



**CITY COUNCIL REGULAR MEETING AGENDA
MARCH 11, 2024
6:00 P.M.
COUNCIL CHAMBERS**

The Public is invited to view our meetings on the City of Crestview Live stream at <https://www.cityofcrestview.org> or the City of Crestview Facebook Page.

- 1. Call to Order**
- 2. Invocation, Pledge of Allegiance**
 - 2.1. Pastor T.J. Hearndon of The Shepherd's Church
- 3. Open Policy Making and Legislative Session**
- 4. Approve Agenda**
- 5. Presentations and Reports**
- 6. Consent Agenda**
 - 6.1. Approval of City Council Regular Meeting Minutes of February 26, 2024
- 7. Public Hearings / Ordinances on Second Reading**
- 8. Ordinances on First Reading**
 - 8.1. Ordinance 1965 – Noise Ordinance Amendments
- 9. Resolutions**
- 10. Action Items**
- 11. City Clerk Report**
- 12. City Manager Report**
 - 12.1. Smoking in City Parks
 - 12.2. Monthly Department Report - Parks and Recreation
- 13. Comments from the Mayor and Council**
- 14. Comments from the Audience**

15. Adjournment

The Presentations 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 Items 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. Florida Statute 286.0105. Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission 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 requirements of this section do not apply to the notice provided in s. 200.065(3). In accordance with Section 286.26, F.S., persons with disabilities needing special accommodations, please contact Maryanne Schrader, City Clerk at cityclerk@cityofcrestview.org or 850-628-1560 option 2 within 48 hours of the scheduled meeting. 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: March 11, 2024

TYPE OF AGENDA ITEM: Presentation

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Jerry Whitten, Mayor
DATE: 1/29/2024
SUBJECT: Pastor T.J. Hearndon of The Shepherd's Church

BACKGROUND:

Area churches are invited to provide the Invocation on a routine basis.

DISCUSSION:

Area clergy volunteer to provide an Invocation and lead the Council in the Pledge of Allegiance.

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

n/a

RECOMMENDED ACTION

No action required.

Attachments

None



Staff Report

CITY COUNCIL MEETING DATE: March 11, 2024

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Maryanne Schrader
DATE: 3/1/2024
SUBJECT: Approval of City Council Regular Meeting Minutes of February 26, 2024

BACKGROUND:

The City Council routinely approves minutes from prior meetings.

DISCUSSION:

The draft minutes were distributed to the Council prior to the meeting.

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

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Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

n/a

RECOMMENDED ACTION

Motion to approve the City Council regular meeting minutes of February 26, 2024.

Attachments

1. 02262024 City Council Regular Meeting Meeting Minutes Draft

City Council Minutes Draft
February 26, 2024
6:00 p.m.
Council Chambers

1. Call to Order

The Regular Meeting of the Crestview City Council was called to order at 6:00 p.m. by Mayor JB Whitten. Board members present: Mayor Pro-Tem Andrew Rencich, Council members: Doug Capps, Cynthia Brown, Joe Blocker, and Ryan Bullard. Also present: City Manager Tim Bolduc, City Clerk Maryanne Schrader, City Attorney Jonathan Holloway, and various staff members.

2. Invocation, Pledge of Allegiance

2.1. Pastor Brian Walton of Community of Christ Church

The Invocation and Pledge of Allegiance was led by Pastor Brian Walton of Community of Christ Church.

3. Open Policy Making and Legislative Session

Mayor JB Whitten established that a quorum had been met and went over the rules and procedures of the meeting.

4. Approve Agenda

Mayor JB Whitten called for action.

Motion by Councilmember Ryan Bullard and seconded by Councilmember Doug Capps to approve the agenda, as presented.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

5. Presentations and Reports

5.1. Presentation of Awards - John Hamilton, VFW

Mayor JB Whitten announced that John Hamilton, VFW, was presenting several awards. John Hamilton presented Law Enforcement Officer Donald Howe with a certificate and check.

John Hamilton then called Firefighter Ashton Lee forward and presented him with a certificate and check.

