

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
MARCH 14, 2006

The Niceville City Council met in regular session at 7:00 PM, March 14, 2006 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; Assistant City Attorney, Dixie Powell; City Planner, Wanda Cruttenden; Director of Public Works, Bruce Price; members of the press and visitors in the audience. Mayor Wise led the pledge of allegiance and Councilman Brewer offered the prayer.

APPROVAL OF MINUTES

Regular Council Meeting - February 14, 2006

Councilman Tislow moved approval. Councilman Brewer seconded. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

PLANNING COMMISSION REPORT

Planning Commission Meeting - March 6, 2006

Ms Revell read the minutes of their meeting. Councilman Tislow moved acceptance as read. Councilwoman Boudreaux seconded. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Local Planning Agency Meeting - March 6, 2006

Ms Revell read the minutes of their meeting. Councilman Tislow moved acceptance as read. Councilman Brewer seconded. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

PUBLIC HEARINGS

Preliminary and Final Review -

Valparaiso Realty Company requests preliminary and final review for a five lot addition to Cedar Lake Subdivision. A portion of property lying immediately North of and adjacent to Cedar Lake Subdivision (Kailyn Court) said property being a portion of lots 13 through 21 and vacated 24th street.

Councilman Tislow moved approval. Councilman Smith seconded. No one spoke for or against. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Request for Special Exception -

A request for special exception to the Land Development Code, to allow for a 5' front setback as opposed to the required 25'. Requested by James P. Shields, 202 McKinley Court.

Mayor Wise advised that this item was disapproved during the planning commission meeting of March 6, 2006. Councilman Tislow moved approval. Councilman Brewer seconded. Mr James Shields explained that there was no negative feedback from surrounding home owners regarding his request for special exception. He cited several positive reasons in support of his request. In addition, he advised that because of the rising cost of real estate he could not afford to relocate his family into upgraded property. Ms Clara Luke 205 McKinley Court cited reasons in support of the special exception. Discussion followed. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-No. Resolution No. 06-03-02 was applied.

Ordinance 06-03-01 - An ordinance for the rezoning of certain properties, in the City of Niceville, Florida; metes and bounds description, from R-1, Single family Residential to R-2, One or Multiple-family. Providing for zoning for same and an effective date. Chris Carter, 720 Powell Drives. (Third Reading)

Mr Doucet read Ordinance 06-03-01 by title. Councilman Brewer moved approval on third reading. Councilman Tislow seconded. No one spoke for or against. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-03-02 - An ordinance adopting the transmittal draft of the proposed amendments to the Niceville Comprehensive Plan, Ordinance No. 90-10, and as amended by Ordinance No. 00-03-03, to update the provisions of future land use Map No. 7-2 by changing the land use designation from low density residential to medium density residential, legal description: Lot 13, Block 6, Powell Subdivision of Niceville, Florida, according to the plat thereof recorded in Book 1, Page 96 of the Public Records of Okaloosa County, Florida; located at 720 Powell Drive; containing .17 acres, more or less; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (Third Reading)

Mr Doucet read Ordinance 06-03-02 by title. Councilwoman Boudreaux moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-03-03 - An ordinance for the rezoning of certain properties, in the City of Niceville, Florida; metes and bounds description, 1305 23rd Street (Exhibit A) from R-1, Single family to R-2, One or Multiple-family. Providing for zoning for same and an effective date. Bobby and Tiffany Grete, 1305 23rd Street. (Third Reading)

Mr Doucet read Ordinance 06-03-03 by title. Councilman Brewer moved approval on third reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-03-04 - An ordinance annexing to the City of Niceville, Florida, contiguous lands described as set forth herein; providing for proper advertisement pursuant to Florida Statutes 171.044; providing that the property will be zoned R-3; (Exhibit A) providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Howell and Gina Phelps, 1634 and 1605 26th Street. (Third Reading)

Mr Doucet read Ordinance 06-03-04 by title. Councilman Brewer moved approval on third reading. Councilman Swihart seconded. Mayor Wise asked if there were any exparte communications. No response. No one spoke for or against. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-03-05 - An ordinance adopting the transmittal draft of the proposed amendments to the Niceville Comprehensive Plan, Ordinance No. 90-10, and as amended by Ordinance No. 00-03-03, to update the provisions of future land use Map No. 7-3 to include the following described property: Lot 22 and the north ½ of Lot 21, Block G, Rosemont Subdivision, according to the plat thereof as recorded in Plat Book 2, Page 64, Public Records of Okaloosa County, Florida, less and except that part deeded to the State of Florida for road right of way as recorded in Official Records Book 88, Page 606, Public Records of Okaloosa County, Florida; located at 1634 26th Street; containing .34 acres, more or less; providing for a medium density residential land use category; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (Third Reading)

