



CITY OF CRESTVIEW

OFFICE OF THE CITY CLERK

P.O. DRAWER 1209, CRESTVIEW, FLORIDA 32536

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

June 22, 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 and encouraged 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 to CERT - Mayor Whitten
6. Consent Agenda
 - 6.1. Approval of minutes from the May 11, 2020 City Council Meeting
7. Resolutions
8. Public Hearings / Ordinances on Second Reading
 - 8.1. Ordinance #1774 amending Chapter 38-Health and Sanitation

8.2. Ordinance # 1773 amending and renaming Division-5-Code Enforcement Board, Establishing Special Magistrate.

9. Ordinances on First Reading

9.1. Ordinance 1775 - Foxwood Annexation

9.2. Ordinance 1767 - Pharmaceutical Sales Special Exception

9.3. Ordinance 1776 Changes to the General Retirement System

10. Action Items

10.1. Canine Containment System

11. City Clerk Report

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 22, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: JB Whitten, Mayor
DATE: 6/17/2020
SUBJECT: Presentation to CERT - Mayor Whitten

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 22, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Elizabeth Roy, City Clerk
DATE: 6/18/2020
SUBJECT: Approval of minutes from the May 11, 2020 City Council Meeting

BACKGROUND:

Minutes are presented for approval in regular or special City Council or CRA meetings.

DISCUSSION:

Minutes are accomplished as soon as possible after any meeting of the City Council or CRA Board.

Council and CRA members are requested to send any corrections to the City Clerk prior to the meeting so any corrections can be made.

Any amended minutes will be presented in the meeting for approval.

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.

Communication- To engage, inform and educate public and staff

FINANCIAL IMPACT

There is no financial impact to the City.

RECOMMENDED ACTION

Staff respectfully requests the City Council approve the minutes from the May 11, 2020 City Council meeting.

Attachments

1. 2020.05.11 CCM

**City Council Meeting
May 11, 2020
6:00 PM
Council Chambers**

The Regular Meeting of the Crestview City Council was called to order at 6:00 P.M. Members present were Shannon Hayes, Joe Blocker, Andrew Rencich, Cynthia Brown (attended remotely) and Harry LeBoeuf. Also present were the honorable Mayor JB Whitten, City Clerk Elizabeth Roy, City Manager Tim Bolduc, City Attorney Mr. Holloway, department heads and members of the press.

REGULAR AGENDA

1. Called to Order

This meeting was called to order by the Honorable Mayor Whitten at 6:00 p.m.

2. Invocation and Pledge of Allegiance

The invocation was led by Mr. Bolduc, City Manager with the pledge led by Mayor Pro-Tem Hayes.

3. Open Policy making and legislative session

4. Approval of Agenda

Mayor Whitten stated that Councilmember LeBoeuf is not in attendance for this meeting and asked if there were any changes or objections to the current Agenda.

There were no objections or changes to Agenda it was approved by unanimous consent.

5. Presentations

5.1 Proclamation for the Recognition of Graduating Seniors

The Proclamation was presented to Dexter Day, Crestview High School Principal, Read by City Clerk Elizabeth Roy and Presented by Mayor JB Whitten. Mr. Day, Principle of Crestview High School, accepted the proclamation and thanked the City.

5.2 Proclamation for Recognition of Police Week

Mayor Whitten and Ms. Roy, the City Clerk presented and read the proclamation to Police Chief McCosker.

5.3 Proclamation for Recognition of Public Services Week

Mayor Whitten and Ms. Roy, the City Clerk presented and read the proclamation to Public Services Director, Mr. Steele.

Mr. Steele thanked the Council for the recognition.

5.4 Proclamation in Recognition of May Day

Mayor Whitten and Ms. Roy, the City Clerk presented and read the proclamation to Mr. David Wheeler the President of the Carver Hill Historical Memorial Society.

Mr. Wheeler thanked the City for their continued support and for the recognition.

5.5 Police Vehicle Stripe Package

Police Chief McCosker presented the selected stripe package for the City's police vehicles.

6. Consent Agenda

6.1 Approval of minutes from the January 30, 2020 Workshop, March 2, 2020 Executive Session, March 23, 2020 Council Meeting, April 13, 2020 City Council Meeting and the April 27, 2020 Council Meeting.

Mayor Whitten asked for a motion on the Consent Agenda.

A motion made by Mr. Hayes to approve the Consent Agenda. Seconded by Mr. Blocker with 5 yeas from Mr. Hayes, Mr. Blocker, Ms. Brown, Mr. LeBoeuf, Mr. Rencich with 0 nays, motion carried.

7. Resolutions

8. Public Hearings- Ordinances on Second Reading

8.1 Ordinance 1750- Highway 85 @ Old Bethel Annexation

Mr. Bolduc, City Manager stated that from the First Reading of Ordinance 1750 there has not been any change or challenge and asked that the City Clerk read Ordinance 1750 by title.

Ms. Roy, City Clerk stated "Ordinance 1750 reads by title

ORDINANCE NO.1750

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 2.93 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 33, TOWNSHIP 4 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING

FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE, AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1750.”

Mayor Whitten asked for action by Council.

A motion was made by Mr. Rencich to adopt Ordinance 1750 on Second Reading and send for signatures. Seconded by Mr. Blocker with 5 yeas from Mr. Rencich, Mr. Blocker, Mr. LeBoeuf, Ms. Brown, Mr. Hayes with 0 nays, motion carried.

