building and which is attached thereto or located on the same premises.

Alteration; Any change, in construction or occupancy, other than repair or addition.

Assessed value; the most recent assessment recorded in the ad valorem tax rolls by the county property appraiser.

Building code; The Florida building code.

Building official; The individual or duly authorized individual designated to enforce the provisions of this Chapter.

Code Compliance; The division that is designated to enforce the provisions of this Chapter.

Commercial; Any property designated as commercial as defined in the Land Development Regulations.

Dangerous structure or premises; Any structure or premises that have any or all the conditions or defects described below shall be considered hazardous.

1. The walking surface of any stairway or exit or other of egress is so warped worn loose, torn, or unsafe as not to provide safe and adequate egress.
2. Any portion of a building, structure, or object that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
3. Any portion of a building, or any member, appurtenance, the ornamentation on the exterior thereof that

is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place to meet the design criteria under FBC Ch.16.

4. The building or structure, part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, unstable support, or any other reason, is likely to partially or completely collapse, or portion of the foundation or underpinning of the building or structure is likely to fail or give way.
5. The building or structure, or any portion thereof, is unsafe for its use and occupancy.
6. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned and is an attractive nuisance to children who might play in the building or structure, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
7. Any building or structure constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building code, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
8. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is determined by the building official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.
9. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building, or structure is abandoned to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Deterioration; A condition or appearance of a building characterized by rot, crumbling, or other evidence of physical decay or neglect, excessive use, or lack of maintenance.

Dilapidated; A condition of structural disrepair or deterioration to the extent requiring rehabilitation, reconstruction, or demolition.

Dwelling; Any building or structure used and occupied for human habitation or intended to be used as such and shall include any outhouses and appurtenances.

Dwelling unit; A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Exterior of premises; The portions of a building that are exposed to public view and the open space of any premises outside of any building erected thereon.

Fire hazard; Anything or any act which increases or may cause an increase of the hazard or menace for a fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of the fire.

Garbage; Any perishable or non-perishable waste, including but not limited to garbage, junk, rubbish, dead animals, household matter, and the generation of harmful or offensive gases or odors which, during or after decay, may serve as breeding or feeding material for flies or other insects.

Garden trash; Accumulation of leaves, grass or shrubbery cuttings, and other brush, vines, and trees.

Good state of repair; A dwelling unit is safe and comfortable for its regular intended use or that the materials used in any structure are sound and stable and performing the function for which intended.

Good working condition; An item is fully operable for the use for which it was intended.

Graffiti; Unauthorized writings, drawings, inscriptions, figures or marks of paint, ink, chalk, dye or other similar substances on public or private buildings, structures or places, regardless of the content or the nature of materials used in the City Council of the act, not authorized by the property owner or possessor of which is not permitted under the City Code and ordinances.

Inoperable vehicle; A vehicle which is in a state of disrepair and incapable of being moved under its own power, or a vehicle which fails to meet the minimum requirements necessary for the lawful operation of a motor vehicle on the streets and highways of the state, to include a valid license plate adequately placed on the vehicle, is unlicensed, unregistered, wrecked, abandoned, in a state of disrepair, missing parts, dismantled, flat tires or is incapable of being driven upon the public streets for any reason. An inoperable vehicle shall not apply to the following: A race car or mud truck, that is actively engaged in racing and equipped for racing with sponsors displayed. Demolition race cars shall be considered inoperable vehicles—any vehicle parked on government-owned property.

Junk; Bicycles that are not in good working order, broken toys, cable, wire, iron, metal, aluminum, glass, paper, or other waste or secondhand material or discarded articles of little meaning or worth.

Litter; Includes garbage, paper, cans, bottles, cartons, snipe signs, or other like matter.

Nuisance condition; Any nuisance as defined by law or any attractive nuisance which may be detrimental to the health or safety of the community, whether in a structure or building, on the premises of a structure or building, or upon an unoccupied lot. This definition includes, but is not limited to, the following:

1. Any attractive nuisance which may prove detrimental to the health or safety of the community, whether in a building, on the premises of a building or upon an unoccupied lot including, but not limited to, unclean swimming pool or spa, abandoned appliances, vehicles and any structurally unsound fences or structures, lumber, trash, fences, debris, and vegetation; and
2. Unsanitary condition or anything offensive to the senses or dangerous to health, including but not limited to, the emission of odors, sewage, human waste, liquids, gases, dust, smoke or whatever may render air, food or drink detrimental to the health of human beings; and
3. Physical condition includes old, dilapidated or abandoned scrap or metal, paper, building materials or equipment, bottles, glass, furniture, rags, tires, vehicles or parts thereof; and
4. Any vegetation which is not commercially grown or sold for landscaping or is grown, sold or used for decoration but is not being maintained; and
5. Physical conditions dangerous to human life or detrimental to health or persons on or near the premises where the condition exists.

Occupant; The head of household and, when used in the plural, shall include all other persons living, sleeping, cooking, or eating in or having actual possession of a dwelling unit.

Overgrowth; Vegetation over ten inches in height.

Owner; A holder of any legal or equitable estate in the premises, whether alone or jointly with others and whether in possession or not, and, if the case permits shall include all individuals, associations, partnerships, corporations and others who have interest in a structure and any who are in possession or control thereof as an agent of the owner, as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this Chapter and of the rules and regulations adopted pursuant thereto to the same extent as if he were the owner and upon failure to comply therewith shall be subject to the same penalties hereinafter set out. Any person who is a lessee of any part or all any commercial premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility

for the portion of the premises occupied by the lessee.

Permit; An official document or certificate issued by the building official authorizing the performance of a specific activity.

Premises; Any lot, plot or parcel of land, or easement, including any structure or building thereon.

Public property; Any city-owned, -leased, -controlled -dedicated or -platted real property, including but not limited to parks, alleys, streets, rights-of-way, or other real property.

Public view; Any premises or any building which may be lawfully viewed by the public from a sidewalk, street, alleyway, parking lot, or any adjoining premises.

Repair; The construction or renewal of any part of an existing building for its maintenance. The word "repair" or "repairs" shall not apply to any change of construction.

Residential; Any property designated residential as defined in the Land Development Regulations.

Rubbish; Any accumulation of paper, packing material, rags, wood or paper boxes or containers, sweepings, and all other gatherings of a nature other than garbage, which is usual to housekeeping and the operation of stores, offices and other business places, and also any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

Structurally sound; Free of imperfections that affect the intended use of a structure.

Structure; That which is built or constructed.

Structure unfit for human occupancy; A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat-infested, contains filth and contamination, or other essential items required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or the public.

Supplied; Paid for, furnished, or provided by or under the owner's or operator's control, his agent or representative.

Tenant; A person who has the occupation or temporary possession of a dwelling or dwelling unit but does not hold title to the same.

Trash; Anything worth little or nothing; junk, rubbish, or something not in good working condition.

Unfit for human habitation; Dwellings which are unfit for human habitation due to dilapidation or defects creating or increasing the hazards of fire, accident or other calamities; lack of ventilation, light or sanitary facilities; overcrowding or other conditions rendering such dwellings unsafe or insanitary or dangerous or detrimental to the health, safety or morals or otherwise to the welfare of the inhabitants.

Unsafe structure: A structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure or, because such structure is unsafe or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Unsafe equipment ; An unsafe stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is

a hazard to life, health, property, or safety of the public or occupants of the premises or structure.

Illegal structure; A structure that is in whole, or part, erected, altered, or occupied contrary to law.

Waste; Garbage, yard debris, junk, rubbish, sewage, land clearing debris, construction debris, hazardous waste, and substances that may pollute or tend to pollute any real property or waters.

Vermin; Common harmful or offensive animals or insects that are difficult to control.

Sec. 38-3. - Code Compliance Division; jurisdiction Building Official duties and authority.

1. The Code Compliance Division shall have all powers, duties, and responsibilities to administer and enforce city codes: The Building Official shall be deemed an officer to enforce the provisions of this Chapter.
2. No person shall oppose, obstruct, or resist a Code Compliance Officer or the Building Official in the discharge of his or her duties.

Sec. 38-4. - Maintain a public nuisance prohibited.

Any owner, agent, lessee, or occupant of any property within the city limits shall not allow or permit a public nuisance as defined in this Chapter. The existence of any of the following conditions or conduct is hereby declared to constitute a public nuisance. Every owner shall maintain their property, structures, and buildings in compliance with these requirements.

1. Inoperable vehicles are a nuisance due to safety, aesthetics, and visual impact on surrounding areas. Such inoperable vehicles constitute a breeding ground for mosquitoes, snakes, rats, rodents, and other vermin. No inoperable vehicle, including a motor vehicle frame, vehicle body, or parts, shall be parked or stored on any property, public land, right-of-way, or easement. Any vehicle or inoperative machinery including, but not limited to, cars, trucks, vans, motorcycles, minibikes, all-terrain vehicles, boats, excavators, front end loaders, which by quantity, placement or visibility would in any way constitute a public nuisance as defined in this Chapter shall be considered to be a violation of this code and subject to penalties as outlined in this Chapter.
2. Any person in charge of, or in control of, any property in a residential or a commercial zoned property, whether as an owner, lessee, tenant, occupant or otherwise, to allow any dismantled, partially dismantled, inoperative or discarded machinery, vehicle, boats or parts thereof, to remain on such property longer than seventy-two hours.
3. No person shall abandon, discard, or hold for resale on the premises any vessel or vehicle visible to the public, but not in use by the owner. A licensed place of business authorized to operate sales or a junkyard is not affected by this restriction.
4. The existence of any accumulation of vegetation, debris, rubbish, trash, garbage, garden trash or junk, as defined in this Chapter, upon any parcel of land, improved or unimproved, within the city, to the extent that such parcel may threaten or endanger the public health, safety or welfare or may reasonably cause disease or adversely affect and impair the economic welfare of adjacent property, is hereby prohibited and declared to be a public nuisance.
5. Nothing shall be allowed on any parcel of land that shall in any way be offensive or harmful because of the emission of odors, gases, dust, smoke, light, or vibration, nor shall anything be constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners.

residents or to the community.

