

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
May 10, 2011

The Niceville City Council met in regular session at 7:00 PM, May 10, 2011 in the Council Chambers, 208 N Partin Drive. All Council members, 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 52 visitors in the audience. Councilman Thomas offered the prayer and Councilman Henkel led the pledge of allegiance. Mayor Wise called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

Regular Council Meeting - April 12, 2011
Planning Commission Meeting - No Meeting Held
Local Planning Agency Meeting - No Meeting Held

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

PUBLIC HEARING

Presentation – O’Sullivan Creel – Tammy McGaughy, CPA

Ms McGaughy representing O’Sullivan Creel provided an overview/summary of the City-wide audit results for fiscal year ending September 30, 2010 lauding the City’s overall management and sound fiscal status. She was proud to report that the City has received 25 consecutive annual Certificate of Achievement Awards from the Government Finance Officers Association (GFOA) for excellence in financial reporting. She advised there were no deficiencies noted with respect to internal control and no exceptions regarding compliance of laws and regulations. Discussion followed.

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. (Third Reading)

Mr Doucet read ordinance 11-05-01 by title. Councilman Smith moved approval on third reading. Councilman Thomas seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Henkel-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. (Third Reading)

Mr Doucet read ordinance 11-05-02 by title. Councilman Thomas moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-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. (Second Reading)

Mr Doucet read ordinance 11-05-03 by title. Councilman Thomas moved approval on second reading. Councilman Smith seconded. Mr John Evans, 218 Cook Street expressed his concern for increased traffic; hazardous material in the neighborhood; additional traffic congestion; there are no sidewalks and children walk along the street to Turkey Creek. He stated sometimes children make bad decisions that result in safety concerns. He is concerned about the numerous types of business practices associated with the proposed re-zoning. He felt the City could consider providing a way to insure safety for the children such as installing speed bumps. Discussion followed. Mr Brett Bernstein 14 Coolwater Lane thanked the City Council for visiting on-site to discuss concerns to include other forms of communication such as e-mails back and forth to help resolve concerns. He stated he was in receipt of the information from Mr Chesser that included pictures that provides for a proposed buffer to help mitigate some of the concerns of the neighborhood. However, he still opposes the rezoning since there are no sidewalks; and there is still concern about the propane that has the potential to become a hazardous situation. The residents are concerned about noise and the general appearance of the neighborhood. Ms Elliott, 219 Evans Street expressed her opposition to the request for rezoning since she has a young child playing outside with other children especially since there are no sidewalks; U-Haul traffic could increase the potential for accidents in the area. She also expressed concern for possible gas fumes in the air and safety of our community. Ms Karen Goodson, 209 Nathey St stated she opposed the rezoning. She indicated that Edge Elementary School is in close proximity and there are no sidewalks. She expressed concern for the safety of the children. She stated she would prefer to have homes vs a business in the neighborhood. Mr Mike Clements 232 Palmetto stated that Palmetto is an extremely narrow street with no sidewalks. He felt it would be difficult to maneuver a 24' U-Haul in the area. He stated that other businesses

such as Dogwood Svcs and Faulk's Starter did not generate traffic in the area. Mr James Humpert, 227 Palmetto expressed his opposition to the re-zoning. Mr Phillips, 3770 Peachtree Way stated we are not looking at a supercenter U-Haul business. He stated sidewalks are not everywhere and we have to look at safety realistically. He stated he does not oppose the rezoning. Ms Debbie Creech, 215 Cook Street stated she has lived there for the past 15 years. She stated there are three ways to get into the neighborhood. She stated she respected the concerns of other neighbors regarding child safety and felt it may be a good idea to install speed bumps. She stated the businesses that are in the neighborhood have not presented any issues and felt the U-haul business would not change anything. She stated she was surprised the area wasn't rezoned commercial in the past. She advised she does not oppose the rezoning. Attorney Mike Chesser stated he lives in Niceville. He advised that actually 10 to 12 multifamily buildings could be built if the U-Haul business didn't materialize which would be more intrusive. He advised the council regarding their plan which includes an appropriate buffer that allows living side by side. He stated Mr L 'Orange has a legal right to operate his commercial business that the City needs. Discussion followed. Mr Keith Mayo 224 Palmetto expressed his opposition to the U-Haul business because of narrow streets and doesn't want U-Haul traffic to include dealing with inexperienced drivers. Ms Heather Evans 218 Cook Street stated the area is not conducive for U-Hauls since children walk to Edge Elementary. She is not concerned about property values, however is concerned about inexperienced drivers in the neighborhood. She stated that the roads are a little difficult to drive on and we like to look out for our children. She proposed to keep it the way it is in Nathey Estates. She stated that residential homes such as townhomes as described by Mr Chesser would be a better choice since they could become part of the neighborhood. Ms Cheryl McGee, 308 Nathey expressed her opposition to the rezoning. She cited children, no room for this type of business and strongly opposes the issue. Discussion followed. Council Vote: Boudreaux-yes; Thomas-no; Henkel-no; Swihart-yes; Smith-yes. Motion passed.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of current projects.

