

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
AUGUST 8, 2006

The Niceville City Council met in regular session at 7:00 PM, August 8, 2006 in the Council Chambers, 208 N Partin Drive. All Council members except for Councilwoman Boudreaux were present, and the Mayor was out of town. Also present were City Manager Lannie Corbin; City Clerk Dan Doucet; Chief Cruttenden, Police Department; City Planner, Wanda Cruttenden; Director of Public Works, Bruce Price; members of the press and visitors in the audience. Mayor Pro-tem Brewer led the pledge of allegiance and offered the prayer.

APPROVAL OF MINUTES

Regular Council Meeting – July 11, 2006  
Special Council Meeting – July 18, 2006

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

PLANNING COMMISSION REPORT

Planning Commission Meeting - August 1, 2006

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

Local Planning Agency Meeting – August 1, 2006

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

PUBLIC HEARINGS

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 (Third Reading)

Mr. Doucet read Ordinance 06-08-01 by title. Councilman Tislow moved approval on third reading. Councilman Smith seconded. Several residents expressed concern regarding how the rezoning would affect property owners on Mulry Drive. Mr. Pat Bryne provided an overview of how the property would be developed. Discussion followed. Council vote: Smith-yes; Brewer-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. (Third Reading)

Mr. Doucet read Ordinance 06-08-02 by title. Councilman Tislow moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Brewer-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 (Third Reading)

Mr. Doucet read Ordinance 06-08-03 by title. Councilman Tislow moved approval on third reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Smith-yes; Brewer-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. (Second Reading)

Mr. Doucet read Ordinance 06-09-01 by title. Councilman Tislow moved approval on second reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Brewer-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.  
(Second Reading)

Mr. Doucet read Ordinance 06-09-02 by title. Councilman Swihart moved approval on second reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Brewer-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', 'ANo 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. (Second Reading)

Mr. Doucet read Ordinance 06-09-03 by title. Councilman Swihart moved approval on second reading. Councilman Smith seconded. Mr. Johnny Prichard, 1018 Palm Blvd expressed his opposition on prohibiting gasoline powered boats. Mrs. Cindy Jones 1451 Hickory Street recommended that the City consider banning jet skis to correct the problem. Mr. Fred Jones, Morningbird Ct. advised that gasoline powered boats is not conducive to our environment because of potential spills resulting from their operation. Mr. Lee Jones, 1451 Hickory Street expressed his opposition to the restrictive ordinance. Mr. James Cooksey, 706 Mckinney Street inquired about the status of installing a boat ramp north of College Blvd in an effort to satisfy fishermen. Discussion followed. Mr. Corbin advised that the City is not attempting to prohibit fishing in Turkey Creek since electric/trolling motors can be used. Mr. Corbin reiterated discussions during the last council meeting regarding his safety concerns for swimming, tubing, and canoeing which was the basis for amending the ordinance. Mr. Corbin offered as a compromise for those residents who want to fish in Turkey Creek that they can still do so prior to 8:00 AM, however the no-wake rules would still apply. In addition, he explained that fishing would be permitted during the months of October thru the 1st of April since this is the slow season for swimmers and similar activities. The compromise seemed to be well received by the audience. Discussion followed. Council vote: Smith-yes; Brewer-yes; Swihart-yes; Tislow-yes.

Ordinance 06-10-01 – An ordinance adopting the transmittal draft amending the Concurrency Management System in the City of Niceville Comprehensive Plan providing for clear guidelines to evaluate the concurrency of roadways and other public facilities within the city's Concurrency Management System, and providing for a clear method whereby the impacts of development on roads can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate fair Share program as required by and in a manner consistent with Chapter

63.3180(16),F.S.; repealing conflicting ordinances or provisions thereof; and providing for an effective date. (First Reading)

Mr. Doucet read Ordinance 06-10-01 by title. Councilman Tislow moved approval on first reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Brewer-yes; Swihart-yes; Tislow-yes.