6. The existence of accumulation or overgrowth of weeds, undergrowth or other dead or living plant life upon any parcel of land, improved or unimproved, in the manner, that such parcel of land contains nuisances which threaten or endangers the public health, safety or welfare or may reasonably cause disease or which adversely affects and impairs the economic welfare of adjacent property.
7. The accumulation of trash, debris, garbage, or waste of any kind on any parcel under shall constitute an eyesore or nuisance to adjacent property owners, residents, or the community.
8. Any person to dump or dispose of any trash, debris, garbage, or a waste of any kind, except in such places or such a manner as is lawful for the disposal of the waste under the existing city, county, state, or federal ordinances, laws, and regulations.
9. Any person to produce or accumulate any trash, building wastes, tree trunks or branches away from a person's residence or licensed place of business while the person is acting in the capacity of a contractor, including, but not limited to, a tree surgeon, landscaper, building contractor or otherwise, without removing same to a designated landfill.
10. Any person to bury any garbage or trash within the city, except at such landfills or to burn any garbage or trash within the city, except at such designated landfills, without first obtaining a permit from the fire marshal.
11. For the owner, tenant or occupant of any parcel of land to operate or permit the operation of any business where, trash, litter and other debris generated by the operation or the customers or patrons thereof is regularly carried or conveyed by such winds in significant quantities into or upon any public street.
12. All trash container areas shall be maintained in a manner that prevents the accumulation of trash, debris, rubbish, and litter.
13. No merchant, storekeeper, or another person shall sweep onto any sidewalk, pavement, alley, street, or other rights-of-way of the city the sweepings or trash from such store or premises.
14. Fences, dumpster enclosures, swimming pools, and spas shall be maintained in a good state of repair.
15. Any structure in the city which because of fire damage, age, decay, deterioration, structural defects, disrepair, improper design, unstable foundation or other causes is dangerous to the occupants thereof or to surrounding buildings and the occupants thereof or a menace to public health or a fire hazard or so unsafe as to endanger life or property or render the use of the public streets dangerous shall constitute a nuisance.
16. Maintenance responsibility for mobile homes and premises located within mobile home parks lies with the responsible party based on the obligations outlined in Section 723.024, Florida Statutes.
17. **Exceptions.** This section shall not apply to such machinery, vehicles, boats or parts thereof, scrap metal or junk in an enclosed building or on the premises of a business operated in a lawful manner and in accordance with permissive uses as authorized under the zoning laws of the city, when necessary to the operation of such business.

Sec. 38-5. – Commercial vehicles.

All commercial vehicles larger than 4 tons shall not be allowed to park in residential districts except to deliver materials or provide a temporary service. Vehicles containing hazardous materials such as fuels, explosives, chemicals, or gases are prohibited from being parked unattended in residential districts at any time.

Sec. 38-6. – Stagnant Water/Swimming pool and spa maintenance requirements.

1. Pools and spas shall be kept in working order, so that pool and spa water remain free and clear of pollutants and debris, and the water quality shall be such that it does not create a breeding ground for mosquitoes or other insects.
2. If a swimming pool has been converted to a fishpond, there must be adequate filtration to ensure the water does not become stagnant, and the water quality shall be such that it does not create a breeding ground for mosquitoes or other insects.
3. No person owning, operating, or having possession of any property within the city shall allow the accumulation of stagnant water. Roofs or other structures or improvements designed for the retention of water are exempt from this section but shall be subject to the design capabilities of a said roof, structure, or improvement or other governing codes.

Sec. 38-7. - Graffiti declared a public nuisance.

1. It shall be prohibited for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property.
1. It shall be prohibited for any person owning property, acting as manager or agent for the owner of the property, or in possession or control of the property to fail to remove or effectively obscure any graffiti upon any public or private building, structure or any other real or personal property.
 2. This section shall not be construed to prohibit temporary, easily removable chalk or other water-soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with:
 1. Traditional children's activities such as drawing, creating bases or a playing field for games such as stickball, kickball or handball, hopscotch, and similar activities, and
 2. Any lawful business or public purpose or activity.

Sec. 38-8. Authority of the Building Official.

The building official is authorized during his or her duties in the administration and compliance of this Chapter to exercise the powers below and to issue orders.

Sec. 38-9. - Application of standards.

The standards established by this Chapter do not replace or modify standards set by other ordinances or sections of this code for the construction, replacement, or repair of structures. Where the provisions of this Chapter impose a lower standard than any other ordinance or section of the code or the laws of the state, the higher standard shall prevail.

Sec. 38-10. - Standards for commercial, business, institutional and industrial structures—Generally.

Every structure and the premises on which it is situated in the city used or intended to be used for commercial, business, institutional or industrial purposes shall comply with the provisions of this Chapter, whether or not the structure shall have been constructed, altered or repaired before or after the enactment of this code, irrespective of any permits or licenses which shall have been issued for the use or occupancy of the structure or premises and notwithstanding any permit which shall have been issued for the construction or repair of the structure or the installation or repair of equipment or facilities prior to the effective date of the ordinance from which this Chapter was derived. This section establishes specific standards for the initial and continued

occupancy and use of all such structures and does not replace or modify standards otherwise set for the construction, repair, alteration or use of the structure, the premises, or the equipment or facilities contained in the structure or on the premises.

Sec. 38-11. - Maintenance of exterior of premises.

1. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, customers, pedestrians, and other persons utilizing the premises and shall be promptly removed and abated by the owner or occupant. It shall be the duty of the owner or occupant to keep the premises free of hazards which include, but are not limited to, the following:
 1. Inadequate runoff drains for stormwaters;
 2. Foundations, floors, and walls which are not structurally sound;
 3. Chimneys, flues, and vent attachments that are not safe, durable, smoke tight and capable of withstanding the action of flue gases and,
 -
4. Exterior porches, landings, balconies, and stairs which are not provided with guardrails and handrails properly designed and maintained to minimize the hazard of falling.

Sec. 38-12. - Responsibilities of the owner of vacant structures.

1. The owner of a vacant structure shall be responsible for maintaining the property in compliance with this Chapter.
2. All accessory buildings and fences on the premises on which a vacant dwelling is located shall be maintained as required by this Chapter.

Sec. 38-13. Procedures for the repair and demolition of unsafe structures;

When a structure or equipment is found by the building official to be illegal, unsafe, or unfit for human occupancy, such structure shall be posted according to the provisions in this code.

Sec. 38-14. Order to vacate.

1. If a structure is unfit for human habitation and occupancy, and is not in danger for structural collapse, but is open such that the interior of the structure is easily accessible through open or broken windows, open or broken doors, or missing structural elements, the building official is authorized to issue a demand for correction per this code.

Alternatively, should the structure,

1. Pose an imminent danger to the health, safety, and welfare of the general public;
2. Be occupied periodically by transients or vagrants or,
3. Be utilized for illegal conduct in violation of any federal, state, or local law.

The building official is authorized to have the structure immediately secured so as not to be an attractive

nuisance by posting a notice at each entrance to the building and by sealing each accessible entrance.

When the building official elects to post a "notice " on a structure at each accessible entrance, per subsection above, the building official shall send a bill for the city's expense in closing the structure to the owner of the property underlying the structure or the agent of such owner of the property underlying the structure by certified mail, return receipt requested. Should the city's bill be returned unclaimed, the city may then post the bill on the closed structure and at a conspicuous location at City Hall for ten (10) days, which, on the tenth day after posting, shall constitute the equivalent of delivery. After billing by the city, if the full amount due the city is not paid by the owner of the structure or the agent of the owner of the structure within thirty (30) days after receipt of the bill or after the expiration of ten (10) days after posting the bill, the building official shall cause to be recorded in the public records of Okaloosa county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and an affidavit of constructive service by posting, if any, and the recording of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

Any owner aggrieved by the findings and order of the building official shall have the right to appeal said decision prior to the expiration of the time within which to pay the bill for closing the structure due to the city. Any appeal taken must be in writing, within ten (10) days of a posted notice and received by the City Clerk at 198 Wilson Street North, Crestview, Florida 32536. In the event, the time for the owner to pay expires on a weekend, evening, or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which notifies the city of the owner's request. The building official shall place the appeal on the next scheduled Code Enforcement Hearing or request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. It shall be the responsibility of the owner of the property in question to show that the city's actions are without reason. The special magistrate shall determine whether the appeal is justified. The appeal hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes. If it is determined by the Special Magistrate, based on competent substantial evidence in the record, that the city's actions are without reason, the cost for closing the structure shall be borne by the city.

No structure closed by the city pursuant to this section may be reopened unless the said structure is in full compliance with this code or an appeal hearing shows that the city's actions in closing the structure are without reason.

Sec. 38-15. Prohibited occupancy. Any structure posted by a building official shall be vacated as ordered by the building official. Any person who shall occupy a posted premise or shall operate posted equipment shall be subject to the penalties of this section.

Sec. 38-16. Supplemental provisions. Nothing contained in this division shall prohibit the City of Crestview from enforcing its codes by any other, including, but not limited to, injunction, abatement, or as otherwise provided by code.

1. Prior to occupancy, every residential or nonresidential structure or building shall be connected to utility systems as follows:
1. Every occupied structure shall be properly connected to a public water system or an approved private water system.

2. Every occupied structure shall be properly connected to a public sewer system or an approved private sewage system.
3. Every occupied structure shall be provided with an electrical system that shall be connected to a source of power in accordance with the Florida building code.

Sec. 38-17. Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to eliminate an immediate hazard to life or property or when such utility connection has been made without approval to any building, structure, or system regulated by this Chapter. The building official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to the disconnection, the owner or occupant of the building, structure, or service system shall be notified in writing as soon as practical thereafter.

Sec. 38-18. Criteria to demolish.

1. The building official may order the demolition or removal of a structure when it is determined that:
 1. The structure poses a serious threat to public health, safety, or welfare; or
 2. It is damaged, deteriorated, or defective to such an extent that the cost of restoration or repair exceeds fifty-one percent of the assessed building value.

Sec. 38-19. Demolition review team.

