

MINUTES
SPECIAL COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
JUNE 24, 2008

The Niceville City Council met in special session at 6:00 PM, June 24, 2008 in the Council Chambers, 208 N Partin Drive. All Council members, except for Councilman Swihart, and the Mayor were present. Also present were City Manager, Lannie Corbin; City Clerk, Dan Doucet; City Attorney, Dixie Powell; a member of the press, and visitors in the audience. Mayor Wise called the meeting to order at 6:00 PM.

PUBLIC HEARING

Presentation - Joint Meeting with the North Bay Fire Control District to discuss the Inter-local Agreement for Fire Protection Services.

Attorney Dixie Powell welcomed everyone to the meeting. Chief Joe Miller introduced the members of the Fire Control District Board. Mr Powell provided an overview of the status of the agreement. He advised that this is the second meeting regarding the agreement. He quoted portions of his letter dated May 16, 2008 in that the City would allow North Bay Fire Control District to provide fire protection services for the annexed parcels with the assistance of the Niceville Fire Department for a period of (5) years from the date of a fully executed Inter-local Agreement and will continue to collect the appropriate millage tax assessments. He felt this to be a generous offer on the part of the City since the normal period is (4) years. He advised the duties and responsibilities for review and approval of construction plans, compliance inspections, issuance of permits, regular fire and safety inspections, plan reviews, and other matters concerning any building or construction on the annexed parcels will be the sole responsibility of the Planning Commission and the building inspector of the City of Niceville and the City of Niceville Fire Department. He further stated the Planning Commission, Building Inspector, and the Niceville City fire official will be in accordance with all applicable state, federal, and local building codes and fire prevention codes, and shall be reviewed and approved in the normal and ordinary course of the City permitting and inspection process. North Bay Fire Control District will be allowed to review any plans and specifications, if requested, to make any suggestions or recommendations concerning fire safety, equipment access or any other fire safety issues, but will have no authority in either approval or denial of any or all building and construction on the annexed parcels, and shall receive no compensation for this courtesy review.

Mr Powell then advised that he would be interested in any comments/concerns anyone had regarding the agreement.

Mr Brett E. Hinley, Chairman of the North Bay Fire District Board advised the district basically have three options. (1) to do nothing and let this issue pass, (2) negotiate the agreement for a 5 year term, renewable by negotiation. Then starting on October 1, 2008 they would continue to collect the appropriate millage tax assessments and provide fire protection services; basically everything remains the same since we are a Special Taxing District. Mr Hinley advised that their board members have a different interpretation of FS 171.093 in that they would continue to operate as they did prior to the annexation of the property which includes issuing permits, reviewing plans, etc. He felt that there needs to be some clarification during this transitional period in order to move forward with the interlocal agreement, and (3) they could appeal the process, which they don't want to do.

Chief Miller read an extract of Florida Statutes 171-093 (4) (a) which pertains to Special Taxing Districts and made reference to their Charter. Mr Corbin asked if the fire District received fees for reviewing building, and fire standards plans. Mr Hinley answered yes, however, didn't have the rate information with him. Mr Powell advised that he has a different interpretation of the Florida Statutes. He advised that we do not want any restrictions regarding permitting or fire inspections holding up future building projects pertaining to property that is annexed into the City. He advised we could be held liable for delays in the process especially when investors have several thousand of dollars tied up in a project subject to someone outside of the City deciding compliance issues with permitting; sprinkler systems and other fire related issues. He advised we cannot and will not delegate this authority. Ms Margaret Vining, Vice Chair of the North Bay Fire District governing board advised their main concern is the safety of the firemen by insuring the structure is built to comply with fire safety codes. Discussion followed.

Councilman Thomas moved to table the meeting and appoint a special joint committee to work through the issues and come back to the council at a later date. After discussion among the council a consensus was reached for the Attorney, City Manager, and Councilman Smith be appointed to serve on the committee. Councilman Smith seconded the motion. In addition, the Niceville Fire Chief was invited to attend the meeting. Council Vote: Henkel-yes; Thomas-yes; Boudreaux-yes; Smith-yes.

Mr Hinley conferred with his board and they agreed with the Joint Committee approach. He advised that they will have at least one board member and the Fire Chief to attend the committee meetings. Discussion followed. Mr Corbin recommended that we meet on July 1st at 6:00 PM at the Niceville Community Center.

The meeting adjourned at 6:40 PM.

MAYOR

CITY CLERK