

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

The Niceville Council met in regular session at 7:00 PM, November 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; Asst City Attorney, Dixie Powell; City Planner Wanda Cruttenden; Police Department, Lt Sallee; Director of Public Works; Bruce Price, members of the press and visitors in the audience. Mayor Wise led the pledge of allegiance and Councilman Thomas offered the prayer.

APPROVAL OF MINUTES

Regular Council Meeting October 9, 2007
Special Council Meeting October 23, 2007

Councilwoman Boudreaux moved approval. Councilman Smith Seconded. Council vote: Swihart-yes; Thomas-yes; Boudreaux-yes; Smith-yes.

PLANNING COMMISSION REPORT

Planning Commission Meeting B November 5, 2007
Local Planning Agency Meeting B No Meeting Held

Councilman Swihart moved approval. Councilman Thomas Seconded. Council vote: Swihart-yes; Thomas-yes; Boudreaux-yes; Smith-yes.

PUBLIC HEARINGS

Property Encroachment - Mr Alan Cornwell, 813 Bayshore Drive. Mr Cornwell provided an overview regarding the development of his property along Bayshore Drive. He advised that he received a letter from the City Manager advising him that he developed his property that encroaches on city easements. Mr Cornwell advised that the seawall was rebuilt approximately 10 years ago and other improvements made at their existing locations with no City input at that time regarding easements. Mr Corbin advised that Mr Cornwell has done a great job developing his property. He further stated that he was unaware of an encroachment problem until a citizen advised him of the situation. Mr Corbin advised that the City paid to have a new survey accomplished and the results clearly outlined encroachments on city easements. Mr Corbin advised that it is a City Council decision, however, if we let this issue go as is we are placing the City in a position of being liable if

anyone is seriously hurt. The City attorney reiterated that if anyone hits the retaining wall and is injured we are liable. He made reference to a case study regarding a similar situation. Discussion followed. Councilman Smith made a motion to support the letter written by the City Manager requiring the wall be located to Mr Cornwell=s property. Councilman Swihart seconded. Council vote: Swihart=yes; Thomas=yes; Boudreaux=yes; Smith=yes.

Ordinance 07-10-01 - 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 PUD, Planned Unit Development; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. (Second Reading)

Mr Doucet read Ordinance 07-10-01 by title. Councilman Smith moved approval on second reading. Councilman Swihart seconded. No one spoke for or against. Council vote: Swihart=yes; Thomas=yes; Boudreaux=yes; Smith=yes.

Ordinance 08-01-01- An ordinance for the rezoning of certain properties in the City of Niceville, Florida from R-2, one or multiple family to C-2 general commercial. Metes and bounds description, Exhibit A. Providing zoning for same and an effective date. James Finlayson and Warren Cook, 316 Niceville Avenue. (First Reading)

Mr Doucet read Ordinance 08-01-01 by title. Councilman Smith moved to deny this request on first reading. Councilman Thomas seconded. Mr Finlayson explained his request for rezoning and advised he lower his C-2 zoning request to be more compatible with residential. He cited other similar rezoning requests that were approved in the past. Mr Gerald Nedrow, 307 Palmetto expressed his opposition to the rezoning request. Ms Melissa Alford, representing the Housing Authority explained her opposition to the request. Discussion followed. Council vote: Swihart=yes; Thomas=yes; Boudreaux=yes; Smith=yes.

Ordinance 08-01-02 B An ordinance vacating and closure of two right-of-ways being that portion of McKinney Street between South Partin Drive and Reynolds Avenue; and Reynolds Avenue between South Partin Drive and McKinney Street, and transfer excess to same; and providing for an effective date. Requested by the First United Methodist Church (First Reading)

Mr Doucet read Ordinance 08-01-02 by title. Councilman Smith moved approval on first reading. Councilwoman Boudreaux seconded. The Executive Pastor of the First United Methodist Church provided an overview of their plans for vacating and closing the two

rights of ways. He advised the church would pay to relocate the utilities. He advised that providing parking is their long term plan. He explained the benefits would include less roadway for the City to maintain; less water run off going to Bayshore Drive; no more backing out of parking places onto Partin Drive; and all crossing points along Partin Drive would be reduced to one location. If agreed, they would submit plans to the City for approval. Ms Lucita Young, 206 Reynolds expressed her opposition to the new road since it would be a straight of way into her property. Ms Lynn Helms, 401 31st St explained her opposition to the proposal. Mr George Ireland, 717 McKinney St, advised that he and his family have resided at his current address since 1955. He further stated that the church has purchased numerous parcels of land around the original church building on South Partin Drive. They have expanded across Partin Drive on the South side of McKinney Street for parking and an outbuilding. They moved the Bargain Box from the West side of Partin Drive to the East Side.