8.2 Ordinance 1751- Highway 85 @ Old Bethel Comp Plan Amendment

Mr. Bolduc, City Manager noted that Ordinance 1751 establishes the Future Land Use for the property cited in Ordinance 1750. As was discussed at the last meeting the change is from Okaloosa County Mixed Use to City of Crestview Commercial, there were no additional comments made for or against this change. He then asked the City Clerk to read by title Ordinance 1751.

Ms. Roy, City Clerk stated “Ordinance 1751 reads by title

ORDINANCE: 1751

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) TO COMMERCIAL (C) ON APPROXIMATELY 2.93 ACRES, MORE OR LESS, IN SECTION 33, TOWNSHIP 4 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1751.”

Mayor Whitten asked for action by Council.

A motion made by Mr. Hayes to adopt Ordinance 1751 on Second Reading and send for signatures. Seconded by Mr. Blocker with 5 yeas from Mr. Hayes, Mr. Blocker, Mr. Rencich, Ms. Brown, Mr. LeBoeuf with 0 nays, motion carried.

8.3 Ordinance 1752- Highway 85 @ Old Bethel Rezoning

Mr. Bolduc, City Manager noted that the nature of Ordinance 1752 requires that the City Attorney, Mr. Holloway, swear in all participants in the quasi-judicial segments of the meeting.

Mr. Holloway, City Attorney swore in all participants for Ordinances 1752, 1758, 1762, 1765.

Mr. Bolduc, City Manager reviewed the Ordinance and then asked the City Clerk to read Ordinance 1752 by title.

Ms. Roy, City Clerk stated, "Ordinance 1752 reads by title,

ORDINANCE: 1752

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 2.93 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 33, TOWNSHIP 4 NORTH, RANGE 23 WEST, FROM OKALOOSA COUNTY MIXED USE (MU) TO COMMERCIAL (C-1); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1752."

Mayor Whitten asked for action by Council.

A motion made by Mr. Rencich to adopt Ordinance 1752 on Second Reading and send for signatures. Seconded by Mr. LeBoeuf with 5 yeas from Mr. Rencich, Mr. LeBoeuf, Ms. Brown, Mr. Hayes, Mr. Blocker with 0 nays, motion carried.

8.4 Ordinance 1755- Amos Street Comp Plan Amendment

Mr. Bolduc, City Manager stated that Ordinance 1755 is to amend the comprehensive plan for the City of Crestview for the property located on East Cobb. The information was presented at the First Reading of the Ordinance. He then asked the City Clerk to read Ordinance 1755 by title.

Ms. Roy, City Clerk stated "Ordinance 1755 reads by title

ORDINANCE: 1755

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY 0.66 ACRES, MORE OR LESS, IN SECTION 17, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR

REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1755.”

Mayor Whitten asked for action by Council.

A motion made by Mr. Rencich to adopt Ordinance 1755 on Second Reading and send for signatures. Seconded by Mr. Hayes with 5 yeas from Mr. Rencich, Mr. Hayes, Ms. Brown, Mr. Blocker, Mr. LeBoeuf with 0 nays, motion carried.

8.5 Ordinance 1756- Aplin Road Annexation

Mr. Bolduc, City Manager is for a property that will be annexed into the City limits. He then asked the City Clerk to read Ordinance 1756 by title.

Ms. Roy, City Clerk stated, “Ordinance 1756 reads by title,

ORDINANCE: 1756

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 0.64 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1756.”

Mayor Whitten asked for action by Council.

A motion made by Mr. Rencich to adopt Ordinance 1756 on Second Reading and send for signatures. Seconded by Mr. Blocker with 5 yeas from Mr. Rencich, Mr. Blocker, Ms. Brown, Mr. Hayes, Mr. LeBoeuf with 0 nays, motion carried.

8.6 Ordinance 1757- Aplin Road Comp Plan Amendment

Mr. Bolduc, City Manager stated that Ordinance 1757 is to sign a zoning to the property. Currently the property is zoned for Mixed Use in Okaloosa County to City of Crestview Commercial Zoning. He then asked the City Clerk to read Ordinance 1757 by title.

Ms. Roy, City Clerk stated, "Ordinance 1757 reads by title,

ORDINANCE: 1757

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) TO COMMERCIAL (C) ON APPROXIMATELY 0.64 ACRES, MORE OR LESS, IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1757."

Mayor Whitten asked for action by Council.

A motion made by Mr. Hayes to adopt Ordinance 1757 on Second Reading and send for signatures. Seconded by Mr. LeBoeuf with 5 yeas from Mr. Hayes, Mr. LeBoeuf, Ms. Brown, Mr. Blocker, Mr. Rencich with 0 nays, motion carried.

8.7 Ordinance 1758- Aplin Road Rezoning

Mr. Bolduc, City Manager informed Council that this Ordinance is assigning the Commercial designation to the property. He then asked the City Clerk to read Ordinance 1758 by title.

Ms. Roy, City Clerk stated "Ordinance 1758 reads by title,

ORDINANCE: 1758

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 0.65 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO THE COMMERCIAL (C-1) ZONING DISTRICT; PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1758."

Mayor Whitten asked for action by Council.