Ordinance 06-10-02 – An ordinance amending Article Six of the City of Niceville Land Development Code providing for clear guidelines to evaluate the concurrency of roadways and other public facilities within the City’s Concurrency Management System, and providing for a clear method whereby the impacts of development on roads can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate fair Share program as required by and in a manner consistent with Chapter 163.3180(16),F.S.; repealing conflicting ordinances or provisions thereof; and providing for an effective date. (First Reading)

Mr. Doucet read Ordinance 06-10-02 by title. Councilman Tislow moved approval on first reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Brewer-yes; Swihart-yes; Tislow-yes.

Ordinance 06-10-03 - 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, providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Mike Phillips and Keith Holt, 207 Madison Avenue. (First Reading)

Mr. Doucet read Ordinance 06-10-03 by title. Councilman Smith moved approval on first reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Smith-yes; Brewer-yes; Swihart-yes; Tislow-yes.

Ordinance 06-10-04 – 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 to include the following described property: Lots 1 to 6, Block 58, Valparaiso Pinecrest 2; located at 207 Madison Avenue; Parcel ID 05-1S-22-256B-0058-0010; containing 1.03 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. (First Reading)

Mr. Doucet read Ordinance 06-10-04 by title. Councilman Tislow moved approval on first reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Smith-yes; Brewer-yes; Swihart-yes; Tislow-yes.

Resolution 06-08-01 – A resolution authorizing the City Manager to purchase services for the Turkey Creek Stormwater Treatment Enhancement Project.

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

Resolution 06-08-02 - A resolution granting a special exception to the Land Development Code, 7.14.04, Section E for a 0' setback on Helms Street for the purpose of construction of a Children's Educational Wing; and providing for an effective date.

Mr. Doucet read Resolution 06-08-02 by title. Councilman Swihart moved approval. Councilman Tislow seconded. Mayor Pro-tem Brewer asked if anyone exparted the property. Council members Smith, Tislow and Brewer advised that they made a site visit. Mrs. Judy Kruger, 502 Helms Street explained her opposition to the special exception. Ms Diane Phillips 514 Helms Street explained her opposition to a 0' lot line because of the narrow road, curbing and added congestion. Mr. Michael Kruger, 502 Helms Street expressed his concern regarding a planned child drop off and stormwater run off. Mr. John Macon, a staff member for the United Methodist Church, 2849 Edgewater Drive provided an overview of how the property would be developed that included stormwater runoff, drop off procedures, parking improvements, and safety. Mr. Macon advised that the development is in the conceptional phase and that the proper permitting will be required from EPA and the City before proceeding with the development. Discussion followed. Council vote: Smith-yes; Brewer-yes; Swihart-yes; Tislow-yes.

Resolution 06-08-03 - A resolution granting a special exception to the Land Development Code, 7.14.04, Section E for a 10' front yard setback as opposed to the required 25'; and providing for an effective date. Jason and Christina Sallee, 702 Cypress Drive.

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

Resolution 06-08-04 - A resolution authorizing the City Clerk to increase or decrease tipping fees commensurate with county changes, and providing for an effective date.

Mr. Doucet read Resolution 06-08-04 by title. Councilman Swihart moved approval. Councilman Tislow seconded. Discussion followed. Council vote: Smith-yes; Brewer-yes; Swihart-yes; Tislow-yes.

Water/Sewer/Drainage Projects - Update:

Mr. Price briefed the status of on going projects.

Regional Sewer System - Update:

No Report

**FIRE DEPARTMENT UPDATE:**

Chief Mayville briefed the status of on going projects in the department.

**POLICE DEPARTMENT UPDATE:**

Chief Cruttenden provided statistical data regarding the number of automobile accidents, arrests, and traffic citations.

OTHER:

CITY CLERK

**FINANCIAL ADVISOR AGREEMENT**

Mr. Doucet advised that the agreement with Mr. Bill Fray, Fray Municipal Securities has expired. Mr. Doucet advised that we rely on Mr. Fray's expertise regarding investment of funds, bond issues, and bank financings, etc. Mr. Doucet advised that the agreement is for a 36 month period. Mr. Swihart moved approval. Councilman Tislow seconded. Council vote: Smith-yes; Brewer-yes; Swihart-yes; Tislow-yes.

**BILLS PAYABLE**

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

The meeting adjourned at 8:40 PM.

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MAYOR PRO-TEM

ATTEST:

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CITY CLERK