1. The demolition review team must review any structure that has been identified for demolition by the building official. The demolition review team shall be comprised of the director, the fire marshal, and the building official or their respective designees. When the structure identified for demolition is a contributing structure located within a local or national historic district or is a designated landmark, the historic preservation committee, or designee, shall be included as a member of the demolition review team. The city manager shall be authorized to designate persons as alternate members of the demolition review team when a member is unavailable.
2. If the owner does not demolish or remove the structure within the time fixed in the order, the building official may demolish or remove the structure, either by use of city resources or by an independent contractor.

Sec. 38-20. Emergency circumstances.

(1) Whenever the building official determines, any condition or circumstance warranting the issuance of any order is imminently endangering life, limb, health, or property, an emergency order may be issued. The building official must immediately notify the owner, occupant, operator, or other parties having an interest in the building, structure, dwelling, or property, of the issuance of an emergency order and direct, immediate correction of the condition or circumstance.

(2) The owners, occupant, operator, or other parties having an interest in the building, structure, dwelling, or property shall be notified by any expedient available, including but not limited to personal delivery, facsimile, or electronic mail. The property shall also be posted with the emergency order.

(3) When public safety requires immediate action, the building official may enter upon the premises. Assistants may be required by either using city resources or an independent contractor. The termination of the condition or circumstance is at the expense of the owner, occupant, operator, or interested parties.

(4) If the circumstances do not permit the hearing of an appeal before the city takes emergency abatement or corrective actions, the owner, occupant, operator or another party having an interest in the building, structure, dwelling, or property shall have the right to an appeal hearing as soon as practicable.

(5) An emergency order is final upon issuance.

The building official may:

1. Rescind or modify any order issued;
2. Extend the time for compliance with any order issued; and
3. Stipulate to the dismissal of any action commenced by or against him or her.
4. A person shall not alter, deface, or remove any posted order during the pendency of said order.

Sec. 38-21. Notices. Whenever the building official has reason to condemn a structure, or equipment under the provisions of this section, a notice of violation shall be posted in a conspicuous place on or about the structure and shall be served on the owners of the land, agent, or the person responsible for the structure or equipment by the United States certified mail, return receipt requested. If the notice pertains to equipment, it shall also be placed on the equipment in violation. The notice shall specify a reasonable time in which the structure or equipment owner or the person or persons responsible for the structure or equipment shall abate the condition and bring such structure or equipment into compliance.

Sec. 38-22. Notices. Upon failure of the owner or person responsible for complying with the notice provisions within the time given, the building official shall post on the premises or on defective equipment a notice *that includes* a statement of the penalties provided for occupying the premises, operating the equipment or removing the notice.

Sec. 38-23. Notice removal. The building official shall remove the notice whenever the issue has been eliminated. Any person who defaces or removes a notice without the building official's approval shall be subject to the penalties provided by this code.

Sec. 38-24. Order to repair.

Whenever the building official, determines that a structure, or parts thereof, does not meet the standards required by this Chapter, presents a serious threat to the public, health, safety, and welfare of the community, the building official, may order the repair, stabilization, or replacement of any part of the structure, including the removal of any work done in violation of this code. In the event of default by the owner, occupant or operator repairing, stabilizing, or replacing the part of the structure so ordered within the time fixed in the order, the building official may issue a subsequent order authorized in this section, as may be deemed necessary.

Sec. 38-25. Record. The building official shall cause a report to be filed in an unsafe condition. The report shall

state the occupancy of the structure and the nature of the unsafe condition.

Sec. 38-26. Order to secure.

1. Any vacant structure that is unsecured or does not meet the requirements as outlined in this Chapter.
2. No structure may be boarded up for more than thirty (30) days unless:
 1. The owner is granted a written waiver signed by the building official and the Code Official, or
 2. The structure has been closed in accordance with this code.

Sec. 38-27. - Final order and orders binding.

1. ***Final order.*** All orders of the building official shall be final upon the expiration of the time set forth in order for appeal, unless, prior to the expiration of such period, a written petition for appeal is filed with the Building Official.
2. ***Orders binding.*** No order of the building official shall in any way be affected by the conveyance of the title to any real property, building, or other structure or of any interest in any real property, building, or other structure. A person who acquires such an interest in any property or improvement while it is subject to an order of the director shall comply with that order to the same extent as if he had held his interest at the time the order of the director was issued. Upon request, the director shall provide all persons acquiring such interests with copies of all notices and orders previously served and issued concerning the real property, building, or other structure conveyed at the expense of the person requesting the copies.
3. All structures shall be maintained in accordance with this code, securing a structure in accordance with this code does not relieve the owner from complying with this provision.

Sec. 38-28. Penalties.

Any person who violates any of the provisions of this section is punishable as provided in F.S. 162.

SECTION 4 – SCRIVENER’S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the city manager or designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 5 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and

resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7 – EFFECTIVE DATE. This ordinance shall take effect on adoption.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW,
FLORIDA ON THE _____, DAY OF _____, 2020.

ATTEST:

ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS _____ DAY OF _____, 2020.

J. B. WHITTEN Mayor

~~Strikeouts are deletions~~, Underline are additions



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM:
DATE: 6/4/2020
SUBJECT: Department of Justice , Corona-virus Emergency Supplement Funding (CESF)

BACKGROUND:

The Department of Justice has announced that specific law enforcement entities across the nation are eligible to receive federal funding for unexpected expenditures and potential future expenditures affiliated with the COVID-19 pandemic.

The Crestview Police Department is submitting to the council for approval, to seek federal funding under the COVID-19 Grant, identified as the "Coronavirus Emergency Supplemental Funding" grant. (FY 2020-FY 2022)

DISCUSSION:

The Crestview Police Department has been allocated a sum of: \$111,457.00 to alleviate any non-budgeted expenditures made during the outbreak to include salaries and overtime, equipment, training, safety equipment/supplies and other essential items associated with the Police Department's response to and prevention of the COVID-19 pandemic.

Additionally, the funding has the potential to supplement any future-anticipated expenditures that may arise as the pandemic continues.

If approved by council, the Crestview Police Department will move forward with the pursuit of said funding in preparation of alleviating the burden of these unexpected and unanticipated expenditures.

After submission and prospective approval through the grant process, the funding will assist the department, employees and the citizens we serve in the education, prevention and reduction of the spread of COVID-19 while minimizing the local impact of COVID-19 related projects and funding.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Communication- To engage, inform and educate public and staff

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

FINANCIAL IMPACT

If approved, the Crestview Police Department may be eligible to receive funding of \$111,457.00.

RECOMMENDED ACTION

Staff respectfully requests that council approved the Crestview Police Department to submit the necessary applications and supportive documents to apply for the Coronavirus Emergency Supplemental Funding, pre-determined allocation of funds for the department.

Attachments

1. CESF Solicitation
2. FY2020-CESF-Local-Allocations-(Final)



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

Business Support
Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, FL 32302-1489
(850) 617-1250
www.fdle.state.fl.us

Ron DeSantis, *Governor*
Ashley Moody, *Attorney General*
Jimmy Patronis, *Chief Financial Officer*
Nikki Fried, *Commissioner of Agriculture*

May 1, 2020

Dear Prospective Applicant:

The Florida Department of Law Enforcement received a Coronavirus Emergency Supplemental Funding (CESF) award from the U.S. Department of Justice (DOJ) to be used to prepare for, prevent, and respond to the coronavirus pandemic. FDLE is passing through a portion of this funding as subawards to units of local government.

In order to facilitate the subaward process, the Office of Criminal Justice Grants (OCJG) will require prospective applicants to submit application information **outside of** OCJG's electronic grant management system, SIMON. Applicants interested in applying for funding must complete the following steps:

- ☐ Review the subaward solicitation in its entirety
- ☐ Ensure the applicant entity is listed on OCJG's Local or State CESF allocation list
- ☐ Complete the application narrative questionnaire enclosed
- ☐ Complete the subgrant budget detail worksheet enclosed
- ☐ Ensure the applicant entity's SAM.gov registration is active

Using the information provided, the assigned OCJG grant manager will prepare a draft of the subgrant agreement in the SIMON system. The OCJG grant manager will notify the applicant's Application Manager when the application draft is complete and ready for review and submission in the system. SIMON will be used for subsequent management of subawards. Additional documentation of items required by federal grant management guidelines may be required.

Please note: To be approved for funding, all proposed activities **must** specifically and clearly tie to preparation, prevention, and response efforts related to the coronavirus pandemic. Proposed activities without a clear link to one of the eligible purposes will not be approved.

If you have any questions, please feel free to call our office at (850) 617-1250 or send an email to criminaljustice@fdle.state.fl.us.

Sincerely,

Rona Kay Cradit
Bureau Chief

RKC/tr

Enclosures

FY2020 Coronavirus Emergency Supplemental Funding (CESF)

Local Allocations

Note: Municipalities receiving a direct allocation from DOJ will not receive an allocation under this FDLE funding opportunity. To view the direct DOJ allocations click [here](#).