A motion made by Mr. Rencich to adopt Ordinance 1758 on Second Reading and send for signatures. Seconded by Mr. Blocker with 5 yeas from Mr. Rencich, Mr. Blocker, Mr. LeBoeuf, Ms. Brown, Mr. Hayes with 0 nays, motion carried.

8.8 Ordinance 1759- Highway 90 East Annexation

Mr. Bolduc, City Manager presented this Ordinance to Council and asked the City Clerk to read Ordinance 1759 by title.

Ms. Roy, City Clerk stated "Ordinance 1759 reads by title,

ORDINANCE: 1759

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 32.49 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 15, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1759."

Mr. Bolduc, City Manager stated that the property owner who is still in the process of finalizing the designs on how to distribute the land. Until that is completed there will not be a comp plan or rezoning ordinance.

Mayor Whitten asked for action by Council.

A motion made by Mr. Rencich to adopt Ordinance 1759 on Second Reading and send for signatures. Seconded by Mr. Hayes with 5 yeas from Mr. Rencich, Mr. Hayes, Mr. LeBoeuf, Ms. Brown, Mr. Blocker with 0 nays, motion carried.

8.9 Ordinance 1760- Industrial Drive Annexation

Mr. Bolduc, City Manager presented Ordinance 1760 to the Council and then asked the City Clerk to read Ordinance 1760 by title.

Ms. Roy, City Clerk stated "Ordinance 1760 reads by title

ORDINANCE: 1760

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, CONTIGUOUS LANDS LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION;

PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1760.”

A brief discussion ensued concerning other like properties described in the Ordinance.

Mayor Whitten asked for action by Council.

A motion was made by Mr. Hayes to adopt Ordinance 1760 on Second Reading and send for signatures. Seconded by Mr. Rencich with 5 yeas from Mr. Hayes, Mr. Rencich, Mr. LeBoeuf, Mr. Blocker, Ms. Brown with 0 nays, motion carried.

8.10 Ordinance 1761- Industrial Road Comp Plan Amendment

Mr. Bolduc, City Manager presented the ordinance information to the City Council and asked the City Clerk to read the Ordinance by title.

Ms. Roy, City Clerk stated, “Ordinance 1761 reads by title,

ORDINANCE: 1761

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) TO PUBLIC LANDS (PL), IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1761.”

Mayor Whitten asked for action by Council.

A motion made by Mr. Rencich to adopt Ordinance 1761 on Second Reading and send for signatures. Seconded by Mr. Hayes with 5 yeas from Mr. Rencich, Mr. Hayes, Mr. Blocker, Mr. LeBoeuf, Ms. Brown with 0 nays, motion carried.

8.11 Ordinance 1762- Industrial Road Rezoning

Mr. Bolduc, City Manager is an Ordinance assigning a zoning to this property and then asked the City Clerk to read Ordinance 1762 by title.

Ms. Roy, City Clerk stated "Ordinance 1762 reads by title,

ORDINANCE: 1762

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF REAL PROPERTY, LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO THE PUBLIC LANDS (P) ZONING DISTRICT; PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1762."

Mayor Whitten asked for action by Council.

A motion made by Mr. Hayes to adopt Ordinance 1762 on Second Reading and send for signatures. Seconded by Mr. Blocker with 5 yeas from Mr. Hayes, Mr. Blocker, Mr. Rencich, Ms. Brown, Mr. LeBoeuf with 0 nays, motion carried.

8.12 Ordinance 1763- 971 Industrial Annexation

Mr. Bolduc, City Manager stated that Ordinance 1763 is an ordinance to annex 971 Industrial Drive. He then asked the City Clerk to read Ordinance 1763 by title.

Ms. Roy, City Clerk stated "Ordinance 1763 reads by title,

ORDINANCE: 1763

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 1.52 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1763."

Mayor Whitten asked for action by Council.

A motion made by Mr. LeBoeuf to adopt Ordinance 1763 on Second Reading and send for signatures. Seconded by Mr. Hayes with 5 yeas from Mr. LeBoeuf, Mr. Hayes, Mr. Blocker, Ms. Brown, Mr. Rencich with 0 nays, motion carried.

8.13 Ordinance 1764- 971 Industrial Comp Plan Amendment

Mr. Bolduc, City Manager stated that this ordinance will establish the zoning for the property to City of Crestview Commercial. He then asked for the City Clerk to read Ordinance 1764 by title.

Ms. Roy, City Clerk stated “Ordinance 1764 reads by title,

ORDINANCE: 1764

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) TO COMMERCIAL (C) ON APPROXIMATELY 1.52 ACRES, MORE OR LESS, IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1764.”

Mayor Whitten asked for action by Council.

A motion made by Mr. Hayes to adopt Ordinance 1764 on Second Reading and send for signatures. Seconded by Mr. LeBoeuf with 5 yeas from Mr. Hayes, Mr. LeBoeuf, Mr. Blocker, Ms. Brown, Mr. Rencich with 0 nays, motion carried.

8.14 Ordinance 1765- 971 Industrial Rezoning

Mr. Bolduc, City Manager stated that this Ordinance establishes the zoning and asked the City Clerk to read Ordinance 1765 by title.

Ms. Roy, City Clerk stated, “Ordinance 1765 reads by title,

ORDINANCE: 1765

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 1.52 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO THE COMMERCIAL (C-1) ZONING DISTRICT; PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR

LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1765.”

Mr. Bolduc entered in all the Staff Reports into the record.

