

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
MARCH 8, 2011

The Niceville City Council met in regular session at 7:00 PM, March 8, 2011 in the Council Chambers, 208 N Parting Drive. All Council members, except for Councilman Henkel, and the Mayor were present. Also present were City Manager Lannie Corbin; City Clerk, Dan Doucet; City Planner, Wanda Cruttenden; Police Department, Capt Popwell; Public Works Director Bruce Price; Fire Department, Chief Mayville; a member of the press, and 38 visitors in the audience. Councilman Thomas offered the prayer and led the pledge of allegiance. Mayor Wise called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

Regular Council Meeting - February 8, 2011  
Planning Commission Meeting - March 1, 2011  
Local Planning Agency Meeting - No Meeting Held

Councilman Swihart moved approval. Councilman Thomas seconded. Council Vote: Boudreaux-yes; Thomas-yes; Swihart-yes; Smith-yes.

PUBLIC HEARING

Interlocal Agreement – Northwest Florida Military Sustainability Partnership. Mr Doucet advised the agreement was forwarded to the council for review. Councilman Swihart moved approval. Councilman Thomas seconded. Ms Marian Cook, Eglin AFB expressed her appreciation for supporting the agreement. Council Vote: Boudreaux-yes; Thomas-yes; Swihart-yes; Smith-yes.

Ordinance 11-04-01 - An ordinance relating to elections; adopting the Niceville municipal election code; providing a short title; providing definitions; designating the city clerk as chief elections official; providing qualifications to vote; adopting the permanent single registration system; providing for the use of voter registration records; providing for a single polling place; providing for the qualifications of candidates; providing for non-partisan elections; providing for special elections; providing for issue elections; providing for the administration of elections; establishing dates of elections; specifying form of the ballot; providing a method of voting; establishing procedures at the polling place; providing for election officials at the polls; providing for absentee voting; providing for counting the votes; providing for canvassing the returns; providing for the protest and contest of elections; prohibiting certain practices; providing penalties; providing for the reporting and regulation of campaign finances; providing an effective date. (Second Reading)

Mr Doucet read Ordinance 11-04-01 by title. Councilman Swihart moved approval on second reading. Councilman Thomas seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Thomas-yes; Swihart-yes; Smith-yes.

Ordinance 11-04-02 - An ordinance adopting amendments to the Niceville Land Development Code, Ordinance No. 91-1, as amended; to incorporate Comprehensive Plan Evaluation and Appraisal Report findings; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (Second Reading)

Mr Doucet read ordinance 11-04-02 by title. Councilman Thomas moved approval on second reading. Councilman Smith seconded. Council Vote: Boudreaux-yes; Thomas-yes; Swihart-yes; Smith-yes.

Ordinance 11-04-03 - An ordinance adopting the proposed amendments to the Niceville Comprehensive Plan, Ordinance No. 90-10 as amended; providing for revision to the future land use element, and the coastal management and conservation element: renumbering and amending dates for the future land use map series, and including land development code minimum wetlands buffer language; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (Second Reading)

Mr Doucet read ordinance 11-04-03 by title. Councilman Thomas moved approval on second reading. Councilman Smith seconded. Council Vote: Boudreaux-yes; Thomas-yes; Swihart-yes; Smith-yes.

Ordinance 11-05-01 - An ordinance adopting amendments to the Niceville Land Development Code, Ordinance No. 91-1, as amended; providing for revisions to minimum Right-of-Way requirements for minor streets; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (First Reading)

Mr Doucet read ordinance 11-05-01 by title. Councilman Thomas moved approval on first reading. Councilman Smith seconded. Council Vote: Boudreaux-yes; Thomas-yes; Swihart-yes; Smith-yes.

Ordinance 11-05-02 - An Ordinance for the rezoning of certain properties in the City of Niceville, Florida; Endicott Village, Phase II from R-3 Multi Family to PUD, Planned Unit Development; providing zoning for same and an effective date. Bob McElroy. (First Reading)

Mr Doucet read ordinance 11-05-02 by title. Councilman Smith moved approval on first reading. Councilman Thomas seconded. Council Vote: Boudreaux-yes; Thomas-yes; Swihart-yes; Smith-yes.