John Hamilton called the Teacher of the Year, Amy Bowden, forward and presented her with a certificate and check.

Mayor JB Whitten also presented Amy Bowden with a Certificate of Achievement.

5.2. Proclamation Declaring Awareness of Problem Gambling in the Month of March

Mayor JB Whitten declared March 2024 as Awareness of Problem Gambling month and read a proclamation.

6. **Consent Agenda**

Mayor JB Whitten called for action.

City Manager T. Bolduc stated that the fence repair at the Wastewater Treatment Plant came in higher at \$88,950 and asked that the agenda be amended to reflect the change.

Motion by Councilmember Joe Blocker and seconded by Councilmember Cynthia Brown to approve the Consent Agenda, as amended.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

6.1. Approval of City Council Regular Meeting Minutes of February 12, 2024

6.2. Approval of Gregg Chapel Agreement

6.3. Approval of Wastewater Treatment Plant Improvements

7. **Public Hearings / Ordinances on Second Reading**

7.1. Ordinance 1962 - Amending Board Terms and Regulations

CDS Planning Administrator Nicholas Schwendt presented Ordinance 1962, amending Board Terms and Regulations, for the Planning and Development Board to the City Council and asked the City Clerk to read the ordinance by title.

City Clerk Maryanne Schrader read Ordinance 1962 aloud: An Ordinance Amending Planning and Development Board Term Provisions and Regulations; Providing for Amendment of Section 2-63 of the Code of Ordinances; Providing For Amendment of Section 3.01.02 of the Land Development Code; Providing For Authority; 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.

Mayor JB Whitten called for comment from the Council. Mayor JB Whitten called for comment from the public. In hearing none, he called for action.

Motion by Mayor Pro-Tem Andrew Rencich and seconded by Councilmember Ryan Bullard to approve Ordinance 1962 on 2nd reading for final adoption.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

7.2. Ordinance 1963 - CRA Board Terms and Regulations

CDS Planning Administrator Nicholas Schwendt presented Ordinance 1963, Community Redevelopment Agency Board Terms and Regulations, to the City Council and asked the City Clerk to read Ordinance 1963 by Title.

City Clerk Maryanne Schrader read Ordinance 1963 aloud: An Ordinance Amending Community Redevelopment Agency Term Provisions and Regulations; Providing For Amendment of Section 2-98 of the Code of Ordinances; Providing For Authority; 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.

Mayor JB Whitten called for comment from the Council. Mayor JB Whitten called for comment from the public. In hearing none, he called for action.

Motion by Councilmember Joe Blocker and seconded by Councilmember Cynthia Brown to approve Ordinance 1963 on 2nd reading for final adoption.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

- 7.3. Ordinance 1964 - Affordable Housing Advisory Committee Terms and Regulations
CDS Planning Administrator Nicholas Schwedt presented Ordinance 1964, Affordable Housing Advisory Committee terms and Regulations to the City Council and asked the City Clerk to read Ordinance 1964 by Title.

City Clerk Maryanne Schrader read Ordinance 1964 aloud: An Ordinance Amending Affordable Housing Advisory Committee Term Provisions and Regulations; Providing For Amendment of Section 32-18 of the Code of Ordinances; Providing For Authority; 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.

Mayor JB Whitten called for comment from the Council and the public. In hearing none, he called for action.

Motion by Councilmember Doug Capps and seconded by Councilmember Ryan Bullard to approve Ordinance 1964 on 2nd reading for final adoption.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

8. Ordinances on First Reading

9. Resolutions

- 9.1. Resolution 24-3 - Annexation Moratorium Extension

CDS Planning Administrator Nicholas Schwedt presented Resolution 24-3, Annexation Moratorium Extension, to the City Council. He mentioned a geographic boundary was added within which the moratorium will be effective.

City Manager T. Bolduc said it will help us try to control the growth in the area. We currently have shopping centers and subdivisions talking to us, so we want to focus

on an area for us to focus on.

