

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
FEBRUARY 13, 2007

The Niceville City Council met in regular session at 7:00 PM, February 13, 2007 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; 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 January 9, 2007

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

PLANNING COMMISSION REPORT

Planning Commission Meeting - February 5, 2007

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

Local Planning Agency Meeting B February 5, 2007

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

PUBLIC HEARINGS

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)

Mr Doucet read ordinance 07-01-01 by title. Mr Tislow moved approval on third reading. Councilman Swihart seconded. Mr Shelton Mann, 313 Biscayne Lane presented a petition containing 152 names opposing the rezoning because of traffic and many other adverse effects on the neighborhood. Mr Brian Daugherty, 315 Biscayne Lane expressed his opposition to

the rezoning since it's a residential neighborhood. Mr Gerald Sauer, 1407 Palm Blvd advised that this request was a special exception 30 plus years ago to be a nursery and wants it rezoned back to residential. Mr Ken Spears, 205 Hudson Circle expressed his concern regarding increased traffic. Ms Virginia Pope, 312 17th Street advised that Limited Commercial allows for certain types of businesses that would not be conducive to the neighborhood. Mr Thomas Fleischmann, 303 Biscayne Lane expressed his concern regarding drainage issues. Ms Sachiyo Gambrell expressed her opposition to the request. Mr Larry Lukens, 319 Biscayne Lane advised that C-1 is too broad of a category; supports R-1 only. Councilman Smith expressed that Residential Neighborhood Commercial (RNC) zoning is more applicable. He advised that this is a zoning issue and other issues are secondary. Councilman Brewer advised that he has been a resident of the area since 1985. He advised that initially he had concerns over Stormwater; and is struggling to protect the rights of the property owner. Discussion followed. Mr Harry Wolfgang; the property owner advised that he has operated his business for thirty three years and paid commercial taxes. He expressed his views against RNC zoning. Attorney Dixie Powell advised that a request for RNC Zoning must be staffed thru the Planning Commission in order to give residents the right to be heard. Discussion followed. Council vote: Smith-no; Boudreaux-no; Brewer abstained from voting ; Swihart-yes; Tislow-yes. Motion failed.

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. (Third Reading)

Mr Doucet read ordinance 07-02-01 by title. Mr Brewer moved approval on third reading. Councilman Smith seconded. Council vote: Smith-yes; Boudreaux-yes; 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. (Second Reading)

Mr Doucet read ordinance 07-03-01 by title. Councilman Tislow moved approval on second reading. Councilman Brewer seconded. Mayor Wise asked if anyone had made a site visit to the property. All council members answered yes. Council vote: Smith-yes; Boudreaux-yes; Brewer-yes; Swihart-yes; Tislow-yes.

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. (Second Reading)

Mr Doucet read ordinance 07-03-03 by title. Councilman Tislow moved approval on second reading. Councilman Smith seconded. No one spoke for or against. Council vote: Smith-yes; Boudreaux-yes; 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. (Second Reading)

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

Ordinance 07-04-01 – An ordinance to abandon and vacate all public streets within the Water Oaks Subdivision. Metes and bounds description. Streets known as Regatta Drive and Regatta Drive East. Exhibit A. Requested by the Water Oaks Regatta Homeowners Association Inc. (First Reading)

Mr Doucet read ordinance 07-04-01 by title. Councilwoman Boudreaux moved approval on first reading. Councilman Tislow seconded. Mr Bobby Nowell, the President of the Homeowners Association briefed the council regarding the request. He advised that a study was conducted among the 54 residents regarding this issue over a year ago. He advised that

4/5 of them support it. He explained that easements would continue to be maintained by the city. Councilman Brewer expressed a concern for vacating streets that the City recently expended funds to resurface. Mr Nowell explained that the residents would be assessed a fee and that funding would be set aside for future street maintenance. Discussion followed. Council vote: Smith-yes; Boudreaux-yes; Brewer-yes; Swihart-yes; Tislow-yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

No Report.

Regional Sewer System - Update:

No Report.

FIRE DEPARTMENT B UPDATE

Chief Mayville briefed the status of current projects. He advised that the City was awarded a \$89,000 grant to be used for the purchase of fire fighting equipment.

POLICE DEPARTMENT – UPDATE

Chief Cruttenden briefed the status of current projects.

OTHER:

Library Trust Funds Management:

Mr Corbin briefed the council regarding the management of funds in the account. He suggested that we have a special council meeting and invite Jeff McGinnis, the attorney who provided the legal services to establish the Library Foundation to brief the council. Discussion followed.

Councilman Tislow expressed his concern over the City Attorney's non-attendance at council meetings. Discussion followed.

BILLS PAYABLE

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

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The meeting adjourned at 8:30 PM.

MAYOR

ATTEST:

CITY CLERK