City Hall Pump Station Project: The wet well for the new pump station has been installed and the majority of the new pipe line installation from the service area east of Palm Blvd has been completed. On the west side of the project the lines from the new pump station site have been installed up to College Blvd. The contractor is placing the directional bore under Mill Creek on College Blvd after which the remaining Force main

going to the treatment plant can be tied in.

Bayshore Drive Drainage Pipe Replacement: Final preparations are underway to schedule this project.

Scott Street Pipe Replacement: City crews are in the process of replacing the drainage system on Scott Street. Approximately 400 feet of pipe has been removed and replaced and restoration work along the street is also underway. We are also preparing to extend the water main and complete a service loop on Hudson Circle prior to restoring the right of way.

Sewer Extensions: City crews are extending sewer lines and providing service connections at two locations; Valparaiso Boulevard and Thomas Street, and on Sycamore Avenue south of 13th Street.

P D & F D Parking Area: Crews have completed the installation of the concrete parking area behind the FD and the PD.

Storage & Inventory Site: The clearing and stabilization site work at the new storage site area is completed.

Wise / Pine Connector Road: The segment of roadway connecting Pine and Wise Avenues is completed and open but the connection to SR 20 remains incomplete until the new mast arms are installed and operational. At that time DOT will allow the driveway connection to be installed. The engineers explained that the mast arms are being manufactured. There is a normal lag time of 3 to 6 months.

VRC 31 Lot: The project appears to be very near completion and we are preparing to meet with the engineers and do a final.

Lions Park Bathrooms: We plan to begin construction of the new bathrooms at Lions Park next week when we complete some maintenance projects that are underway.

Mast Arms: City crews are working on refurbishing the signal mast arms at Cedar and John Sims. Our work has been limited to the poles that support the mast arms that are outside the traffic areas on SR 20 until we can set up a MOT. We are planning to do that phase of work after school lets out and our attenuator truck is back in service. That phase of work will require lane closures and have to be coordinated and permitted through with DOT.

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 April the Fire Department responded to a total of 108 calls. There were 106 calls within the City limits and 2 mutual aid calls. Chief Mayville stated that a lot of maintenance has been performed on fire hydrants such as clean up, repainting, etc.

POLICE DEPARTMENT - UPDATE:

Capt Popwell briefed the status of current projects. He advised that during the month of April the Police Department responded to 1623 calls for police assistance. A total of 101 vehicles were involved in reported accidents. The estimated amount of damage to these vehicles and related property was \$ 145,220. A total of 112 Traffic Citations were issued, 22 Misdemeanor, 3 Felony and 4 DUI arrests were made. Discussion followed.

BUILDING INSPECTION – UPDATE:

Mr Dorsey Chaney expressed his appreciation for the cooperation he has received from a number of departments. He stated that in his business teamwork is a key part of being successful which is exactly what he received. He advised the Chick fil-A is scheduled to open on June the 2nd.

Other Business:

Northwest Florida Military Sustainability Partnership

Mayor Wise stated that Councilman Smith has been the primary committee member and Councilman Henkel has served as the alternate committee member. Mayor Wise recommended they be reappointed to serve as representatives of the City. Councilwoman Boudreaux moved approval. Councilman Swihart seconded. Council Vote: Smith-yes; Thomas-yes; Henkel-yes; Boudreaux-yes; Swihart-yes.

Bills Payable

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

The meeting adjourned at 8:30 PM.

MAYOR

ATTEST:

CITY CLERK