Ordinance 11-05-03 - An Ordinance for the rezoning of certain properties in the City of Niceville, Florida; at the corner of Palmetto and Early from R-2, one or multiple family to C-2, General Commercial; the south 2 of Lot 14, Nathey Estates, according to the plat thereof recorded in Plat Book 1, Page 45, Public Records of Okaloosa County, Florida. Tonya L=Orange. (First Reading)

Mr Doucet read ordinance 11-05-03 by title. Councilman Smith moved approval on first reading. Councilwoman Boudreaux seconded. Mr Brett and Denise Bernstein 14 Coolwater Lane spoke for and as representatives of the neighborhood of Coolwater Lane. The residents physically at the council meeting to oppose the rezoning were Brett and Denise Bernstein, 14 Coolwater Lane; and Mr. Cleary Jones, 12 Coolwater Lane. In addition, written letters were provided for the record by Mr. Bret Harn, 13 Coolwater Lane; Mr. Heath Rominger, 3 Coolwater Lane, and Ms Ann Marie L'Orange, 11 Coolwater Lane expressing their opposition for rezoning the property which included losing the privacy of their home; a wide variety of businesses would qualify for C-2 zoning if this business is approved and closes in the future; increased traffic in the area making it dangerous for children walking or riding their bikes to school; environmental effects of some businesses; and the decrease of property values for the adjoining residential lots; filling of propane tanks could be hazardous; the renting of U-Hauls to include restoring antique cars is not conducive to a residential neighborhood. Discussion Followed. Attorney Michael Chesser spoke on behalf of the requestor regarding the request for rezoning. He distributed a packet containing five pictures for council review. He stated that all the surrounding property is zoned commercial except for the property being discussed. He recommended an appropriate buffer be designed that will minimize the business exposure to the affected residents. If propane is an issue that can be located on the opposite side of the property to minimize concerns. Mr Chesser explained the property owner will work with the neighborhood in an effort to satisfy their concerns. Discussion followed. Council Vote: Boudreaux-yes; Thomas-No; Swihart-yes; Smith-yes. Motion passed.

Resolution 11-03-01 - A resolution of the City of Niceville, Florida, establishing election procedures.

Mr Doucet read Resolution 11-03-01 by title. Councilman Thomas moved approval. Councilman Smith seconded. Council Vote: Boudreaux-yes; Thomas-yes; Swihart-yes; Smith-yes.

#### CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of current projects.

**City Hall Pump Station Project:** The contractor has installed more than 6000 feet of the 16 inch force main that originates at the pump station site near the softball complex and travels north to college blvd and west to the NVOC treatment plant. We are still awaiting permission from Eglin to install the directional bore along College Blvd. The overall length of this line including the directional bore is @ 8,000 Lf. The directional bore portion is @ 1700 Lf. Once we receive permission from Eglin the bore will be made and that phase of the project will be completed. The contractor has also completed the installation of the 10 inch reuse main from College Blvd to the Softball Complex. The restoration work to the ball fields and fencing where the lines were installed is also completed. Once the line connections are completed on College we will make the necessary modifications to begin using to use treated effluent on the ball fields and the landscaping at the city hall complex. The new pump station is scheduled to be delivered in mid to late March. Preparations are also underway to install the force main that will redirect the flow from the station that services the Swift Creek Plantation Area.

**Pump Station # 38 Replacement:** City crews have started the replacement of Pump Station # 38 in the Rocky wood Development. This will be the final phase of the Rocky Bayou Force Main Diversions Project.

**Pump Station #1 Replacement:** We received the SRF Loan Agreements and will advertise the projects in the near future.

**13<sup>th</sup> Street Drainage Improvements:** We are in the process of closing out this project.

**31<sup>st</sup> Street Pipe Replacement:** City crews completed the replacement of (2) 48 inch pipes under 31<sup>st</sup> street near the intersection of Cedar Avenue.

**Bayshore Drive Pipe Replacement:** The scheduled bid opening for this project is April 5<sup>th</sup>. A bid award should be ready for your approval at our next meeting.

**Pine Avenue Connector Road:** The contractor has completed the clearing and grubbing of the right of way for this project.

**Invasive Plant Removal Project:** Last Thursday the County Extension Office, the Choctawhatchee Basin Alliance, Jackson Guard, the Nature Conservancy, the city and a host of volunteers conducted a invasive species removal project along the stream that crosses under Palm Blvd, Cedar Avenue , Bayshore Drive and outfalls at Lions Park. There was an excellent turn out for the project and a second project is being organized. Special thanks go out to Alison Mc Dowell (C B A), Dennis Teague (Jackson Guard Forestry Service), Shelia Dunning (Okaloosa Extension Service), Anthony Austerman, City employee Ken Filson, and all the volunteers.