County	Municipality	Allocation
Alachua	Alachua	\$60,591
	High Springs	\$50,000
	Waldo	\$25,000
Baker	Baker County	\$104,925
Bay	Lynn Haven	\$104,704
	Mexico Beach	\$25,000
	Panama City Beach	\$63,556
	Parker	\$46,011
	Springfield	\$60,051
Bradford	Bradford County	\$105,521
	Lawtey	\$25,000
	Starke	\$50,000
Brevard	Cocoa Beach	\$62,086
	Indialantic	\$38,340
	Indian Harbour Beach	\$59,079
	Melbourne Beach	\$39,667
	Melbourne Village	\$25,000
	Rockledge	\$115,450
	Satellite Beach	\$61,188
	West Melbourne	\$105,957
Broward	Coconut Creek	\$168,388
	Cooper City	\$127,874
	Hillsboro Beach	\$34,012
	Lauderdale-By-The-Sea	\$50,000
	Lighthouse Point	\$61,251
	Margate	\$168,393
	Parkland	\$121,206
	Pembroke Park	\$50,000
	Sea Ranch Lakes	\$25,000
	Seminole Tribe	\$44,023
	Southwest Ranches	\$50,000
	West Park	\$65,801
	Weston	\$184,539
	Wilton Manors	\$63,369
Calhoun	Altha	\$25,000
	Blountstown	\$36,813
	Calhoun County	\$62,594
Charlotte	Punta Gorda	\$101,736
Citrus	Crystal River	\$40,038
Clay	Green Cove Springs	\$50,000
	Orange Park	\$59,203

County	Municipality	Allocation
Collier	Marco Island	\$70,000
	Naples	\$104,319
Dade	Aventura	\$134,896
	Bal Harbour Village	\$38,497
	Bay Harbor Islands	\$50,000
	Biscayne Park	\$40,114
	Coral Gables	\$155,708
	Cutler Bay	\$146,891
	Doral	\$173,742
	El Portal	\$35,610
	Golden Beach	\$25,000
	Hialeah Gardens	\$110,096
	Indian Creek Village	\$25,000
	Key Biscayne	\$63,705
	Medley	\$25,000
	Miami Lakes	\$122,700
	Miami Shores	\$61,599
	Miami Springs	\$65,211
	Miccosukee Tribe	\$25,000
Desoto	North Bay Village	\$59,232
	Palmetto Bay	\$111,409
	Pinecrest	\$101,838
	South Miami	\$64,085
	Sunny Isles Beach	\$108,037
	Surfside	\$50,000
	Sweetwater	\$106,468
	Virginia Gardens	\$36,500
	West Miami	\$50,000
	Arcadia	\$50,000
Dixie	Desoto County	\$117,478
	Cross City	\$33,132
Duval	Dixie County	\$65,788
	Atlantic Beach	\$64,241
Flagler	Jacksonville Beach	\$109,811
	Neptune Beach	\$50,000
	Bunnell	\$38,854
Franklin	Flagler Beach	\$47,005
	Apalachicola	\$36,010
	Carrabelle	\$38,502
Gadsden	Franklin County	\$50,000
	Chattahoochee	\$39,810

FY2020 Coronavirus Emergency Supplemental Funding (CESF)

Local Allocations

County	Municipality	Allocation
Gadsden (cont.)	Gadsden County	\$121,309
	Gretna	\$25,000
	Havana	\$33,437
	Midway	\$41,146
	Quincy	\$50,000
Gilchrist	Gilchrist County	\$65,255
	Trenton	\$34,550
Glades	Glades County	\$62,121
Gulf	Gulf County	\$61,607
	Port St. Joe	\$41,988
Hamilton	Hamilton County	\$60,679
	Jasper	\$39,334
	Jennings	\$25,000
	White Springs	\$25,000
Hardee	Bowling Green	\$38,683
	Hardee County	\$70,000
	Wauchula	\$50,000
Hendry	Clewiston	\$50,000
Hernando	Brooksville	\$50,000
Highlands	Avon Park	\$61,526
	Lake Placid	\$36,951
	Sebring	\$61,718
Hillsborough	Temple Terrace	\$114,783
Holmes	Bonifay	\$37,712
	Holmes County	\$70,000
Indian River	Fellsmere	\$50,000
	Indian River Shores	\$44,351
	Sebastian	\$110,877
	Vero Beach	\$70,000
Jackson	Graceville	\$35,439
	Jackson County	\$126,432
	Marianna	\$50,000
	Sneads	\$34,098
Jefferson	Jefferson County	\$63,061
	Monticello	\$36,618
Lafayette	Lafayette County	\$50,000
Lake	Astatula	\$33,813
	Clermont	\$129,935
	Eustis	\$104,749
	Fruitland Park	\$50,000
	Groveland	\$64,588
	Howey-In-The-Hills	\$25,000
	Lady Lake	\$65,659
	Mascotte	\$50,000

County	Municipality	Allocation
Lake (cont.)	Minneola	\$61,975
	Mount Dora	\$64,812
	Tavares	\$70,000
	Umatilla	\$43,514
Lee	Sanibel	\$50,000
Levy	Cedar Key	\$25,000
	Chiefland	\$35,539
	Inglis	\$25,000
	Williston	\$38,592
Liberty	Liberty County	\$50,000
Madison	Madison City	\$39,558
Manatee	Bradenton Beach	\$25,000
	Holmes Beach	\$43,438
	Longboat Key	\$44,932
	Palmetto	\$64,090
Marion	Bellevue	\$48,188
	Dunnellon	\$33,480
Martin	Jupiter Island	\$25,000
	Sewall's Point	\$34,650
	Stuart	\$70,000
Monroe	Key Colony Beach	\$25,000
	Key West	\$112,634
Nassau	Fernandina Beach	\$63,195
	Nassau County	\$177,236
Okaloosa	Crestview	\$111,457
	Fort Walton Beach	\$105,995
	Niceville	\$65,165
	Shalimar	\$25,000
	Valparaiso	\$50,000
Okeechobee	Okeechobee City	\$50,000
	Okeechobee County	\$130,515
Orange	Belle Isle	\$50,000
	Eatonville	\$36,057
	Edgewood	\$37,608
	Maitland	\$70,000
	Oakland	\$37,979
	Ocoee	\$142,727
	Windermere	\$38,721
Osceola	Winter Park	\$120,746
	St. Cloud	\$144,491
Palm Beach	Atlantis	\$34,559
	Gulf Stream	\$25,000
	Highland Beach	\$42,159
	Hypoluxo	\$37,879

FY2020 Coronavirus Emergency Supplemental Funding (CESF)

Local Allocations

County	Municipality	Allocation
Palm Beach	Juno Beach	\$40,304
(cont.)	Jupiter	\$173,814
	Jupiter Inlet Colony	\$25,000
	Lake Clarke Shores	\$41,137
	Lake Park	\$59,317
	Lantana	\$61,680
	Manalapan	\$25,000
	Mangonia Park	\$34,502
	North Palm Beach	\$63,286
	Ocean Ridge	\$33,551
	Pahokee	\$50,000
	Palm Beach Town	\$50,000
	Palm Beach Gardens	\$159,317
	Palm Beach Shores	\$25,000
	Palm Springs	\$108,809
	Royal Palm Beach	\$134,109
	South Bay	\$50,000
	South Palm Beach	\$25,000
	Tequesta	\$50,000
	Wellington	\$174,820
Pasco	Dade City	\$50,000
	Port Richey	\$37,836
	Zephyrhills	\$70,000
Pinellas	Belleair	\$43,629
	Belleair Beach	\$25,000
	Belleair Bluffs	\$34,821
	Dunedin	\$132,455
	Gulfport	\$63,252
	Indian Rocks Beach	\$45,507
	Indian Shores	\$25,000
	Kenneth City	\$50,000
	Madeira Beach	\$45,740
	North Redington Beach	\$25,000
	Oldsmar	\$65,244
	Redington Beaches	\$25,000
	Safety Harbor	\$70,000
	Seminole City	\$101,698
	South Pasadena	\$50,000
	St. Pete Beach	\$60,155
	Tarpon Springs	\$112,782
	Treasure Island	\$50,000
Polk	Auburndale	\$70,000
	Bartow	\$102,248
	Davenport	\$45,788

County	Municipality	Allocation
Polk	Haines City	\$110,082
(cont.)	Lake Alfred	\$50,000
	Lake Hamilton	\$25,000
	Lake Wales	\$70,000
Putnam	Crescent City	\$25,000
	Interlachen	\$25,000
	Palatka	\$61,322
	Welaka	\$25,000
St. Johns	St. Augustine	\$64,758
	St. Augustine Beach	\$50,000
Santa Rosa	Gulf Breeze	\$50,000
	Milton	\$60,557
	North Port	\$182,229
Sarasota	Venice	\$107,847
Seminole	Lake Mary	\$70,000
	Longwood	\$65,716
	Oviedo	\$134,829
	Winter Springs	\$132,182
Sumter	Bushnell	\$36,832
	Center Hill	\$25,000
	Webster	\$25,000
	Wildwood	\$50,000
Suwannee	Live Oak	\$50,000
	Suwannee County	\$133,870
Taylor	Perry	\$50,000
Union	Union County	\$64,415
Volusia	Daytona Beach Shores	\$45,355
	Edgewater	\$107,249
	Holly Hill	\$62,696
	Lake Helen	\$37,717
	New Smyrna Beach	\$113,328
	Oakhill	\$34,212
	Orange City	\$62,537
	Ponce Inlet	\$39,591
	Port Orange	\$172,294
	South Daytona	\$63,531
Wakulla	Wakulla County	\$123,312
Walton	DeFuniak Springs	\$50,000
Washington	Chipley	\$41,598
	Washington County	\$104,333

Total Local Allocations	\$16,455,157
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Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM:
DATE: 6/3/2020
SUBJECT: Appointment of Planning and Development Board.

BACKGROUND:

The City of Crestview staff has been working to update the city's land development code.

On May 11, 2020 the City Council adopted Ordinance 1766, which established Chapter 3, Administrative Procedures.

DISCUSSION:

Chapter 3, Administrative Procedures of the new Land Development Code eliminates the current Local Planning Agency (LPA) and the current Board of Adjustment (BOA), and establishes the new Planning and Development Board (PDB)

This new board has 5 members and 2 alternates, and will meeting monthly under the rules of Chapter 3.

The city reached out to current LPA and BOA members to determine if they wished to reapply to the new PDB Board.

The application form was also placed on the city's website, and information about the board and links to the application were placed on the city's social media platforms.

Those applications were due to the city clerk by June 1st.

The new PDB board will meet on the first Monday of each month beginning in July, and will be trained in Public meeting, sunshine laws and Agenda access prior to that meeting.

There are 2 attachments for the council to review. PDB

Board redacted is a one page listing of the applicants and PDB applications contains the information from each applicant.

The Council will need to appoint 5 regular members to the Board and 2 alternates.

The process for appointment will be as follows;

1. The mayor will provide an opportunity for each applicant to speak and answer questions from the City Council.
2. Upon completion of the interview process, the Mayor will call for individual nominations.

3. The first five (5) nominations receiving a majority vote will serve as board members with the next two (2) serving as alternates.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Communication- To engage, inform and educate public and staff

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There is no financial impact to the City of Crestview, as this board is replacing current board meetings.

RECOMMENDED ACTION

Staff respectfully requests that the council appoint 5 members and 2 alternates to the new planning and development board.