Mayor Whitten asked for action by Council.

A motion made by Mr. Rencich to adopt Ordinance 1765 on Second Reading and send for signatures. Seconded by Mr. Blocker with 5 yeas from Mr. Rencich, Mr. Blocker, Mr. Hayes, Ms. Brown, Mr. LeBoeuf with 0 nays, motion carried.

8.15 Ordinance 1766- Adopting Chapter 3 Administrative Procedures- Land Development Code 2020

Mr. Bolduc, City Manager stated this ordinance will enact Chapter 3 for the Land Development Code. He then asked the City Clerk to read Ordinance 1766 by title.

Ms. Roy, City Clerk stated “Ordinance 1766 reads by title,

ORDINANCE: 1766

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, REPEALING AND REPLACING THE CURRENT CHAPTER 102 LAND USE REGULATIONS, ARTICLE II – ADMINISTRATION WITH A NEW LAND DEVELOPMENT CODE, CHAPTER 3 ADMINISTRATIVE PROCEDURES; PROVIDING FOR AUTHORITY; PROVIDING FOR REPEAL OF ALL CHAPTER 102 LAND USE REGULATIONS ARTICLES OR PARTS OF ARTICLES, ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR ENACTMENT OF THE NEW LAND DEVELOPMENT CODE 2020, CHAPTER 3 - ADMINISTRATIVE PROCEDURES; PROVIDING FOR COMPLIANCE WITH STATE OF FLORIDA STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the Second Reading of Ordinance 1766.”

Mayor Whitten asked for action by Council.

A motion made by Mr. Hayes to adopt Ordinance 1766 on Second Reading and send for signatures. Seconded by Mr. Blocker with 5 yeas from Mr. Hayes, Mr. Blocker, Ms. Brown, Mr. LeBoeuf, Mr. Rencich with 0 nays, motion carried.

9. Ordinances on First Reading

9.1 Ordinance 1769- Recreational Camps Special Exception

Mr. Bolduc, City Manager stated that this Ordinance establishing recreational camps including a special exception for them. He then asked the City Clerk to read Ordinance 1769 by title.

Ms. Roy, City Clerk stated “Ordinance 1769 reads by title,

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.

This the First Reading of Ordinance 1769.”

Mr. Bolduc, City Manager asked if there was anyone in attendance to speak for or against Ordinance 1769.

There were no responses.

Mr. Bolduc, City Manager stated that the Ordinance will provide a new set of regulations for recreational campgrounds, recreational vehicle parks in the Land Development Code.

Mayor Whitten asked for action by Council.

A motion was made by Mr. Rencich to adopt Ordinance 1769 on First Reading and send to Second Reading. Seconded by Mr. LeBoeuf with 5 yeas from Mr. Rencich, Mr. LeBoeuf, Mr. Hayes, Mr. Blocker, Ms. Brown with 0 nays, motion carried.

9.2 Ordinance 1767- Pharmaceutical Sales Special Exception

Mr. Bolduc, City Manager stated that Ordinance is for pharmaceutical sales and the special exceptions associated with them. He then asked the City Clerk to read Ordinance 1767 by title.

Ms. Roy stated “Ordinance 1767 reads by title,

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.

This is the First Reading of Ordinance 1767.”

Mr. Bolduc, City Manager asked if there was anyone in attendance to speak for or against Ordinance 1767.

There was no response.

Mayor Whitten asked for action by Council.

A motion made by Mr. Hayes to adopt Ordinance 1767 on First Reading and move to Second Reading. Seconded by Mr. Rencich with 3 yeas from Mr. Hayes, Mr. Rencich, Mr. LeBoeuf, with 2 nays from Ms. Brown and Mr. Blocker, motion carried.

10. Action Items

10.1 Awarding of Photography Service Contract

Mr. Bolduc, City Manager stated the original bids were due on March 17, 2020 and were opened in a public meeting at City Hall in the Council Chambers. At the City Council meeting on March 23, 2020 the city manager informed the City Council that after a review of the protest he advised that all bids be rejected, and the process be repeated. On March 28, 2020 the city clerk re-advertised the photography services request for proposals. The deadline for submitting a proposal was Monday, April 27, 2020. At 2:00 pm on the same day, all proposals opened at a meeting open to the public and broadcast live. On Thursday, April 30, 2020 the Bid Review Committee met held a public meeting in the Council Chambers at City Hall. During the meeting, the Committee discussed the overall rankings as completed independently and submitted prior to the meeting. Consensus from the committee was that rankings were conclusive, and no further discussion or interview were warranted. The committee voted to send the recommendation to the City Council to award the bid to Shot In Focus Portrait Studio, who revived the overall highest ranking.

A discussion ensued relative to the information presented.

Mayor Whitten asked for questions or comments.

Mr. Moore, Attorney for Ms. DeMario of GD Photography asked questions of Ms. DeMario pertaining to taking photos on City property. Mr. Moore then addressed Council about a less restrictive way to conduct photography bid.

Discussion ensued.

A motion made by Mr. Blocker to approve the Staff recommendation to award the Photography Bid to Shot In Focus Portrait Studio. Seconded by Mr. Hayes with 5 yeas from Mr. Blocker, Mr. Hayes, Mr. LeBoeuf, Ms. Brown, Mr. Rencich with 0 nays, motion carried.

