

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
JULY 11, 2006

The Niceville City Council met in regular session at 7:00 PM, July 11, 2006 in the Council Chambers, 208 N Partin Drive. All Council members except for Councilman Brewer, and the Mayor were present. Also present were City Manager Lannie Corbin; City Clerk Dan Doucet; Assistant City Attorney, Dixie Powell; Chief Cruttenden, Police Department; 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 offered the prayer.

APPROVAL OF MINUTES

Regular Council Meeting – June 13, 2006

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

PLANNING COMMISSION REPORT

Planning Commission Meeting - July 3, 2006

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

Local Planning Agency Meeting – July 3, 2006

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

PUBLIC HEARINGS

Presentation – Fire Department “Heart Ready Award”

Ms Christy Moore representing the American Heart Association presented the Heart Ready Award to Fire Chief Tommy Mayville recognizing their efforts. Discussion followed.

Ordinance 06-07-01 - 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-2; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Austin and Lisa White, and Hunter Jones, 26th Street (Third Reading)

Mr. Doucet read Ordinance 06-07-01 by title. Councilman Tislow moved approval on third reading. Councilman Swihart seconded. No one spoke for or against. Mayor Wise asked if there were any exparte communications. No response. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-07-02 - 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. 7-3 to include the following described property: metes and bounds description, Exhibit A, located on 26<sup>th</sup> Street, Parcel ID 08-1S-22-0000-0059-0000 and 08-1S-22-0000-0059-0030, containing .53 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 06-07-02 by title. Councilman Tislow moved approval on third reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-07-03 - An ordinance adopting 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: Lots 3 and 4, Block A, Craigie Brae Subdivision, Okaloosa County, Florida, according to plat thereof recorded in Plat Book 4, Page 75 of the public records of said county, located at 1404 23<sup>rd</sup> Street, containing .42 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 06-07-03 by title. Councilman Tislow moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-07-04 - An ordinance adopting 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 to include the following described property: Lots 1 and 2, Block 51, Valparaiso Pinecrest Addition #2 according to the plat thereof as recorded in Plat Book 1, Page 48, of the public records of Okaloosa County, Florida, located at the corner of Madison Street and Fir Avenue, containing .23 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 06-07-04 by title. Councilman Swihart moved approval on third reading. Councilman Tislow seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-07-05 - An ordinance adopting 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, and the southwesterly half of Lot 14, 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 06-07-05 by title. Councilman Tislow moved approval on third reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-07-06 - An ordinance adopting 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 2 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 26<sup>th</sup> 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 06-07-06 by title. Councilman Tislow moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-07-07 An ordinance vacating a portion of Rocky Bayou Drive which was abandoned upon completion of the realignment of Rocky Bayou Drive with Benton Avenue in December, 2000, keeping utility easements, transferring excess to same, and providing for an effective date. (Third Reading)

Mr. Doucet read Ordinance 06-07-07 by title. Councilman Swihart moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-08-01 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; from PUD, Planned Unit Development to C-2, General Commercial. Providing zoning for same and an effective date. Exhibit A, property located between Highway 20 and Mulry Drive. Valparaiso Realty (Second Reading)

Mr. Doucet read Ordinance 06-08-01 by title. Councilman Tislow moved approval on second reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-08-02 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; from R-1, Single Family, to C-1, Limited Commercial. Providing zoning for same and an effective date. Lot 31, Block 6, AA Howell Subdivision, according to the plat thereof recorded in Plat Book 1, Page 46, in the Public Records of Okaloosa County, Florida. Thomas D'Eufemia, 802 Spencer St. (Second Reading)

Mr. Doucet read Ordinance 06-08-02 by title. Councilman Tislow moved approval on second reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-08-03 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; from R-1, Single Family, to C-1, Limited Commercial. Providing zoning for same and an effective date. Lots 15 and 16, Niceville Heights Addition to Valparaiso, according to the plat thereof, as recorded in Plat Book 1, at Page 102, of the Public Records of Okaloosa County, Florida. Gustin, Cothorn and Tucker (Second Reading)

Mr. Doucet read Ordinance 06-08-03 by title. Councilman Swihart moved approval on second reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-09-01 - 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-2, one or multiple family; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Jack and Frances Mixon, 1607 & 1609 26<sup>th</sup> Street. (First Reading)

Mr. Doucet read Ordinance 06-09-01 by title. Councilman Swihart moved approval on first reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-09-02 - An ordinance vacating a portion of Hillcrest Drive lying adjacent to Lots 15-16, Block 3, and Lots 3 & 4, Block 4, Niceville Heights addition, and transfer excess to same; and providing for an effective date. Gustin, Cothorn and Tucker. (First Reading)