Attachments

1. Planning and Development
2. pdb 2

PLANNING AND DEVELOPMENT BOARD			
NAME	PHONE	EMAIL	
Doug Capps	850-582-2170	Doug.capps@gmail.com	
Nicole Palmer	306-951-6153	nicole.palmer09@comcast.net	
Malcolm Haynes	850-682-6043	hay357@cox.net	
Warren Robinson	850-758-8808	wrobin8950@hotmail.com	
Michael Gilbert	850-757-0505	warriorlaw5000@gmail.com	
Michael Roy	850-398-2161	mdroy2@cox.net	
William Toannon	850-603-4111	wtoannon@gmail.com	
Mario Werth	503-442-0002	mariowerth@me.com	
Ellis Conner	850-682-4846	ellishconner@gmail.com	

Duties and Responsibilities

The Planning and Development Board/Local Planning Agency (hereinafter Board or PDB) shall have the authority and responsibility to review land use in the City and evaluate planning and regulatory methods and systems for resolving physical, economic, social, environmental and fiscal issues. The Board shall receive and hear appeals in cases involving the City of Crestview Land Development Code (hereafter known as the LDC) The Board shall receive and hear applications for special exceptions/uses and variances to the terms of this LDC, and grant relief where authorized under this LDC. The Board shall also hear, determine and decide appeals, reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the LDC. The Board shall be responsible for review and approval of the City of Crestview Comprehensive Plan. The Board shall have any other powers or duties delegated by the City Council.

Criteria and Requirements for Board Membership:

• Must be a Resident of the City of Crestview • Must be able to attend PDB meetings on the First Monday of each Month at a time to be determined by the City Council (all meetings will be after 5:00 PM) • Must have a good working knowledge of computers and be able to use same before and during the meetings. • Must be willing to gain/maintain working knowledge of the Current Land Development Code and abide by same. • Preferred applicants will have knowledge of property zoning, commercial applications and land uses.

Applicant Information

First Name Douglas
Last Name Capps
Address 720 Ridge Lake Road
City Crestview
State FL
Zip Code 32536
Phone Number 850-582-2170
Fax Number Field not completed.
Email Address Doug.capps@gmail.com

Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board:

Having previously served on the BOA and most recently the LPA, I'm aware of what is required for both. My intent upon annexation into the city last Spring was done to further my ability to serve my community in whatever manner deemed necessary.

I would like to contribute as a full member if possible, an alternate if needed.

I am interested in: (type of membership)

Full Member

Electronic Signature Agreement

I agree.

Electronic Signature

Douglas A Capps

Planning and Development Board

Duties and Responsibilities

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Criteria and Requirements for Board Membership:

• Must be a Resident of the City of Crestview • Must be able to attend PDB meetings on the First Monday of each Month at a time to be determined by the City Council (all meetings will be after 5:00 PM) • Must have a good working knowledge of computers and be able to use same before and during the meetings. • Must be willing to gain/maintain working knowledge of the Current Land Development Code and abide by same. • Preferred applicants will have knowledge of property zoning, commercial applications and land uses.

Applicant Information

First Name	Malcolm
Last Name	Haynes
Address	298 S. Wilson Street
City	Crestview
State	FL
Zip Code	32536
Phone Number	850-682-6043
Fax Number	Field not completed.
Email Address	hay357@cox.net
Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board:	The structured development of our City of Crestview has been primary to my agreement to serve on the Local Planning Agency in the past. My experience with the growth of Crestview since coming to this area in 1957 and returning as a permanent resident in 1984 following retirement from the US Air Force gives me the knowledge and concern to see our city in the future that used sound judgment, and adherence to building and development code.
I am interested in: (type of membership)	Full Member
Electronic Signature Agreement	I agree.

Planning and Development Board

Duties and Responsibilities

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Applicant Information

First Name	Nicole
Last Name	Palmer
Address	500 Jillian Dr
City	Crestview
State	Florida
Zip Code	32536
Phone Number	360-951-6153
Fax Number	Field not completed.
Email Address	Nicole.palmer09@comcast.net

Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board:

My name is Nicole Palmer, I am a former banker with several years of lending and business banking experience. I am relatively new to the area, but Can see Crestview massive potential for growth. I would be honored to be part of this exciting time for our community.

I am interested in: (type of membership)

Full Member

Electronic Signature Agreement

I agree.

Electronic Signature

Nicole M Palmer

Planning and Development Board

Duties and Responsibilities

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Applicant Information

First Name	Warren
Last Name	Robinson
Address	414 Jillian Dr.
City	Crestview
State	FL
Zip Code	32536
Phone Number	850-758-8808
Fax Number	Field not completed.

Email Address	wrobin8950@hotmail.com
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Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board:	My primary obligation would be to serve the public interest. I have a general knowledge of computers. And some experience working on the board of adjustment. We have lived in Crestview for over 20 years and served in the military.
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I am interested in: (type of membership)	Either
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Electronic Signature Agreement	I agree.
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Electronic Signature	Warren Robinson
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Planning and Development Board

Duties and Responsibilities

The Planning and Development Board/Local Planning Agency (hereinafter Board or PDB) shall have the authority and responsibility to review land use in the City and evaluate planning and regulatory methods and systems for resolving physical, economic, social, environmental and fiscal issues. The Board shall receive and hear appeals in cases involving the City of Crestview Land Development Code (hereafter known as the LDC) The Board shall receive and hear applications for special exceptions/uses and variances to the terms of this LDC, and grant relief where authorized under this LDC. The Board shall also hear, determine and decide appeals, reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the LDC. The Board shall be responsible for review and approval of the City of Crestview Comprehensive Plan. The Board shall have any other powers or duties delegated by the City Council.

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Applicant Information

First Name	Michael
Last Name	Roy
Address	1239 Jeffreyscot Dr
City	Crestview
State	FL
Zip Code	32536
Phone Number	8503982161
Fax Number	Field not completed.
Email Address	mdroy2@cox.net
Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board:	As a past President of the Chamber of commerce and active in the downtown main street association along with past property inspection duties I feel I have the knowledge and dedication to serve.
I am interested in: (type of membership)	Either
Electronic Signature Agreement	I agree.
Electronic Signature	Michael R Roy

Planning and Development Board

Duties and Responsibilities

The Planning and Development Board/Local Planning Agency (hereinafter Board or PDB) shall have the authority and responsibility to review land use in the City and evaluate planning and regulatory methods and systems for resolving physical, economic, social, environmental and fiscal issues. The Board shall receive and hear appeals in cases involving the City of Crestview Land Development Code (hereafter known as the LDC) The Board shall receive and hear applications for special exceptions/uses and variances to the terms of this LDC, and grant relief where authorized under this LDC. The Board shall also hear, determine and decide appeals, reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the LDC. The Board shall be responsible for review and approval of the City of Crestview Comprehensive Plan. The Board shall have any other powers or duties delegated by the City Council.

Criteria and Requirements for Board Membership:

- *Must be a Resident of the City of Crestview*
- *Must be able to attend PDB meetings on the First Monday of each Month at a time to be determined by the City Council (all meetings will be after 5:00 PM)*
- *Must have a good working knowledge of computers and be able to use same before and during the meetings.*
- *Must be willing to gain/maintain working knowledge of the Current Land Development Code and abide by same.*
- *Preferred applicants will have knowledge of property zoning, commercial applications and land uses.*

Applicant Information

First Name	Michael
Last Name	Gilbert
Address	105 Villacrest Dr.
City	United States
State	FL
Zip Code	32536
Phone Number	8507570505
Fax Number	Field not completed.
Email Address	warriorlaw5000@gmail.com

Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board:	Very interested in the continuing development of our city. Very glad to see the new form of city government take hold and I'm excited to participate in this capacity if chosen. I have served on the board of adjustment for two years.
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I am interested in: (type of membership)	Full Member
--	-------------

Electronic Signature Agreement	I agree.
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Electronic Signature	Michael P. Gilbert
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Planning and Development Board

Duties and Responsibilities

The Planning and Development Board/Local Planning Agency (hereinafter Board or PDB) shall have the authority and responsibility to review land use in the City and evaluate planning and regulatory methods and systems for resolving physical, economic, social, environmental and fiscal issues. The Board shall receive and hear appeals in cases involving the City of Crestview Land Development Code (hereafter known as the LDC) The Board shall receive and hear applications for special exceptions/uses and variances to the terms of this LDC, and grant relief where authorized under this LDC. The Board shall also hear, determine and decide appeals, reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the LDC. The Board shall be responsible for review and approval of the City of Crestview Comprehensive Plan. The Board shall have any other powers or duties delegated by the City Council.

Criteria and Requirements for Board Membership:

• Must be a Resident of the City of Crestview • Must be able to attend PDB meetings on the First Monday of each Month at a time to be determined by the City Council (all meetings will be after 5:00 PM) • Must have a good working knowledge of computers and be able to use same before and during the meetings. • Must be willing to gain/maintain working knowledge of the Current Land Development Code and abide by same. • Preferred applicants will have knowledge of property zoning, commercial applications and land uses.

Applicant Information

First Name William

Last Name Toannon

Address 196 W Pine Ave

City Crestview

State FL

Zip Code 32536

Phone Number 8506034111

Fax Number Field not completed.

Email Address wtoannon@gmail.com

Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board:

We have started two family owned businesses in downtown Crestview, Casbah Coffee Company and The Heights of Chicago. My residency is 196 W Pine Ave, Crestview, above Casbah. I have been actively involved in the redevelopment of our two business buildings, and am familiar with development use, zoning, building and property use requirements. I have first-hand knowledge of CRA grant processes.

I am interested in: (type of membership) Field not completed.

Electronic Signature Agreement I agree.

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Applicant Information

First Name	Mario
Last Name	Werth
Address	
City	Crestview
State	Florida
Zip Code	32539
Phone Number	
Fax Number	Field not completed.
Email Address	mariowerth@me.com
Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board:	I'm interested in the right growth for the City of Crestview. To elaborate, bringing a diverse set of businesses to the city that provides a variety of amenities and activities to promote population growth as well as attract bigger industries to the area. Therefore helping to increase local jobs as well as giving the opportunity to keep our skilled workforce in the community.
I am interested in: (type of membership)	Either
Electronic Signature Agreement	I agree.
Electronic Signature	Mario S. Werth

Planning and Development Board

Applicant Information

First Name Ellis
Last Name Conner
Address 212 Coleman Street
City Crestview
State FL
Zip Code 32536
Phone Number 850-682-4846
Fax Number *Field not completed.*

Email Address *Field not completed.*

Please give a Short narrative as to why you feel you would be a good Candidate for the New Planning and Development Board: see attached

I am interested in: (type of membership) Either

Electronic Signature Agreement I agree.