11. City Clerk Report

Ms. Roy, City Clerk informed Council that concerning the Memorial Day ceremony that the Kiwanis Club will be conducting a virtual ceremony.

11.1 Cancellation of Second May Council Meeting

Ms. Roy, City Clerk requested a consensus of Council to cancel the second scheduled Council meeting in May being that it falls on Memorial Day.

The Council gave consensus of cancelling the second scheduled Council Meeting on May 25th.

12. City Manager Report

12.1 City Manager Briefing

Mr. Bolduc, City Manager reviewed the Monthly Financial report with Council.

Discussion ensued concerning that financial report.

He then addressed the Chapter 3 of the Land Development concerning the Local Planning Agency and we will soon need to establish the Board through an application process. The last item Mr. Bolduc reviewed was the awards of the small business grant.

Discussion ensued.

13. Comments from the Mayor and Council

Ms. Brown stated that the John McMahan Environmental Center is coming along great.

Mr. LeBoeuf thanked the Staff for everything they have done.

Mr. Rencich echoed the same sentiments of Mr. LeBoeuf.

Mr. Blocker noted that progress costs money.

Mr. Hayes noted how nice it was to be in the presence of people.

Mayor Whitten informed Council that he will be applying to the NWFL League of City of Excellence Award. He chose to focus on the "Feeding Families" project because it really shows the coming together of the City. Mayor Whitten stated the City will be hosting the next Chamber of Commerce Breakfast and that the City will be hosting an upcoming NWFL League of City dinner.

Mr. Bolduc, City Manager requested a consensus for Council that under the Pandemic Plan to open the outdoor area for use by gyms at no cost.

Council gave consensus for his request.

14. Comments from the Audience

15. Adjournment

This meeting was adjourned by Mayor Whitten at 8:03 p.m.

Elizabeth M. Roy
City Clerk

J B Whitten
Mayor

Minutes approve this _____ day of _____, 20__.



Staff Report

CITY COUNCIL MEETING DATE: June 22, 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: 6/17/2020
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 second 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: 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 22, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Trae Duley, Planner
DATE: 6/18/2020
SUBJECT: Ordinance 1775 - Foxwood Annexation

BACKGROUND:

The City of Crestview has initiated the annexation for the development known as Foxwood Country Club and the surrounding neighborhood.

The annexation will consist of 202.29 acres, more or less overall and 145 single family residential lots.

City staff has held several public meetings to discuss this process. Additionally, notice letters were sent to all properties within the area.

Once approved, the annexation will have to be finalized through an election by the properties found within the annexation.

This is the same ordinance that was originally seen in April of this year at the first reading. Due to a delay in the merger of the bank that holds the property and the purchase of the property the annexation process had to be restarted.

DISCUSSION:

The city is proposing this ordinance to begin the involuntary annexation process of the Foxwood Country Club neighborhood.

Adoption of this ordinance is the first step in the process that will eventually result in a vote by the neighborhood.

The city is currently under contract to purchase the property with the intent to eventually develop the property into a recreation complex with a nine hole municipal golf course, baseball and softball fields, walking trails, a pool, tennis courts and a privately run restaurant.

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

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

The annexation of the parcels into the City is expected to partially help offset the costs of the purchase of the property and subsequent need to provide and improve needed infrastructure, such as but not limited to, sanitary sewer.

RECOMMENDED ACTION

Staff respectfully requests Council to adopt Ordinance 1754 on first reading and move to the second reading.

Attachments

1. Foxwood Newspaper Exhibit

ORDINANCE: 1775

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 202.29 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 26, TOWNSHIP 3 NORTH, RANGE 24 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

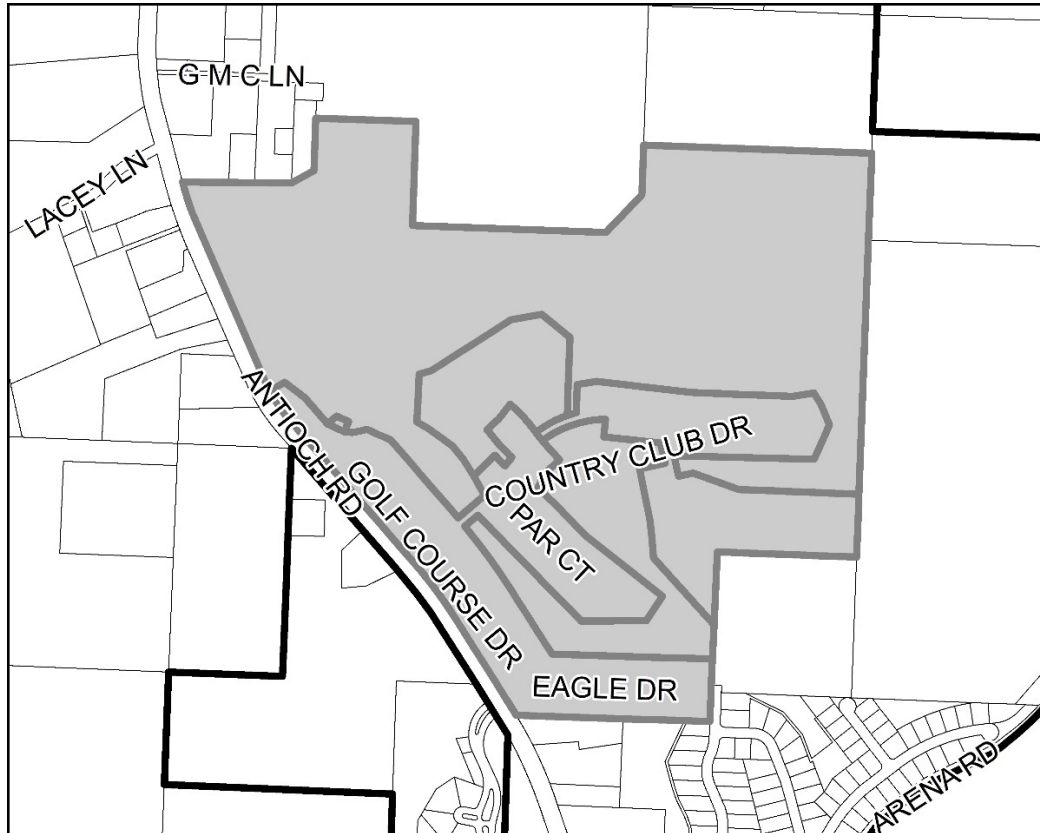
SECTION 1 – AUTHORITY.The authority for enactment of this ordinance is Chapter 171, Florida Statutes, and Section 2 of the City Charter.