Councilmember D. Capps asked about going north on Airport and Old Bethel to service Hwy 85, and City Manager T. Bolduc said right now when those properties request service, we inform them that we cannot provide water, as Auburn Water services that area. We can waive the annexation fee north of there, but we have to make decisions on capacity now.

CDS Planning Administrator Nicholas Schwedt said the fee will not discourage large developments.

Discussion ensued on whether we should clearly define the boundaries, offer a waiver from those developments off of north 85, and the cost burden vs. the ad valorem.

Motion by Mayor Pro-Tem A. Rencich to amend the resolution to include all areas desiring annexation and to add the one year provision.

City Clerk Maryanne Schrader read Resolution 24-3 aloud: A Resolution of the City of Crestview, Florida, Amending the Comprehensive Fee Schedule, Providing For A Twelve-Month Waiver Period For the Collection of Annexation Application Fees; Providing For Severability; Providing For Repeal of All Resolutions or Parts of Resolutions In Conflict Herewith and Providing For An Effective Date.

Mayor JB Whitten called for comment from the Council. In hearing none, he called for action.

Motion by Mayor Pro-Tem, Andrew Rencich and seconded by Councilmember Doug Capps to adopt Resolution 24-3, as amended with the removal of boundaries, and maintaining the one-year moratorium.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

9.2. Resolution 24-4 Affordable Housing Advisory Committee Appointment

CDS Planning Administrator Nicholas Schwedt presented Resolution 24-4, Affordable Housing Advisory Committee Appointment, to the City Council. He said the appointees only have to meet once a year to analyze the procedures per statute. He added the committee will allow the necessary functions in statute to be completed, ensuring future availability of SHIP funds for affordable housing.

He then asked the City Clerk to read Resolution 24-4 by title.

City Clerk Maryanne Schrader read Resolution 24-4 aloud: A Resolution Appointing Members of the Affordable Housing Advisory Committee; Providing For Authority; and Providing For An Effective Date.

Mayor JB Whitten called for comment from the Council. In hearing none, he called

for action.

Motion by Councilmember Ryan Bullard and seconded by Councilmember Joe Blocker to adopt Resolution 24-4.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

10. Action Items

10.1. Water Tower Site on Old Bethel Road

City Manager Tim Bolduc mentioned Live Oak Fiber is requesting an easement for expansion in the Old Bethel Road area.

Motion Councilmember Cynthia Brown and seconded by Councilmember Joe Blocker to approve the Water Tower Site easement for Old Bethel Road.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

10.2. Rayburn Street Apartments Traffic MOU

CDS Planning Administrator Nicholas Schwendt spoke on the Rayburn Street Apartments project. He mentioned a traffic study will be needed. In this specific case, the Memorandum of Understanding provides for the developer to participate in costs not to exceed the total amount of \$3,800.00.

City Manager T. Bolduc added that he contacted the County regarding a joint mobility fee study and determined it may make sense for us to pay for our own study based on timeliness.

Motion by Councilmember Doug Capps and seconded by Councilmember Joe Blocker to approve the Memorandum of Understanding and have the Mayor and the City Clerk sign the MOU.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

10.3. Approval to Spend Forfeiture Funds

City Manager T. Bolduc said this particular account requires Council approval before expenditure of forfeiture funds. It will return funds back to the account from the event we just held.

Motion by Mayor Pro-Tem Andrew Rencich and seconded by Councilmember Ryan Bullard to approve the expenditure of funds.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

10.4. Purchase of additional Cartegraph domains

Administrative Services Director Jessica Leavins went over the history of the software and stated that additional modules are needed for Parks, Facilities, and the Wastewater Treatment Plant. She added we will have better data, as data will be able

to be shared among several departments.

Motion by Councilmember Doug Capps and seconded by Councilmember Cynthia Brown to approve the purchase and the Mayor to sign the contract with OpenGov. Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

10.5. RAM Program that Offers Free Medical, Dental, and Optical Care

Mayor JB Whitten introduced a remote medical care program that offers free dental, eye exams, and shots. He said Mr. Mitchell has been participating it.

Edward Mitchell said a letter from the mayor will help demonstrate our financial support for the project.