Electronic Signature *Field not completed.*

Date *Field not completed.*

Applicant Information:

Ellis Conner

212 Coleman St. P.O. Box 26
Crestview, FL 32536

Phone 850 682 4846

Short Narrative:

Thirty Four Years of
Service to the City
As a Volunteer, City
staff employee and as a
elected official.

Thx. Ellis Conner



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Tim Bolduc, City Manager
DATE: 6/3/2020
SUBJECT: Appointment of CDBG Citizen Advisory Board

BACKGROUND:

As a Community Development Block Grant (CDBG) entitlement community, the City must adopt and adhere to a Citizen Participation Plan, as required by 24 CFR Part 91.

Resolution 2020 - 8 established the Citizen Participation Plan as a component of the City's Community Development Block Grant (CDBG) Program.

DISCUSSION:

As established in section V of the Citizen Participation Plan, the City must establish a Citizen's Advisory Committee.

This Board will consist of five members who will meet as needed to review and make recommendations on the proposed annual distribution of CDBG funding and prioritize funding applications.

In anticipation of the passing of Resolution 2020- 8, staff established an application form for citizens who were interested in serving on this advisory board. This board will meet an anticipated 1-2 times a year.

Staff is submitting five candidates for this board. Board members must be residents of the City, and at least three members shall represent low and moderate-income residents, and/or property owners in low- or moderate-income areas.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Opportunity- Promote an environment that encourages economic and educational opportunity

FINANCIAL IMPACT

There will be no financial impact on the existing City budget.

RECOMMENDED ACTION

Staff respectfully requests the Council to approve the 5 nominees for the Citizen Advisory Council as presented.

Attachments

1. CAC Board
2. CAC Applications

CITIZEN ADVISORY BOARD				
NAME	PHONE	EMAIL		
Alexander Barthe'	850-791-4517	courthousesuitescrestview@gmail.com		
Bryan Lewis				
Patrick O'Malley	850-420-7620	hubcityslickers@gmail.com		
Toby Baker	850-333-9555	bakerslandclearing@gmail.com		
Irmma Winkler				
Michael Carroll	850-685-3614	mike@hubcitysmoke.com		
William Toannon	850-603-4111	wtoannon@gmail.com		

Citizen Advisory Committee

Duties and Responsibilities

The Citizen Advisory Committee shall be advisory to the CDBG staff. It shall be their duty to review and make recommendations on the proposed annual distribution of CDBG funding and prioritize funding applications.

Criteria and Requirements for Board Membership

• The Citizen Advisory Committee (CAC) shall consist of five members • Members shall be residents of the City or be a property owner in the City of Crestview. • At least three members shall represent low and moderate-income residents, and/or property owners in low- or moderate-income areas. • The members shall be responsible for recruiting and recommending members to be appointed by the City Council for a term of four years. • Members shall be appointed by a vote of the City Council.

Applicant Information

First Name Alexander

Last Name Barthe'

Address 203 Warrior St

City Crestview

State Florida

Zip Code 32536

Email Address courthousesuitescrestview@gmail.com

Phone Number 850-791-4517

Please give a short narrative as to why you feel you would be a good candidate for the new Citizen Advisory Committee

Appreciate being nominated and believe that I have a strong interest in the development of our great city. Crestview is growing by leaps and bounds and a far-sighted group of people to help manage the growth and vitality of this wonderful community. I would be honored to serve a community that has been so good to my family and me.

Electronic Signature Agreement I agree.

Electronic Signature Alexander R. Barthe'

Date 5/19/2020

Email not displaying correctly? [View it in your browser.](#)

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Applicant Information

First Name Bryan D.

Last Name Lewis

Address

City Crestview

State FL

Zip Code 32536

Email Address

Phone Number

Please give a short narrative as to why you feel you would be a good candidate for the new Citizen Advisory Committee

I am a native of Crestview Florida and have served in law enforcement for over 13 years. I am a former employee of the City of Crestview of which I held the rank of Sergeant with the police department. I currently live in the low or moderate income area of Crestview and have a positive attitude and forward vision the community.

Electronic Signature Agreement I agree.

Electronic Signature Bryan D. Lewis

Date 6/2/2020

Email not displaying correctly? [View it in your browser.](#)

Applicant Information:

PATRICK (PADDY) J. O'MALLEY

Name

6142 BUDMONTON RD. CRESTVIEW, FL. 32536

Address (street, city, state, Zip)

850 420 7120

Preferred Phone

850 499 1936

Alternate Phone if possible

hubcityslickers@gmail.com

Email Address

Please give a short narrative as to why you feel you would be a good candidate for the new Citizen Advisory Committee

I am the co-owner of ~~the~~ Tropical Palm restaurant
on main st. I also lead worship at Crossway
Community Church on Wilson. I have a desire to see
Crestview grow & succeed & would like to
serve that goal in any form needed.

Please send back this application no later than Monday, June 1, 2020 to

Office of the City Clerk
198 N Wilson Street
Crestview, FL 32536

email applications preferred to:
cityclerk@cityofcrestview.org

Applicant Information:

Toby Baker

Name

393 Bess Avenue Crestview, FL 32536

Address (street, city, state, Zip)

850-333-9555

Preferred Phone

850-423-1390

Alternate Phone if possible

bakerslandclearing@gmail.com

Email Address

Please give a short narrative as to why you feel you would be a good candidate for the new Citizen Advisory Committee

I was born and raised in Crestview FL. I've also

worked as a public servant in Crestview for many years.
- retired law enforcement / 13 years.

I really think I could help the community from

passed experiences. I would love to be apart of the
growth and development of the city.

Please send back this application no later than Monday, June 1, 2020 to

Office of the City Clerk
198 N Wilson Street
Crestview, FL 32536

email applications preferred to:
cityclerk@cityofcrestview.org

Applicant Information:

Irimma Winkler

Name

[REDACTED], Crestview, FL 32536

Address (street, city, state, Zip)

[REDACTED]
Preferred Phone

Alternate Phone if possible

[REDACTED]
Email Address

Please give a short narrative as to why you feel you would be a good candidate for the new Citizen Advisory Committee

I have an interest and passion in serving my
community. I also meet the requirements to
participate on the board.

Please send back this application no later than Monday, June 1, 2020 to

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Crestview, FL 32536

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Applicant Information

First Name Michael

Last Name Carroll

Address 168 S Main St

City Crestview

State FL

Zip Code 32536

Email Address mike@hubcitysmoke.com

Phone Number 850-685-3614

Please give a short narrative as to why you feel you would be a good candidate for the new Citizen Advisory Committee

Owning a successful business on Main Street has allowed me to get plugged into this great city. I would promote positive change and direction to promote this city forward.

Electronic Signature Agreement I agree.

Electronic Signature Michael D Carroll

Date 6/1/2020

Email not displaying correctly? [View it in your browser.](#)

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Applicant Information

First Name William

Last Name Toannon

Address 196 W Pine Ave

City Crestview

State FL

Zip Code 32536

Email Address wtoannon@gmail.com

Phone Number 8506034111

Please give a short narrative as to why you feel you would be a good candidate for the new Citizen Advisory Committee

We have started two family owned businesses in downtown Crestview, Casbah Coffee Company and The Heights of Chicago. My residency is 196 W Pine Ave, Crestview, above Casbah. Both of our restaurants went through the City's process for land development, meeting all zoning, use, and building code requirements. I have first-hand knowledge of the CRA Grant funding process

Electronic Signature Agreement I agree.

Electronic Signature William M Toannon

Date 6/1/2020

Email not displaying correctly? [View it in your browser.](#)



Staff Report

CITY COUNCIL MEETING DATE: June 8, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Elizabeth Roy, City Clerk
DATE: 6/4/2020
SUBJECT: Update on the Environmental Center

BACKGROUND:

The City of Crestview and the Kiwanis Club of Crestview have been working together on the John McMahan Environmental Center since 2012.

The Environmental Center is located on the property with the old Live Oak Fire Tower.

In 2018, approval was given to move forward with new building on the site.

DISCUSSION:

The new Environmental Center building was completed in 2019, and there are several groups working to build the displays in the inside of the building.

The old Environmental Center was demolished in the Spring of 2020, making way for the construction of the new playground, which is to be sponsored by the Kiwanis Club of Crestview.

The city presented the board of directors with a design plan in May, and it was approved for the club to pay the approximately \$25,000 for the construction of the the playground.

The check from the Kiwanis has been approved by a Resolution this evening, and presented to the City so the playground equipment can be ordered.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

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Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Communication- To engage, inform and educate public and staff

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There is no financial impact to the City. The playground equipment purchase was approved previously in Resolution 2020-9 and the Kiwanis Club has reimbursed the City for the full amount of the equipment.

RECOMMENDED ACTION

No action is necessary, information update only.