They then acquired additional property on the east side of Partin Drive for parking plus more property on McKinney Street that they intend to utilize for parking. In the process they have destroyed the residential neighborhood between McKinney and Helms St. Mr Ireland stated that according to the Property Appraiser records they have paid over three million dollars for property purchases. He advised that Church functions have become so large that on Halloween he was driving home shortly after 5PM and when approaching the Partin Drive and Reynolds Avenue intersection numerous adults and children were crossing both Reynolds and Partin without any regard for vehicular traffic and their personal safety. He advised the church previously attempted to close a portion of McKinney Street because of safety concerns. When the council recommended disapproval they subsequently withdrew their request. Mr Ireland stated from his perspective, closing portions of McKinney Street and Reynolds Avenue and then developing an extension of McKinney Street does nothing to improve traffic flow and safety - it only eliminates one avenue of ingress and egress. Mr Ireland recommended disapproval of this request because it does not truly address traffic flow or pedestrian safety. Mr Wayne Sanders expressed his opposition to the proposal and indicated concern for the large oak tree in the path of the new road. Ms Lynn Boyle Smith, 618 McKinney, stated she was opposed to the proposal. Council vote: Swihart-no; Thomas-no; Boudreaux-no; Smith-yes. Motion failed.

Resolution 07-11-01 B A resolution granting a special exception to the Land Development Code to allow for a 19= front setback as opposed to the required 25=. Lot 8, Block 3, Palm Estates 2, according to the plat thereof as recorded in Plat Book 5, Page 28, of the Public Records of Okaloosa County, Florida. Edwin and Lynda Jammer, 113 Perdido Circle.

Mr Doucet read Resolution 07-11-01 by title. Councilman Thomas moved approval. Councilman Smith seconded. No one spoke for or against. Council Vote. Council vote: Swihart-yes; Thomas-yes; Boudreaux-yes; Smith-yes.

Resolution 07-11-02 - A resolution of the City of Niceville, Florida, establishing election procedures.

Mr Doucet read Resolution 07-11-02 by title. Councilman Thomas moved approval. Councilman Smith seconded. Council vote: Swihart=yes; Thomas=yes; Boudreaux=yes; Smith=yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of current projects.

Regional Sewer System - Update: No Report.

Sanitation Franchise - Update:

Mr Corbin stated that the five year franchise with Waste Management is up for renewal. He advised that they propose to substantially increase their rates.

Mr Corbin advised that the Council has the option to renew the contract to include the rate changes, or send out a Request for Proposal (RFP). Mr Corbin stated in view of the high cost of gasoline and other expense the increase may be warranted. Because of their long record of doing business with the City he recommended that we invite a company representative to brief the council during our next regular council meeting before making a final decision. Councilman Swihart moved approval. Councilman Smith seconded. Council vote: Swihart=yes; Thomas=yes; Boudreaux=yes; Smith=yes.

FIRE DEPARTMENT - UPDATE

Chief Mayville briefed the status of current projects.

LIBRARY - UPDATE

Ms Bishop advised the installation of the new carpet and tile is complete at the Community Center. She advised that the entry way to the Library is complete and thanked the Friends Group for their efforts and the great job they are doing. She lauded the celebration of the 10th anniversary of the Okaloosa County Library Cooperative.

POLICE DEPARTMENT - UPDATE

Lt Sallee briefed the proposed route of the Christmas Parade.

OTHER BUSINESS:

HOUSING AUTHORITY - APPOINTMENTS

Mayor Wise recommended that Mr Roy ATed@ Reeves and Ms Kathy Dunn be re-appointed as members of the Housing Authority, and recommended that Mr Freddie Allen, 319 Fir Ave be appointed to serve as a member of the Housing Authority to replace Mr Bradley Kendrick who is retiring. Councilman Swihart moved approval. Councilman Smith seconded. Council vote: Swihart-yes; Thomas-yes; Boudreaux-yes; Smith-yes.

DECEMBER 2007 REGULAR COUNCIL MEETING

Councilmen Swihart and Smith both stated they would be out of town during the next scheduled council meeting. Mr Doucet suggested the date for the December Council Meeting be changed from December 11, 2007 to December 18, 2007. Council members concurred with the change.

BILLS PAYABLE

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

The meeting adjourned at 8:50 PM.

MAYOR

CITY CLERK