Motion by Mayor Pro-Tem Andrew Rencich and seconded by Councilmember Cynthia Brown to approve Mayor Whitten writing a letter of invitation to the City to demonstrate that the City Council supports the RAM program.

Roll Call: Ayes: Joe Blocker, Cynthia Brown, Andrew Rencich, Doug Capps, Ryan Bullard. All ayes. Motion carried.

11. **City Clerk Report** – No report.

12. **City Manager Report**

12.1. Form 6 Litigation Update

City Attorney Jonathan Holloway provided an update on the litigation for the Form 6 challenge regarding the passage of legislation. The cost to the city would be \$10,000 minimum, and if Council approved joining in the lawsuit, he would bring a resolution to the next meeting.

Mayor JB Whitten called for comment from the Council.

Discussion ensued on Form 6 and the City Council agreed that it is not a wise investment of funds. They also agreed that the volunteer Boards should not have to complete Form 6.

Mayor JB Whitten called for comment from the public. In hearing none, he called for action.

There was no motion, so the item failed to move forward.

12.2. Financial Update - Finance Director

Finance Director Gina Toussaint stated the staff report contained links for the November and December Monthly Financial Statements, First Quarter Pooled Cash Carryforward, as well as the January Check Register.

12.3. Monthly Department Report - Community Development Services

CDS Director Barry Henderson presented an overview of the Community

Development Services and mentioned supporting Animal services with safe structures and a new facility. He added his department is working on the grants program. He went over the implementation of MGO in the building, permits and inspections division. They have also provided training programs. He went over improvements with the BTR fees by initiating a flat fee. He went over the annexations and development orders, including both commercial and residential. He mentioned that the planning and zoning staff have taken over the planning processes related to the CDBG and SHIP programs. He mentioned collaborating with the consultants to update the Comprehensive Plan. They continue to work with Eglin Air Force Base to locate a Child Development Center in the city, as well as partnering on housing and transportation needs.

13. Comments from the Mayor and Council

Mayor JB Whitten called for comment from the Council.

Councilmember D. Capps announced an event at Allen Park for schools regarding free and reduced lunch programs. He passed out a flyer regarding the event stating the schools are asking for Council support for their programs.

Councilmember R. Bullard asked about the Twin Hills park and maintenance issues, and City Manager T. Bolduc explained the maintenance on the bathrooms are being done adding wherever they are working that portion will be closed off.

Councilmember J. Blocker said everything is on track and working well.

Mayor Pro-Tem A. Rencich mentioned he would like a review of the ordinance regarding a need for a permit to work on Saturday. He also mentioned the need for a Town Hall in the near future. In response, City Manager T. Bolduc said that during construction on Redstone, the staff's perspective was to review the ordinance for a six-day workweek. Currently, we have accommodated business, but we will recommend that the ordinance be reviewed to add Saturday. He added Sunday would be a waiver depending on location. He added staff is working on setting up a Town Hall.

Mayor JB Whitten said we have had a successful sale of books with Friends of the Library. He added the groundbreaking for Twin Hills Park was held last Monday, as well as the groundbreaking on Vineyard Village today which had a good turnout. He also announced that the Okaloosa County Health Improvement Award from the County Health Department was presented to Chance and Peyton for the work they had done. He said the Community Walk was successful and thanked Chief McCosker. He mentioned Triple B is on March 23rd.

14. Comments from the Audience

Mayor JB Whitten called for comment from the public.

Shannon Hayes congratulated Tim Bolduc on the direction of the city. He said 99% of the people he has spoken to are from other areas and came for the location. He said we have 30,000 people unofficially and are exceeding the 2.9% growth rate. He added we still need

more information on local events.

Cynthia West mentioned the need for a YMCA and asked about access to a facility. City Manager T. Bolduc said we are planning to hire a company to provide a survey for an indoor facility. However, the project is about four to five years out.

15. Adjournment

Mayor JB Whitten adjourned the meeting at 7:12 p.m.

Minutes approved this __ day of __, 2024.