SECTION 2 – LAND DESCRIPTION.The following described unincorporated area contiguous to the City of Crestview, Florida, is hereby annexed to the City:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA; THENCE PROCEED N 00°02'17" E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 1838.04'; THENCE, DEPARTING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26 PROCEED N 89°52'18" W, A DISTANCE OF 1318.31' TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE PROCEED S 00°04'08" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 300.00'; THENCE, DEPARTING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26 PROCEED S 41°39'12" W, A DISTANCE OF 300.52' TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION

26; THENCE PROCEED ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26, N 89°52'05" W, A DISTANCE OF 1117.33' TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE PROCEED, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, N 00°10'33" W, A DISTANCE OF 618.56'; THENCE, DEPARTING THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, PROCEED N 89°43'08" W, A DISTANCE OF 568.73'; THENCE PROCEED S 00°29'06" E, A DISTANCE OF 339.80'; THENCE PROCEED S 55°52'32" W, A DISTANCE OF 142.57'; THENCE PROCEED N 89°43'08" W, A DISTANCE OF 626.19' TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE PROCEED ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, S 00°11'07" E, A DISTANCE OF 68.28' TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF ANTIOCH ROAD, (100.00 FOOT RIGHT OF WAY), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 2814.93 FEET; THENCE PROCEED ALONG THE ARC OF SAID CURVED EASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 07°03'11 SECONDS, AN ARC DISTANCE OF 346.51 FEET, (CHORD BEARING AND DISTANCE = S 22°09'25" E, 346.29'), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE PROCEED S 25°41'00" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 768.32' TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1223.57 FEET; THENCE PROCEED ALONG THE ARC OF SAID CURVED EASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 17°33'15", AN ARC DISTANCE OF 374.87', (CHORD BEARING AND DISTANCE = S 34°33'13" E, 373.41'), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE PROCEED ALONG SAID EASTERLY RIGHT OF WAY LINE, S 43°28'19" E, A DISTANCE OF 997.94' TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 2914.93'; THENCE PROCEED ALONG THE ARC OF SAID CURVED EASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 8°56'00", AN ARC DISTANCE OF 454.48', (CHORD BEARING AND DISTANCE = S 39°00'19" E, 454.02') TO THE POINT OF TANGENCY OF SAID CURVE; THENCE PROCEED ALONG SAID EASTERLY RIGHT OF WAY LINE, S 34°32'19" E, A DISTANCE OF 555.09' TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 2718.49'; THENCE PROCEED ALONG THE ARC OF SAID CURVED EASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 2°09'16", AN ARC DISTANCE OF 102.22' (CHORD BEARING AND DISTANCE = S 33°29'52" E, 102.21') TO A POINT BEING AT THE INTERSECTION OF THE SAID EASTERLY RIGHT OF WAY LINE AND THE SOUTHERN LINE OF COUNTRY CLUB ESTATES OF CRESTVIEW UNIT 1, AS PLATTED IN PLAT BOOK 8, PAGES 100 AND 101, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA; THENCE PROCEED ALONG THE SAID SOUTHERN LINE OF THE SAID PLAT N 89°49'47" E, A DISTANCE OF 1114.36'; THENCE PROCEED ALONG THE EAST LINE OF THE SAID PLAT N 00°02'40" E, A DISTANCE OF 560.00' TO THE SOUTHERN POINT OF FOXWOOD ESTATES OF CRESTVIEW, UNIT II, AS PLATTED IN PLAT BOOK 9, PAGES 69 AND 70; THENCE PROCEED ALONG THE EAST LINE OF SAID FOXWOOD ESTATES, N 00°02'40" E, A DISTANCE OF 422.05' TO A POINT ON THE SOUTHERN LINE OF SAID FOXWOOD ESTATES; THENCE

PROCEED ALONG THE SAID SOUTHERN LINE S 89°57'34" E, A DISTANCE OF 811.52' TO A POINT ON THE EAST LINE OF SAID FOXWOOD ESTATES AND ALSO BEING ON THE EAST LINE OF SECTION 26; THENCE PROCEED ALONG THE SAID EAST LINE, N 00°00'13" E, A DISTANCE OF 500.00' TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, CONTAINING 202.29 ACRES, MORE OR LESS.