**New Wash Down Facility:** Crews are very near completing the concrete work for the new wash down facility at the Cedar Yard. This facility will enable us to properly wash down equipment and meet the compliance requirements of our NPDES Permit. NPDES Permitting Includes: 1) MS- 4 Permit (Municipal Separate Stormwater Sewer System) Operation of our overall drainage system  
2) Construction site monitoring.

**Lions Park Retaining Wall:** City crews completed the grading and sod installation for the new retaining wall at Lions Park.. We are also preparing to install additional benches along the shoreline.

**SR 20 landscaping Project :** City crews have completed the landscaping of the right of way along John Sims Parkway east of SR 85.

**Bayshore Drive Observation Dock:** The repair and Maintenance department recently repaired and replaced a 30 foot section of railing on the walkway over Shirks bayou on Bayshore Drive that was damaged by a vehicle.

**New Sanitation Trash loader:** We received our new truck and Knuckle boom trash loader.

**V R C 31 Lot Development:** The contractor has completed the utility installation and is preparing to install the roadway base.

**Bayshore Right of Encroachment:** Mr Cornwell has removed the retaining wall and we are prepared to move in and begin the stabilization of the right of way when the fill dirt that was installed is removed.

**Redwood Avenue Intersection:** We have received some complaint from motorist regarding the access to SR 20 from Redwood Avenue. I have spoken with DOT and County Officials and we are looking at options to improve the situation.

**Mast Arm Estimate:** 9,800.00 plus 2,000.00 per day MOT estimated time for MOT is 2 to 3 days.

Regional Sewer System - Update:

No Report.

## **FIRE DEPARTMENT - UPDATE**

Chief Mayville briefed the status of current projects in the department. He advised that during the month of February the Fire Department responded to a total of 110 calls.

There were 106 calls within the City limits and 4 mutual aid calls. He stated the Fire Dept will participate in Adventure Day to be help on April 2<sup>nd</sup> with the scouts.  
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#### **POLICE DEPARTMENT - UPDATE:**

Capt Popwell briefed the status of current projects. He advised that during the month of February the Police Department responded to 1596 calls for police assistance. A total of 89 vehicles were involved in reported accidents. The estimated amount of damage to these vehicles and related property was \$ 178,820. A total of 140 Traffic Citations were issued, 34 Misdemeanor, 11 Felony and 2 DUI arrests were made. Discussion followed.

Mr Corbin stated that the county has been in contact with his office to basically exchange ideas on the feasibility of the county taking over the City dispatch operation. Mr Corbin stated that it is only in the discussion phase and will report back to the council if anything materializes. He stated that the dispatchers are available on a 24 hour basis and provides a key role in helping our citizens regarding a variety of issues. Ms Susan Hudson, Alonzo Ct praised the services provided by the Police Dept Dispatch and urged the City to Continue maintaining the dispatch services without contracting it out.

#### **BUILDING INSPECTION – UPDATE:**

Mr Dorsey Chaney briefed the council on new business construction. He advised the Chick Filet is well under way and should be completed by the end of May. He provided statistical information regarding the number of building permits issued this past month and associated dollar amounts. He advised that his department is working on updating building inspection statistics and providing that information on the City Web Site.

#### **Other Business:**

Ms Vicki Ritchson, 105 Lincolnshire Dr. inquired about the status of renovating the traffic light poles and if there was a decision to move forward with the project. Mr. Corbin stated that this item was previously discussed during the last council meeting. He stated there was no motion by the council to proceed with the project. Mr Corbin advised it is a Department of Transportation responsibility is why he was not in favor of funding such a request. However, if the council wants it done we'll do it based on their decision. He recommended the City Clerk review our fund status and report back to the council during our next council meeting for a decision.

#### **Bills Payable**

Councilman Thomas moved approval. Councilman Smith seconded. Council Vote:

Smith-yes; Thomas-yes; Boudreaux-yes; Swihart-yes.

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The meeting adjourned at 8:10 PM.

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MAYOR

ATTEST:

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CITY CLERK