JB Whitten
Mayor

Maryanne Schrader
City Clerk
Proper Notice having been duly given



Staff Report

CITY COUNCIL MEETING DATE: March 11, 2024

TYPE OF AGENDA ITEM: 1st reading no PDB

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Barry Henderson, Development Services Director, Nicholas Schwendt, CDS Planning Administrator
DATE: 3/7/2024
SUBJECT: Ordinance 1965 - Noise Ordinance Amendments

BACKGROUND:

Over the last few years, a number of situations have arisen regarding both construction-related and electronically amplified noises. Throughout those situations, staff has been considering a number of changes to the City noise regulations that would better fit the current opinion of the Council and also be more easily understandable and enforceable by staff.

DISCUSSION:

The attached ordinance amends our current noise regulations in various ways. Overall, it consolidates and simplifies a number of similar categories ('Construction activities' and 'Construction equipment', as well as 'radios, phonographs and similar devices' and 'Electronic Sound Amplification'), while providing simpler but more decisive standards for the consolidated noise categories.

Construction noise is only permitted to take place between sunrise and sunset, Monday through Saturday, with no additional staff interpretation or determination allowed or required. It does provide an exception for construction activities conducted by homeowners and tenants of single-family residences for personal, non-commercial purposes to take place on Sunday, as well as an exception for emergency utility or infrastructure-related repairs to take place whenever necessary.

Electronic sound amplification is clarified to mean any machine or device used to amplify the human voice, music or other sound, and is simplified to prohibit the production of a sound heard more than 50 feet from the containing structure from 11 p.m. to 7 a.m., except when conducted in conjunction with a permitted special event.

GOALS & OBJECTIVES

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

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

Financial Sustainability- Achieve long term financial sustainability

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

Infrastructure- Satisfy current and future infrastructure needs

Communication- To engage, inform and educate public and staff

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

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There is no expected financial impact upon the City resulting from the proposed ordinance.

RECOMMENDED ACTION

Staff respectfully requests a motion to approve Ordinance 1965 and move to Second Reading for adoption.

Attachments

1. Ordinance 1965 - Amending Section 30-1 - Regulation of Noise

ORDINANCE: 1965

AN ORDINANCE AMENDING NOISE REGULATIONS WITHIN THE CITY OF CRESTVIEW; PROVIDING FOR AMENDMENT OF SECTION 30-1 OF THE CODE OF ORDINANCES; PROVIDING FOR AUTHORITY; 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 – AMENDING SECTION 30-1 OF THE CODE OF ORDINANCES.

Sec. 30-1. Regulation of noise—Generally.

- (a) It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the city.
- (b) The following acts, among others, are declared to be loud and raucous noises in violation of this section, which enumeration shall not be deemed to be exclusive:
 - (1) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on a street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. The use of sirens, except by authorized emergency vehicles, is prohibited.

~~(2) *Radios, phonographs and similar devices.*~~

~~The using, operating or permitting to be played, used or operated any radio receiving set, television set, boom box set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners thereto. The operation of any device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.~~

- ~~(32)~~ *Loud vocal noises.* Vocal noises made in a loud and raucous manner between the hours of 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort

or repose of persons in any office or other place of business, or in any dwelling, hotel or other type of residence.

- (43) ~~Construction activities and construction equipment or repairing of buildings.~~ The erection, including excavation, demolition, alteration or repair, Construction activities and use of any construction equipment of any building on any given property that creates noise perceivable from any adjacent residential property may only take place between sunrise and sunset on weekdays and Saturday with the following exceptions:

a. Those activities conducted by homeowners or tenants of single-family residences for personal, non-commercial purposes may take place on Sunday.

b. Emergency utility or infrastructure-related repairs may take place on any day or at any time as necessary to make the needed repairs.

~~other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of the public health and safety, and then only with a permit from the building inspector should he determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.~~

- (54) *Schools, courts, churches, hospitals, medical facilities.* The creation of any excessive noise on any street adjacent to any school, institution of learning, medical facility, church or court, while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of the institution or which disturbs or unduly annoys patients in a hospital; provided, that conspicuous signs are displayed in such streets indicating that such street is a school, medical facility, hospital, or court street.

