

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
JANUARY 9, 2007

The Niceville City Council met in regular session at 7:00 PM, January 9, 2007 in the Council Chambers, 208 N Partin Drive. All Council members except Councilwoman Boudreaux and Councilman Smith, 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; Police Chief, Brian Cruttenden; Director of Public Works, Bruce Price; a member 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 December 12, 2006

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

PLANNING COMMISSION REPORT

Planning Commission Meeting - January 2, 2007

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

Local Planning Agency Meeting B January 2, 2007

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

PUBLIC HEARINGS

Presentation – Mr Ronald Matthews:

Mr Matthews representing the Katie Moody estate briefed the council regarding the desires of his late aunt. Mr Matthews advised that his Aunt Katie loved the City and especially the library and had a deep appreciation for the City and its residents. He explained that as owner and operator of Katie's Flower Shop she was given the opportunity to be successful in a small community without a formal education. She expressed her desires with her family members to leave a large portion of her estate to the City. Mr Matthews advised this

included the flower shop property valued at approximately \$370,000. His aunt had many discussions with Mr Corbin regarding the opening of a Senior Center in an effort to give back to the community she loved so much. In addition, Mr Matthews presented a check in the amount of \$429,626.88 to the Mayor to be used as a Scholarship Fund for young people seeking higher education and are not in a position to afford it. Mr Corbin advised that the building is currently leased and felt that would extend thru the end of 2007. Mr Corbin advised that plans are to develop the property into a Senior Center based on available funds next fiscal year. He expressed a deep appreciation for Katie Moody's friendship and what that has meant to the City. Mr Corbin expressed his intentions to carry out her wishes in that we need to be good stewards of the funds donated to the City. He advised that a Scholarship Trust fund will be established and managed and the Senior Center will become a reality.

Ordinance 07-01-01 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; from R-1, Residential Single Family, to C-1, Limited Commercial. Metes and bounds description, Property located at 1405 S Palm Blvd. Exhibit A. Harry and Rebecca Wolfgang, 1405 S Palm Blvd (Third Reading)

Mayor Wise announced that since we have two of our council members absent tonight that we need to defer this item until the next regular council meeting to allow consideration by the full council. Councilman Brewer moved to table this item. Councilman Swihart seconded. Council Vote. Brewer-yes; Swihart-yes; Tislow-yes.

Ordinance 07-02-01 - 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 07-02-01 by title. Mr Brewer moved approval on second reading. Councilman Swihart seconded. Council vote: Brewer-yes; Swihart-yes; Tislow-yes.

Ordinance 07-03-01 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; from R-1, Residential Single Family, to C-2 General Commercial. A portion of property 01-1S-23-0000-0001-0000 containing approximately 13.56 acres, Metes and bounds description. Property located on Hart Street. Ruckel Properties. (First Reading)

Mr Doucet read ordinance 07-03-01 by title. Councilman Swihart moved approval on first reading. Councilman Brewer seconded. Mr. Brian Daugherty, 315 Biscayne expressed his opposition to the rezoning request. Council vote: Brewer-yes; Swihart-yes; Tislow-yes.

Ordinance 07-03-02 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; from R-1, Residential Single Family, to R-3, Multiple Family. Metes and bounds description. Property located in Florida Heights Subdivision. Exhibit A. Estephan Daher and Guenter Kurz. (First Reading)

Mr Doucet read ordinance 07-03-02 by title. Councilman Swihart moved approval on first reading. Councilman Brewer seconded. Mr. Brian Daugherty, 315 Biscayne expressed his opposition to the rezoning request. Ms Sue Moorman 410 Cook Street advised that she was not in favor of town homes being built in the neighborhood. Ms Gail Wallace, 403 Cook Street expressed her opposition to the rezoning request. Bill Williams, 318 St Charles Avenue expressed concern over wetlands, water pressure has dropped off, and streets are in poor condition because of the construction process. Mr Frank Lasch, 309 Cook Street expressed concern for traffic and safety issues. Mr Gerald Marshall, 312 Nathey expressed concern over parking issues, wants only single family homes and road conditions are poor. Ms Ellita Marshall, 306 Florida Street expressed her opposition against increased traffic. Council vote: Brewer-no; Swihart-yes; Tislow-yes. Motion failed.

Ordinance 07-03-03- 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. 7-2 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 07-03-03 by title. Mr Tislow moved approval on first reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Brewer-yes; Swihart-yes; Tislow-yes.

Ordinance 07-03-04 - An ordinance adopting the proposed amendments to 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 163.3180(16), F.S.; repealing conflicting ordinances or provisions thereof; and providing for an effective date. (First Reading)

Mr Doucet read ordinance 07-03-04 by title. Mr Swihart moved approval on first reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Brewer-yes; Swihart-yes; Tislow-yes.

Resolution 07-01-01 B A resolution of the City of Niceville, Florida urging members of the Florida Legislature to support the following issues during the 2007 Legislative Session.

Mr Doucet read Resolution 07-01-01 by title. Councilman Swihart moved approval. Councilman Tislow seconded. No one spoke for or against. Council Vote: Brewer-yes; Swihart-yes; Tislow-yes.

Resolution 07-01-02 B A resolution authorizing the City Manager to purchase a Sanitation Truck.

Mr Doucet read Resolution 07-01-02 by title. Councilman Brewer moved approval. Councilman Tislow seconded. No one spoke for or against. Council Vote: Brewer-yes; Swihart-yes; Tislow-yes.

Resolution 07-01-03 B A resolution authorizing the City Manager to purchase a Forklift.

Mr Doucet read Resolution 07-01-03 by title. Councilman Swihart moved approval. Councilman Tislow seconded. No one spoke for or against. Council Vote: Brewer-yes; Swihart-yes; Tislow-yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of current projects. Mr Price advised that water well # 3 on Bailey Drive needs to be refurbished and that competitive prices were obtained for approximately \$31,000. Mr Corbin advised that we need to declare this an emergency and move forward in getting this well

back on line as soon as possible because warmer weather will significantly increase the demand for water. Councilman Brewer moved approval. Councilman Swihart seconded. Council Vote: Brewer-yes; Swihart-yes; Tislow-yes.

Regional Sewer System - Update:

Mr Corbin advised that because of violations regarding sewer treatment problems the Plant Manager has resigned. He advised that a “consent order” – a type of enforcement which can impose stiff financial penalties against the regional sewer board may be forthcoming from the Department of Environmental Protection Agency (DEP). Discussion followed.

LIBRARY UPDATE

Ms Bishop advised that everyone is enjoying the new library space. Ms Bishop reported a roof leak problem that is being addressed to eliminate extensive repairs. Discussion followed.

FIRE DEPARTMENT UPDATE

Chief Mayville briefed the status of current projects.

POLICE DEPARTMENT – UPDATE

Chief Cruttenden briefed the status of current projects.

OTHER:

Mr Corbin requested that the council consider a resolution in support of a traffic light at the intersection of College and Palm Blvd. In addition, request the state change the caution light near the old library to a functioning traffic light. Councilman Swihart moved approval. Councilman Brewer seconded. Council Vote: Brewer-yes; Swihart-yes; Tislow-yes.

BILLS PAYABLE

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

The meeting adjourned at 8:25 PM.

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MAYOR

ATTEST:

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CITY CLERK