Attachments

1. Environmental Park Playground Quote
2. E Center Progress



J.A. Dawson
& Company
Your Total Recreation Resource

Environmental Park Playground

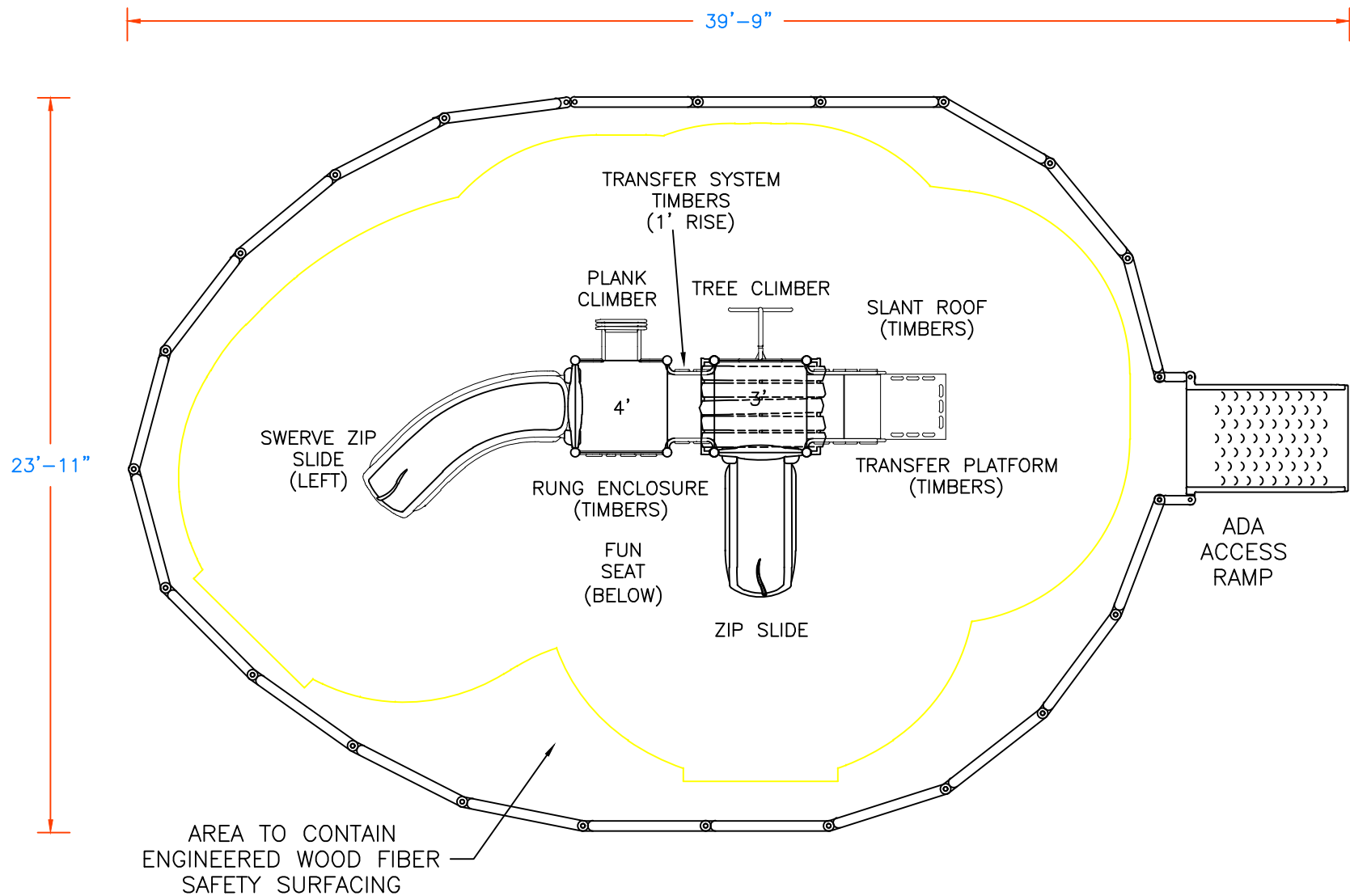




J.A. Dawson
& Company
Your Total Recreation Resource

Environmental Park Playground















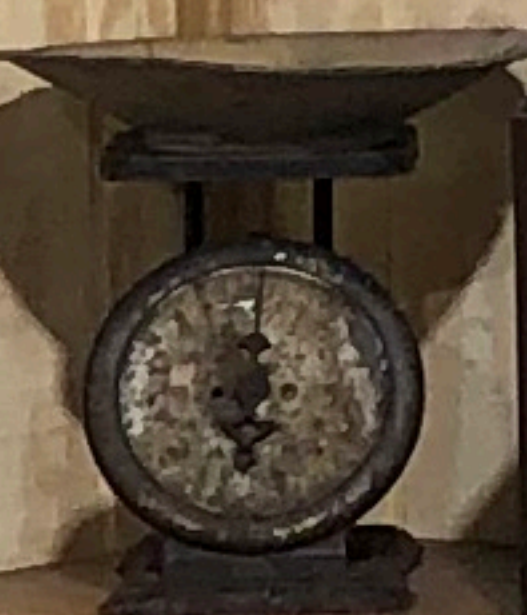
FLORIDA
DIVISION
OF
FORESTRY

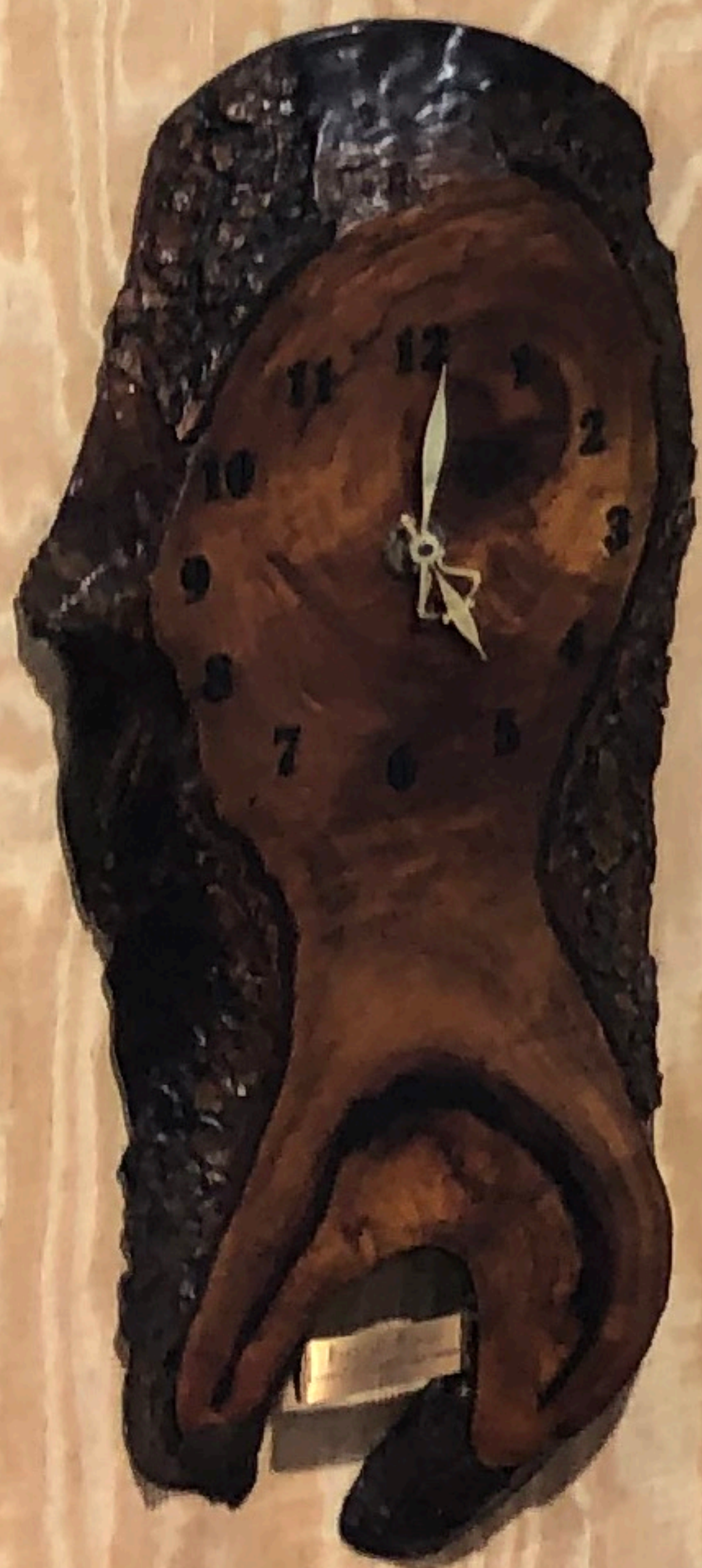


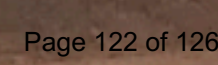
FORESTRY

BLACK WALNUT	CEDAR	DOGWOOD
REDWOOD	SLASH PINE	SAND PINE
SASSAPARA	SWEETGUM	FLORIDIAN
YEW	POST OAK	WINDYBUSH



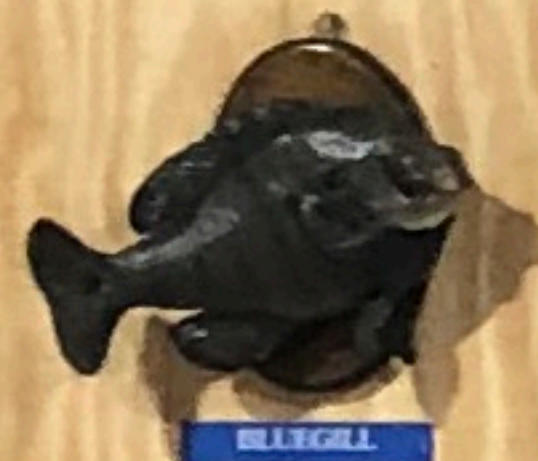








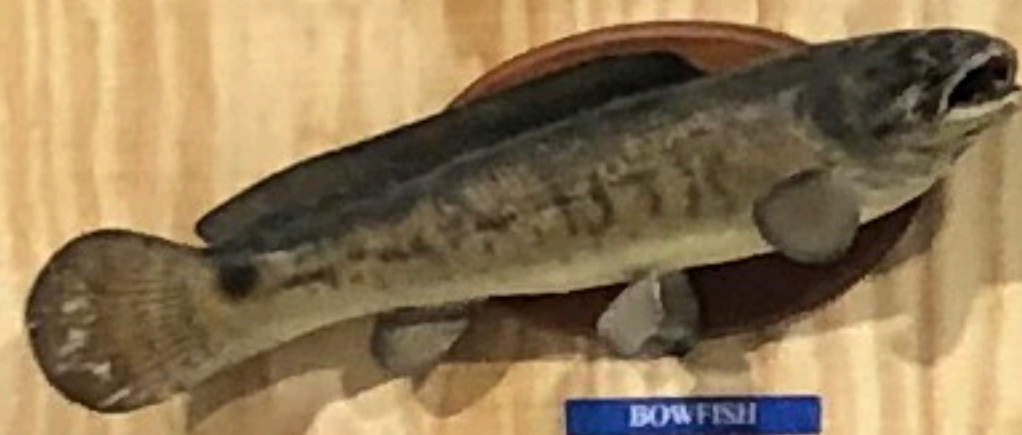
LARGEMOUTH BASS



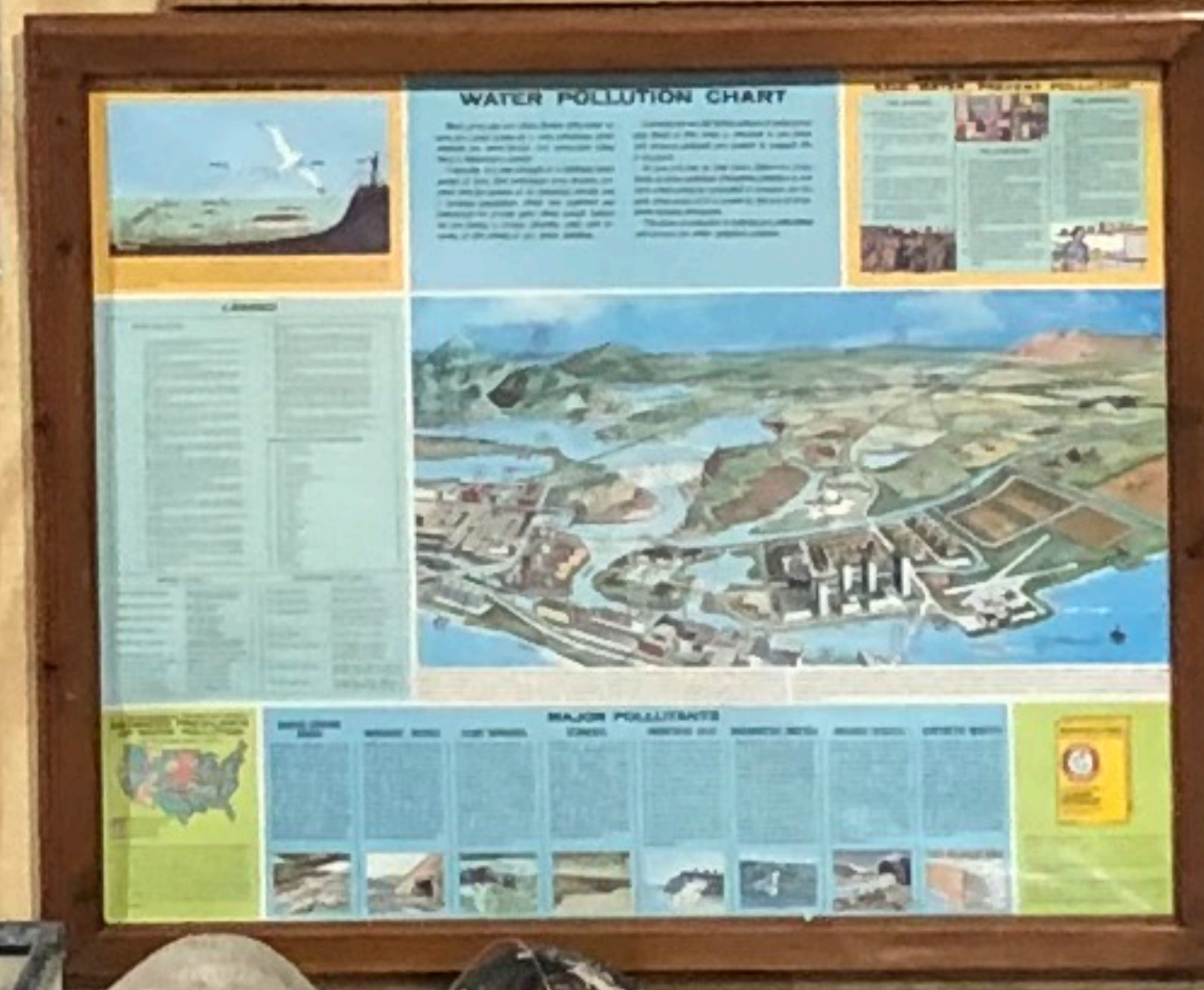
BLUEGILL