- ~~(6) Construction equipment.~~ The operation between the hours of 6:00 p.m. and 7:00 a.m. and at any time on Sundays of any pile driver, steam or power shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

- (57) *Electronic sound amplification.* The use of electronic sound amplification equipment in such a manner as to produce a sound which is capable of being heard at a point in excess of 50 feet from the building, structure, or vehicle containing said equipment source thereof between the hours of 11:00 p.m. and 7:00 a.m. is prohibited ~~in the following zones: agriculture district, one (single) family district, multiple-family district and commercial district.~~ except when such use is conducted in conjunction with a permitted special event. "Electronic sound amplification equipment" means any machine or device used for the amplification of the human voice, music or any other sound.

- (c) The provisions of subsections (b)(1) through (75) are intended to be construed to secure for the people freedom from unwanted loud and raucous noise as described in this section without violating any of the rights secured by the Constitution to the people,

and are not intended, nor shall they be construed, to regulate the usual and customary noise incidental to urban life.

SECTION 2 – AUTHORITY. The authority for enactment of this ordinance is section 166.021, Florida Statutes and Section 2 of the City Charter, and the City of Crestview Land Development Code.

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

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

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

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

SECTION 7 – EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

Passed and adopted on second reading by the City Council of Crestview, Florida on the 25th day of March 2024.

Approved by me this 25th day of March 2024.

J. B. Whitten, Mayor

ATTEST:

Maryanne Schrader, City Clerk

ORDINANCE NO. 1965

AN ORDINANCE AMENDING NOISE REGULATIONS WITHIN THE CITY OF CRESTVIEW; PROVIDING FOR AMENDMENT OF SECTION 30-1 OF THE CODE OF ORDINANCES; PROVIDING FOR AUTHORITY; 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 – AMENDING SECTION 30-1 OF THE CODE OF ORDINANCES.

Sec. 30-1. Regulation of noise—Generally.

- (a) It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the city.
- (b) The following acts, among others, are declared to be loud and raucous noises in violation of this section, which enumeration shall not be deemed to be exclusive:
 - (1) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on a street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. The use of sirens, except by authorized emergency vehicles, is prohibited.
 - (2) ~~*Radios, phonographs and similar devices. The using, operating or permitting to be played, used or operated any radio receiving set, television set, boom box set, musical instrument, phonograph or other machine or device for the*~~

~~producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners thereto. The operation of any device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.~~

(32) *Loud vocal noises.* Vocal noises made in a loud and raucous manner between the hours of 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any office or other place of business, or in any dwelling, hotel or other type of residence.

(43) ~~*Construction—activities and construction equipment or repairing of buildings.* The erection, including excavation, demolition, alteration or repair, Construction activities and use of any construction equipment of any building on any given property that creates noise perceivable from any adjacent residential property may only take place between sunrise and sunset on weekdays and Saturday with the following exceptions:~~

- a. ~~Those activities conducted by homeowners or tenants of single-family residences for personal, non-commercial purposes may take place on Sunday.~~
- b. ~~Emergency utility or infrastructure-related repairs may take place on any day or at any time as necessary to make the needed repairs.~~

~~other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of the public health and safety, and then only with a permit from the building inspector should he determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the~~

~~hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.~~

(~~54~~) *Schools, courts, churches, hospitals, medical facilities.* The creation of any excessive noise on any street adjacent to any school, institution of learning, medical facility, church or court, while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of the institution or which disturbs or unduly annoys patients in a hospital; provided, that conspicuous signs are displayed in such streets indicating that such street is a school, medical facility, hospital, or court street.