Mr. Doucet read Ordinance 06-09-03 by title. Councilman Smith moved approval on first reading. Councilman Boudreaux seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Ordinance 06-09-03 - An ordinance amending Ordinance 99-01, dated February 8, 1999 pertaining to creating restricted areas on certain waters identified as Turkey Creek, defining 'Restricted Areas', 'No Wake' and 'Idle Speed', prohibiting the use of gasoline powered boats; requiring the posting of signs; requiring State and Federal Permits; providing an effective date and repealing all ordinances or provisions thereof in conflict herewith. (First Reading)

Mr. Doucet read Ordinance 06-09-03 by title. Councilman Tislow moved approval on first reading. Councilman Boudreaux seconded. Mr. James Cooksey, 706 Mckinney Street expressed his desires against banning power boats in the creek. Mr. Ed Steward, 102 White Circle expressed his desires against closing the creek off to power boats. Mr. Corbin reiterated discussions during the last council meeting regarding his safety concerns for swimming, tubing, and canoeing. He pointed out that an area north of College Blvd could be made available in an effort to satisfy residents who want to fish or boat in Turkey Creek. Discussion followed. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

Resolution 06-07-01 - A resolution granting a special exception to the Land Development Code, 7.14.05.D, 1 & 3, to allow for a 20' front yard setback and a 10' rear yard setback as opposed to the required 25' front and 20' rear; and providing for a effective date. Howell and Regina Phelps, 1605 26<sup>th</sup> Street.

Mr. Doucet read Resolution 06-07-01 by title. Councilman Swihart moved approval. Councilman Tislow seconded. Discussion followed. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

#### CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

##### Water/Sewer/Drainage Projects - Update:

Mr. Price briefed the status of on going projects. He expressed concern over illegal dumping of yard waste and other debris in the City. Mr. Price advised that the problem is centered around the fact that the unincorporated areas of Niceville are not provided yard waste service as done in the incorporated areas of the City. Mr. Corbin recommended that the City Attorney meet with him and Mr. Price to develop a more restrictive ordinance regarding illegal dumping in the City and establish improved guidelines for placement and removal of yard waste.

##### Regional Sewer System - Update:

Mr. Corbin advised that the Region Sewer Board is getting very close to adding a 2.0MG Filter to the system that will provide effluent to various areas of the city.

#### **FIRE DEPARTMENT UPDATE:**

Chief Mayville advised that the Twin Cities Hospital has a new helicopter available to respond to emergencies in our area. Chief Mayville briefed the status of firefighter and EMT Training. Discussion followed.

#### **POLICE DEPARTMENT UPDATE:**

Chief Cruttenden provided statistical data regarding the number of automobile accidents, arrests, and traffic citations. He briefed the council on the department pursuit policy.

#### **DEPARTMENT UPDATE:**

Ms Bishop briefed the status of the activities regarding the Library, Community Center, and the Children's Park.

#### **BURL MARLER WALKWAY DEDICATION:**

Mr. Corbin advised that walkway that crosses over John Sims Parkway to Niceville High School will be dedicated to Mr. Burl Marler at 10:00 AM, July 13, 2006. Mr. Corbin advised that Mr. James Campbell spearheaded this project and was able to work it thru the legislative

process to it's successful completion. Mr. Corbin advised that the Department of Transportation will have their signage, however, he recommended the Council consider having a bronze bust made of Mr. Marler to be placed at the appropriate location. Councilman Tislow moved approval. Councilman Smith seconded. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

OTHER:

Mr. Roger Strickland, spoke on behalf of his mother Mrs. Marie Strickland, 2419 Duncan Drive. Mr. Strickland provided background information regarding the status of his mother's seawall that has deteriorated as a result of work done on Lift Station 15. Discussion followed.  
CITY CLERK

PROPOSED MILLAGE

Mr. Doucet advised that City received the certification of taxable values from the property appraiser which we will use to establish our proposed millage rate. He recommended the city establish a proposed millage of 3.70 mills for FY-07. He advised that the proposed millage can be subsequently reduced during our budget workshops or hearings however, if we desire to raise the millage rate from the proposed rate, it will require a first class postal mailing to each property owner. He recommended that the tentative budget hearing be scheduled for 6:00 PM September 14, 2006. Councilman Swihart moved approval. Councilman Smith seconded. Discussion followed. Council vote: Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

BILLS PAYABLE

Councilman Swihart moved approval. Councilwoman Boudreaux seconded. Council Vote. Smith-yes; Boudreaux-yes; Swihart-yes; Tislow-yes.

The meeting adjourned at 8:15 PM.

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MAYOR

ATTEST:

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CITY CLERK