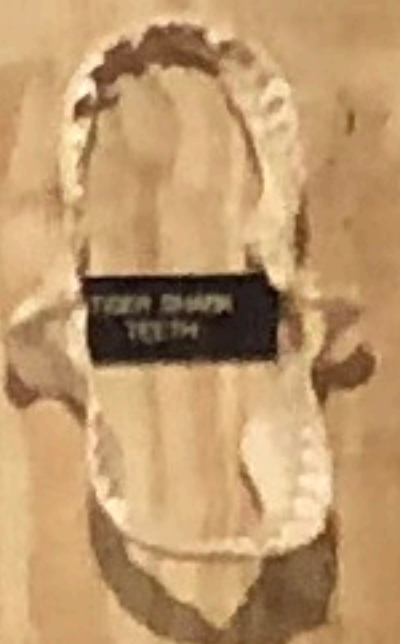
LARGEMOUTH BASS



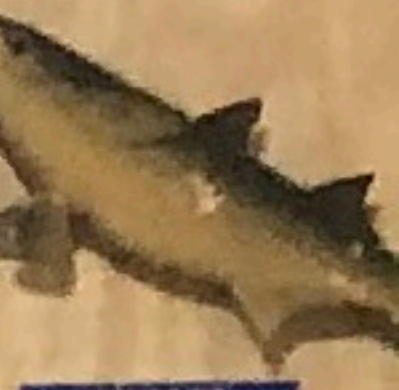
BROWN TROUT



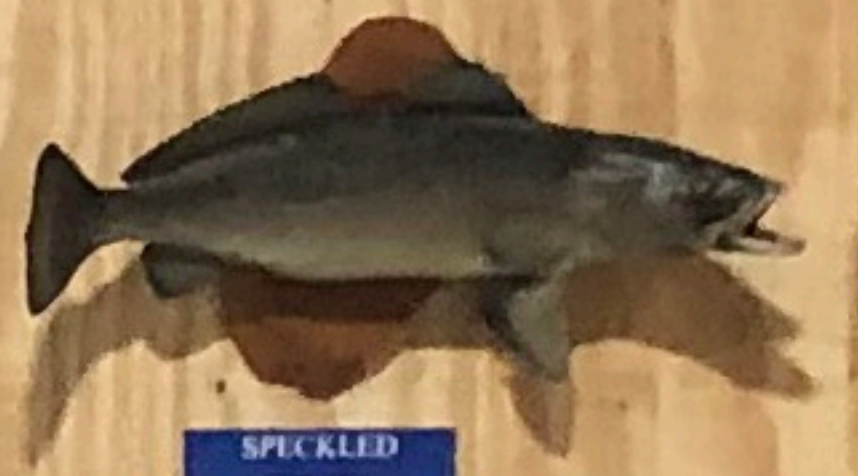
LADY FISH



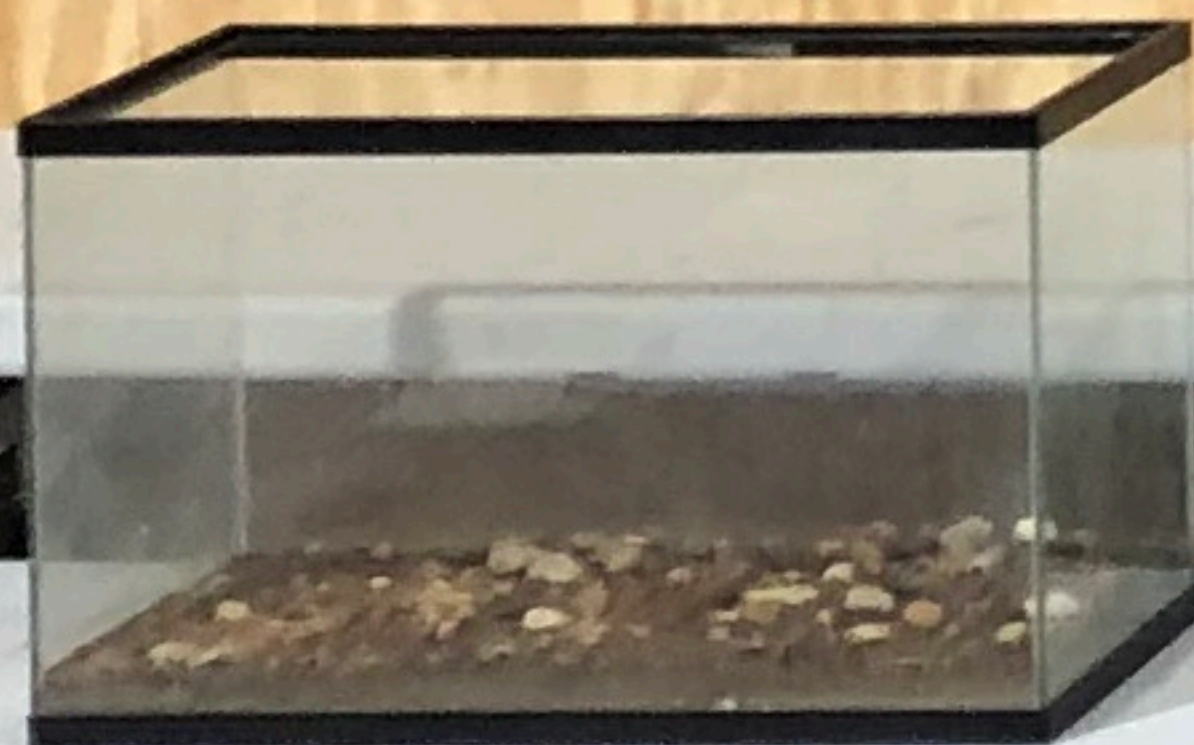
SPOT TAIL



MUSKIE



SPECKLED TROUT





A wooden picket fence with a sign that reads "John McMahon Environmental Education Center" in front of a white building. The fence is made of light-colored wood with pointed pickets and two thicker square posts. The sign is dark green with white text. The building behind the fence has white vertical siding, a white door with a silver handle, and a small black light fixture above the door. The ground in front of the fence is grassy with some dry leaves.

**John McMahon
Environmental
Education Center**