~~(6) — Construction equipment. The operation between the hours of 6:00 p.m. and 7:00 a.m. and at any time on Sundays of any pile driver, steam or power shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.~~

(~~57~~) *Electronic sound amplification.* The use of electronic sound amplification equipment in such a manner as to produce a sound which is capable of being heard at a point in excess of 50 feet from the building, structure, or vehicle containing said equipment ~~source thereof~~ between the hours of 11:00 p.m. and 7:00 a.m. is prohibited ~~in the following zones: agriculture district, one (single) family district, multiple-family district and commercial district.~~ except when such use is conducted in conjunction with a permitted special event. “Electronic sound amplification equipment” means any machine or device used for the amplification of the human voice, music or any other sound.

(c) The provisions of subsections (b)(1) through (~~75~~) are intended to be construed to secure for the people freedom from unwanted loud and raucous noise as described in this section without violating any of the rights secured by the Constitution to the people, and are not intended, nor shall they be construed, to regulate the usual and customary noise incidental to urban life.

SECTION 2 – AUTHORITY. The authority for enactment of this ordinance is section 166.021, Florida Statutes and Section 2 of the City Charter, and the City of Crestview Land Development Code.

SECTION 3 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or

unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

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

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

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

SECTION 7 – EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

Passed and adopted on second reading by the City Council of Crestview, Florida on the 25th day of March 2024.

ATTEST:

Maryanne Schrader
City Clerk

Approved by me this 25th day of March, 2024.

J. B. Whitten
Mayor



Staff Report

CITY COUNCIL MEETING DATE: March 11, 2024

TYPE OF AGENDA ITEM: Presentation

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Tim Bolduc, City Manager
DATE: 3/7/2024
SUBJECT: Smoking in City Parks

BACKGROUND:

HB 105 was approved by Governor DeSantis on June 24, 2022, allowing counties and municipalities to restrict smoking within parks that they own, or parks within a municipal jurisdiction that are owned by the County, where there is no conflict with a county ordinance. Previously, smoking restrictions were entirely preempted to the State. This change in Chapter 386.209 of the Florida Statute does not allow municipalities or counties to further restrict the smoking of unfiltered cigars.

DISCUSSION:

An ordinance was previously considered by the City Council to ban smoking within all parks within the City, pursuant to the change in statute. At that time, the Council decided not to move forward with the ordinance as it was written. Upon further consideration, staff has drafted an ordinance that proposes to ban smoking within Twin Hills Park, providing for designated smoking areas within the park, and to be posted by the City.

GOALS & OBJECTIVES

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

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

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

Communication- To engage, inform and educate public and staff

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

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There is no expected financial impact upon the City resulting from the proposed ordinance.

RECOMMENDED ACTION

Staff respectfully requests consensus from the Council to consider the ordinance on first reading at a later date.

Attachments

1. Ordinance Draft - Smoking in Twin Hills Park

ORDINANCE:

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA,
PROVIDING FOR AUTHORITY; PROVIDING FOR AMENDING
CHAPTER 58 OF THE CODE OF ORDINANCES TO PROHIBIT
SMOKING WITHIN TWIN HILLS PARK AS AUTHORIZED BY
CHAPTER 386.209 OF THE FLORIDA STATUTES; PROVIDING FOR
FILING OF THIS ORDINANCE WITH THE CLERK OF THE CIRCUIT
COURT OF OKALOOSA COUNTY; PROVIDING FOR
SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS;
PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR
REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN
CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, Chapter 386.209 of the Florida Statutes formerly preempted the regulation of smoking to the State of Florida; and

WHEREAS, Citizens that currently utilize outdoor recreational facilities within the City limits are subject to unhealthy secondhand smoke from inconsiderate smokers; and

WHEREAS, a report by the United States Department of Health and Human Services, Surgeon General states that tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known to cause cancer, and exposure to secondhand smoke can cause numerous health problems and has been linked to cancer and other fatal diseases; and

WHEREAS, the staff analysis published for House Bill (HB) 105 references studies from United Health Foundation, America's Health Rankings, the Centers for Disease Control and Prevention, and others regarding the impact that smoking has on the health of citizens; and

WHEREAS, the Center of Disease Control states secondhand smoke is generally defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker; and