SECTION 3 – BOUNDARY.The existing boundary line of the City of Crestview, Florida, is modified to include the herein referenced tract of land and the base, zoning and land use maps shall be updated to reflect these changes pursuant to law.

SECTION 4 – LAND USE AND ZONING.Pursuant to general law, the property hereby annexed was subject to Okaloosa County land development, land use plan, and zoning or subdivision regulations, which shall remain in full force and effect until rezoning and land use changes are finalized by the City in compliance with the Comprehensive Plan.

SECTION 5 – COMPREHENSIVE PLAN UPDATE.Pursuant to Chapter 163.011, et seq. petitioner for annexation shall apply through the City for a Comprehensive Plan change which will designate the future land use category for the parcel as Pending with Pending to be assigned and run concurrent with the approval and adoption of the Comprehensive Plan amendment by the proper authorities.

SECTION 6 – MAP UPDATE.The Base, Zoning and Future Land Use Maps shall be updated at the earliest

possible date.

SECTION 7 – FILING. Upon passage, the City Clerk is directed to file a copy of this ordinance with the Clerk of Circuit Court of Okaloosa County and with the Florida Department of the State.

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.

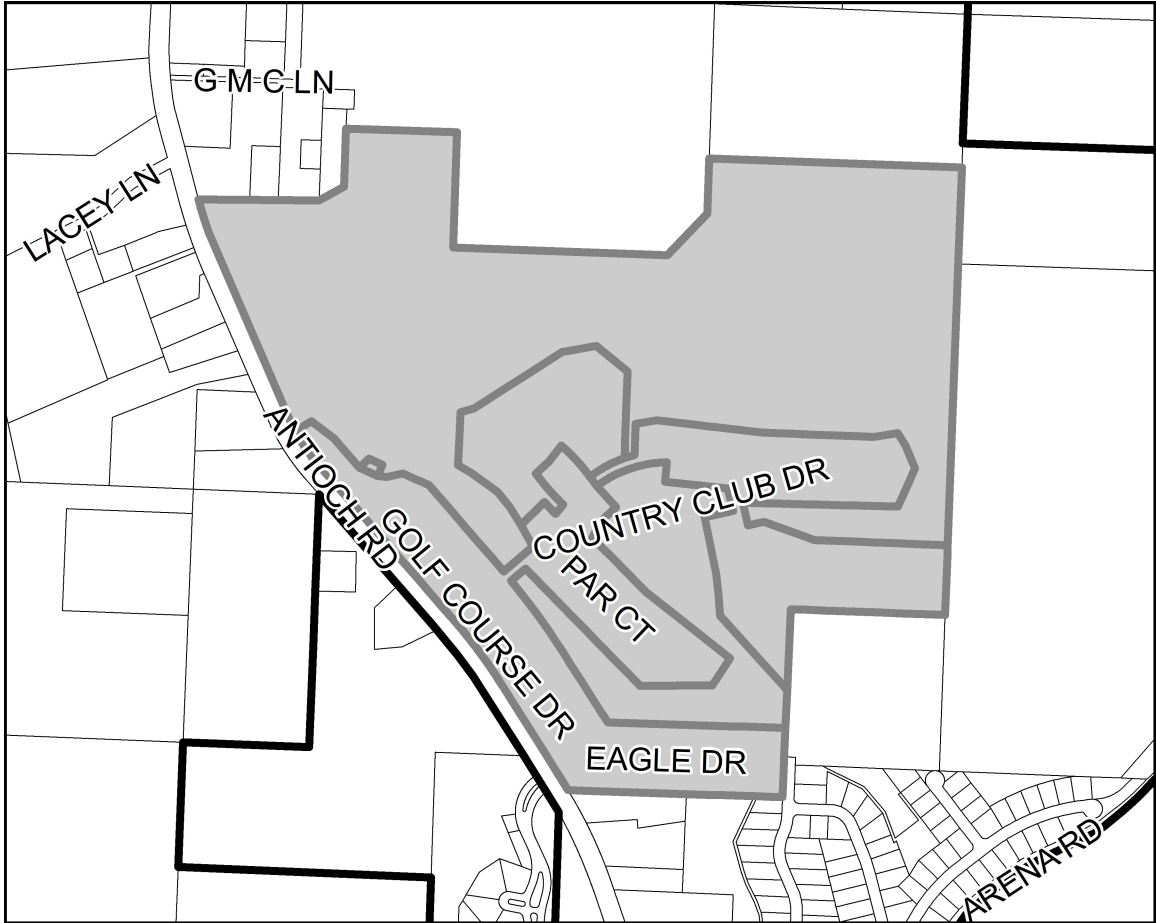
SECTION 12 – EFFECTIVE DATE. This ordinance shall take effect 10 days after approval by the vote of the registered electors of the area proposed to be annexed in a referendum required by Section 171.0413, Florida Statutes.

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 22, 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.

This ordinance was changed at the second reading on Jun 8, 2020 and is back for the first reading again. The first change requested was to adjust the minimum lot size to 3/4 of an acre (32,670 SF). The second change was to adjust the setbacks required to be consistent with the zone setbacks.

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 integrity of the surrounding areas.

- Provides minimum lots sizes required is 32,670
- 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 to be consistent with the zoning.
- 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 approval of Ordinance 1767 on first reading.