Mr Doucet read Ordinance 06-03-05 by title. Councilman Swihart moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-03-06 - An ordinance of the City of Niceville, Florida establishing rates for the collection of residential and commercial garbage; providing for a rate increase and providing for an effective date. (Third Reading)

Mr Doucet read Ordinance 06-03-06 by title. Councilman Brewer moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-03-07 - An ordinance declaring an emergency with respect to Fire Protection Equipment; determining the necessity of an immediate purchase of necessary equipment; finding the availability of a 2006 Liberty Custom Pumper (Fire Truck) through the Florida Sheriff's Association Contract No. 05-06-0823; determining the availability of unappropriated funds for such purpose and authorizing the immediate purchase of said equipment; and providing that the ordinance be effective the date of adoption.

Mr Doucet read Ordinance 06-03-07 by title. Councilman Swihart moved adoption. Councilman Smith seconded. Discussion followed. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-04-01 - An ordinance for the rezoning of certain properties, in the City of Niceville, Florida; metes and bounds description, from R-1, Single family Residential to R-3, Multiple-family. Providing for zoning for same and an effective date. Tim Shepard and Michele Frey. (Second Reading)

Mr Doucet read Ordinance 06-04-01 by title. Councilman Brewer moved approval on second reading. Councilman Smith seconded. Mr Brian Brown from Eglin Air Force Base expressed his concern, on behalf of Eglin Air Force Base, that approval could present a safety issue for the residents affected by this rezoning. He explained the property is located in a zone that Eglin Air Force Base has designated as a potential hazard area in the event of an aircraft crash. Ms Cruttenden explained that prospective purchasers of the property are required to be notified of the designation prior to purchase. Mr Corbin advised that numerous other properties within the same zoned designation have been or being developed. Mr Shepard stated that he felt that any safety concern should be left up to the individuals as they purchase the property. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-04-02 - An ordinance amending Ordinance No. 05-09-09, adopted September 22, 2005, of the City of Niceville, Florida; providing for a Fire Protection Impact Fee surcharge on construction of structures exceeding 45 feet in height; and providing for an effective date. (Second Reading)

Mr Doucet read Ordinance 06-04-02 by title. Councilman Brewer moved approval on second reading. Councilman Smith seconded. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Resolution 06-03-01 - A resolution authorizing the City Manager to purchase services for the replacement of Pump Station Number Two.

Mr Doucet read Resolution 06-03-01 by title. Mr Corbin recommended tabling this item until the next council meeting to evaluate the priorities of our projects since the low bid was well over the budgeted amount. Councilman Swihart moved to table this item. Councilman Smith seconded. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of ongoing projects.

Regional Sewer System - Update:

No Report.

LIBRARY UPDATE:

Ms Bishop briefed the status of the expansion project and advised the contractor expressed their appreciation regarding the cooperation of City Departments involved with the expansion project. Ms Bishop explained that the Friends of the Library Group now has forty members and thanked Mr and Mrs Swihart for their efforts in getting the program off the ground.

SUNKEN BOAT UPDATE:

Chief Mayville advised that he has been working with the State of Florida Fish and Game Division regarding the sunken sailboat located near the Giuseppe Wharf. They advise the City Council needs to declare it a nuisance in order to resolve the issue. Councilman Brewer moved it be declared a nuisance. Councilman Smith seconded. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

OTHER:

Mr Corbin expressed a concern regarding the future growth/development of Niceville. He advised that we should conduct an in-depth review of our height restrictions and amend our building code accordingly. Discussion followed. Mr Corbin advised that the City Staff would initiate the project and report back to the council. Discussion followed.

CITY CLERK

Bid Opening - Sale of property at 203 Armstrong Ave

Mr Doucet advised that the bid was properly advertised and the following bids were received before the date and time prescribed in the advertisement. Mr Doucet opened each bid envelope and read aloud the bid amount submitted by each bidder as follows:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Gary Douglas 928 Ridgewood Way Niceville, Florida 32578	\$ <u>12,225</u>
Mike Melich 1224 Meigs Drive Niceville, Florida 32578	\$ <u>182,000</u>
Bill Lucas 333 Persimmon Street Freeport, Florida 32439	\$ <u>50,100</u>
David Ormsbee 2425 Duncan Drive Niceville, Florida 32578	\$ <u>73,750</u>

Councilman Smith moved to sell the property to Mr Melich in the amount of \$182,000. Councilman Brewer seconded. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

BILLS PAYABLE

Councilman Brewer moved approval. Councilman Tislow seconded. Council vote: Brewer-yes; Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

The meeting adjourned at 8:30 PM.

MAYOR

ATTEST:

CITY CLERK