WHEREAS, the as reports referenced in the staff analysis for HB 105 further states that exposure to secondhand smoke can cause health problems and has been causally linked to cancer and other fatal diseases. Studies suggest that secondhand smoke in crowded outdoor areas can cause concentrations of air contaminants comparable to those caused by indoor smoking; and

WHEREAS, state law prior to FY 2022-2023 prohibited cities and counties from establishing reasonable smoke-free zones or designated smoking areas so that citizens can enjoy recreational facilities without encountering dangerous secondhand smoke; and

WHEREAS, HB 105, as amended, passed the Florida Legislature on March 2, 2022, and was adopted by the Governor on June 24, 2022, becoming effective on July 1, 2022; and

WHEREAS, the City Council determines a public health and safety need to prohibit smoking within certain areas within certain City parks.

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

SECTION 1 - AUTHORITY. The authority for enactment of this ordinance is Chapter 166.021, Florida Statutes, Section 386.209 of the Florida Statutes, and Section 2 of the City Charter.

SECTION 2 – AMENDMENT OF CODE OF ORDINANCES SECTION 58-1 – USE REGULATIONS. Section 58-1 of the City of Crestview shall be amended as follows:

- (18) Smoking in Twin Hills Park Prohibited. Smoking and/or the use of vapor-generating devices within the boundaries of Twin Hills Park is prohibited as authorized by Chapter 386.209, F.S., except for designated smoking areas posted by the City. Unfiltered cigars are exempt from this provision.

SECTION 3 – 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 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 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 5 - SCIVENER'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 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 immediately upon its adoption.

Passed and adopted on second reading by the City Council of Crestview, Florida on the ____ day of _____, 2024.

Approved by me this ____ day of _____, 2024.

J. B. Whitten
Mayor

ATTEST:

Maryanne Schrader
City Clerk

ORDINANCE XXXX

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES TO PROHIBIT SMOKING WITHIN TWIN HILLS PARK AS AUTHORIZED BY CHAPTER 386.209 OF THE FLORIDA STATUTES; PROVIDING FOR FILING OF THIS ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT OF OKALOOSA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, a report by the United States Department of Health and Human Services, Surgeon General states that tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known to cause cancer, and exposure to secondhand smoke can cause numerous health problems and has been linked to cancer and other fatal diseases; and

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SECTION 8 - EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

Passed and adopted on second reading by the City Council of Crestview, Florida on the ___ day of _____, 2024.

Approved by me this ___ day of _____, 2024.

J. B. Whitten
Mayor

ATTEST:

Maryanne Schrader
City Clerk

DRAFT



Staff Report

CITY COUNCIL MEETING DATE: March 11, 2024

TYPE OF AGENDA ITEM: Presentation

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Brady Peters, Parks and Recreation Director
DATE: 3/7/2024
SUBJECT: Monthly Department Report - Parks and Recreation

BACKGROUND:

Department Monthly City Council Update

DISCUSSION:

The baseball and softball leagues have begun practicing as of today, with 892 young athletes in our program, for a total of 71 teams. We are back out at Garden City after 5 seasons to accommodate everybody. We will be holding an Opening Day Ceremony on April 6th at Crestview High School where all the teams will show up in their uniforms and be announced to get the spring seasons kicked off. The first games will be held on the following Monday, April 8th.

The Twin Hills Children's Park construction has gotten underway with the Splash Pad on pace to be completed in April, followed by the Playground portion being completed in August.

With a generous donation from the Zemser family, in honor of their son Justin, a new wireless scoreboard was installed this past week at Twin Hills. The scoreboard is a 5' x 12' scoreboard with two 2' name plates on each end. Ellis Crane Works did a great job installing the scoreboard from Nevco.

The Bush House will be hosting a World War II re-enactment weekend April 5-7 at Spanish Trail Park with re-enactment camps, battle scenarios, and an onsite WWII museum.

The library's numbers continue to stay strong with over 10,000 patrons in our library system. In February, the library saw over 8,500 checkouts and 2,500 renewals, the second-highest number in Okaloosa County, trailing only Niceville.

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

This item is informational and has no financial impact.

RECOMMENDED ACTION

N/A

Attachments

None