Attachments

1. Pharmaceutical Sales Special Exception Ordinance

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 32,670 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 meet the requirements of the C-1 zoning district.
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 32,670 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 meet the requirements of the C-2 zoning district.

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 32,670 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 meet the requirements of the DMU zoning district.
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 32,670 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 meet the requirements of the M-1 zoning district.
 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 decides 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

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:

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 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 meet the requirements of the C-1 zoning district.
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 (10) 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 32,670 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 meet the requirements of the C-2 zoning district.

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 (10) 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 32,670 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 meet the requirements of the DMU zoning district.
 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 (10) 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 32,670 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 meet the requirements of the M-1 zoning district.
 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 (10) 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 decides 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 22, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Elizabeth Roy, City Clerk
DATE: 6/17/2020
SUBJECT: Ordinance 1776 Changes to the General Retirement System

BACKGROUND:

The City Manager was hired in February of 2019.

DISCUSSION:

As a part of the Contract for Hire, the City Council agreed to pay the manager's portion of the City retirement plan.

This is a generally accepted practice for City Manager contracts.

The general retirement plan has to be amended to reflect this change.

The general retirement board voted to approve this ordinance.

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.

FINANCIAL IMPACT

The financial impact to the City has been made a part of the budget.

RECOMMENDED ACTION

Staff respectfully requests the council to adopt ordinance 1776 on first reading and send to second reading.

Attachments

None

ORDINANCE: 1776

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS GENERAL RETIREMENT PLAN AS ESTABLISHED BY ORDINANCE 780, AMENDING ITEM 1 A UNDER SECTION 5; PROVIDING FOR AUTHORITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Crestview, Florida established a General Retirement Pension System in September of 1992; and

WHEREAS, the City of Crestview has determined that, by contract agreements, certain Management individuals may be exempt from participating in the General Retirement Pension System,

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

SECTION 1 AUTHORITY. The authority for the enactment of this ordinance is contained in Chapter 166.021 F.S and Section 4.02 City Charter

SECTION 2: Section 5. Contributions, Item 1 Member Contributions, Item A of Ordinance 780 shall be amended to read:

1. Member Contributions.

1. Amount. Members of the Retirement System shall be required to make regular contributions to the Fund in the amount of six and four tenths percent (6.4%) of his salary, except for exceptions outlined in Section 5. Contributions, Item 1 Member Contributions, Item C. Member contributions withheld by the City on behalf of the Member shall be deposited with the Board of Trustees at least monthly. The contributions made by each member to the fund shall be designated as employer contributions pursuant to 414(h) of the Internal Revenue code of 1986, Such designation is contingent upon the contributions being excluded from the Members' gross income for Federal Income Tax purposes. For all other purposes of the Plan, such contributions shall be considered to be Member contributions.

SECTION 3: Section 5. Contributions, Item 1 Member Contributions, Ordinance 780 shall be amended to read:

C: The City Council of the City of Crestview, may, as a factor in an Employment Agreement or Contract, agree to pay all or part of the employee that is the subject of the Employee agreement Contract contributions to the Retirement fund. Such funds shall be treated as outlined in Section 5. Item 1 A.

SECTION 4: REPEALER. All ordinances or parts of ordinances in conflict with these changes are hereby repealed to the extent of the conflict

SECTION 5 ; EFFECTIVE DATE. This ordinance shall take effect upon the Second Reading of the Ordinance by the City Council of the City of Crestview.



Staff Report

CITY COUNCIL MEETING DATE: June 22, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Andrew Schneider
DATE: 6/17/2020
SUBJECT: Canine Containment System

BACKGROUND:

The Crestview Police Department is in need of purchasing an exterior canine containment system for one of the department canines. Currently, our newest canine, Walker, while at home, resides in a home-made kennel area. Unfortunately, the kennel does not meet the minimum standards for safety and security and could create a liability in the event the canine were able to compromise the structure.

Historically, police canines that must be kept outside of the residence, are maintained in a specially designed canine containment system, which includes adequate ventilation, protection from the elements of weather and includes a built-in hydration system. These systems are also secure from escape and compromise and offer a significant reduction in possible liabilities.

To maintain compliance with the safety of the canine and achieve the goal of safely securing the police canine, the Crestview Police Department proposes the purchase of a new canine containment system.

DISCUSSION:

To benefit the safety of Canine Walker, the Crestview Police Department proposes the purchase of a canine containment system. The system is designed specifically for police working dogs and is recognized as being a safe kenneling system that achieves the necessary safety requirements.

Without adequate kenneling, the Crestview Police Department takes on a prospective liability in the event the canine is injured, or escapes the current kenneling system.

It is imperative the the department provide adequate kenneling to prevent Canine Walker from escaping and potentially running loose or possibly even becoming injured by not having a secure living space.

Furthermore, the Canine Containment System is movable and reusable and can be transported to other locations if necessary.

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.

Safety- Ensure the continuous safety of citizens and visitors

FINANCIAL IMPACT

The Crestview Police Department will need to acquire a Canine Containment System with proper safety features, that is projected to have an expense of not more than \$3,500.00.

RECOMMENDED ACTION

Staff respectfully requests permission to utilize forfeiture funds to purchase the Canine Containment System for the department canine, Walker. There is currently \$5,200 in State Forfeiture Funds.

Attachments

1. Canine Containment System

