

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
SEPTEMBER 9, 2008

The Niceville City Council met in regular session at 7:00 PM, September 9, 2008 in the Council Chambers, 208 N Partin Drive. All Council members, except for Councilman Thomas, 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, Public Works Director; a member of the press, and visitors in the audience. Mayor Wise led the pledge of allegiance and Councilman Henkel offered the prayer.

APPROVAL OF MINUTES

Regular Council Meeting August 12, 2008
Special Council Meeting August 21, 2008
Special Council Meeting August 26, 2008
Special Council Meeting August 28, 2008

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

PLANNING COMMISSION REPORT

Planning Commission Meeting - September 2, 2008

Wanda Cruttenden read the minutes of their meeting. Councilman Smith moved approval. Councilman Henkel seconded. Council vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

Local Planning Agency Meeting - September 2, 2008

Wanda Cruttenden read the minutes of their meeting. Councilman Swihart moved approval. Councilman Smith seconded. Council vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

Public Hearings:

Plan Approval: Valparaiso Realty request plan approval for their proposed shopping center at Redwood and State Road 20. Metes and bounds description. Exhibit A.

Councilman Smith moved approval for the preliminary and final design order. Councilman Swihart seconded. Mr Pat Bryne, Valparaiso Realty Company provided an overview regarding the plans for the Shopping Center. Mr Joe Poole, former head of traffic in Chipley, Fl provided insight regarding the planned access road, and traffic signaling in an effort to explain the work that went into the development of the plan. Mr H.H. Caldwell, 1743, 18th street explained his opposition to the traffic signal. Ms Ann Richardson 1743, 18th Street explained her opposition to the traffic signal. Council vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

Ordinance 08-10-01 - An ordinance adopting the proposed amendments to the Niceville Comprehensive Plan, to incorporate Public School Facilities Provisions; to repeal conflicting ordinances or provision thereof; and providing for an effective date (Third Reading)

Mr Doucet read ordinance 08-10-01 by title. Councilwoman Boudreaux moved approval on third reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

Ordinance 08-10-02 - An ordinance vacating all unimproved right-of-ways and other public interests in the property located on John Sims Parkway between Wise Avenue and Pine Avenue; and providing for an effective date. Metes and bounds description. Exhibit A. Gustin, Cothorn & Tucker, representing Ruckel Properties. (Third Reading)

Mr Doucet read ordinance 08-10-02 by title. Councilman Swihart moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council Vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

Ordinance 08-10-03 - An ordinance vacating all unimproved right-of-ways and other public interests in the property located on Palm Blvd between the Post Office and the NHS Practice Field; and providing an effective date. Metes and bounds description. Exhibit A. Gustin, Cothorn & Tucker, representing Ruckel Properties. (Third Reading)

Mr Doucet read ordinance 08-10-03 by title. Councilman Swihart moved approval on third reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Smith-abstained; Swihart-yes; Boudreaux-yes; Henkel-yes.

Ordinance 08-10-04 - An ordinance vacating all unimproved right-of-ways and other public interests in the property occupied by Plew Elementary School; and providing for an effective date. Metes and bounds description. Exhibit A. Okaloosa County School Board. (Third Reading)

Mr Doucet read ordinance 08-10-04 by title. Councilwoman Boudreaux moved approval on third reading. Councilman Swihart seconded. Mr H. H. Caldwell, 1743, 18th Street explained his opposition regarding the request. Discussion followed. Council Vote: Smith-abstained; Swihart-yes; Boudreaux-yes; Henkel-yes.

Resolution 08-09-01 - A resolution of the City of Niceville amending the Capital Improvement Schedule of the Comprehensive Plan.

Mr Doucet read resolution 08-09-01 by title. Councilman Swihart moved approval. Councilman Henkel seconded. No one spoke for or against. Council Vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

Resolution 08-09-02 - A resolution authorizing the City Manager to purchase services to construct a Water Main Loop under Turkey Creek.

Mr Doucet read resolution 08-09-02 by title. Councilman Swihart moved approval. Councilman Henkel seconded. No one spoke for or against. Council Vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

Resolution 08-09-03 - A resolution granting a special exception to the Land Development Code to allow for 4.5 spaces per 1000 square foot, opposed to the required 5 spaces per 1000 square foot; and providing for an effective date. Metes and bounds description. Exhibit A. Valparaiso Realty.

Mr Doucet read resolution 08-08-03 by title. Councilwoman Boudreaux moved approval. Councilman Smith seconded. Mr Bryne, Valparaiso Realty Co explained the scope of the plan regarding angle parking. Mr H.H. Caldwell, 1743 18th Street stated he was opposed to this special exception since Walmart has not fully committed at this point. Discussion followed. Council Vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

Resolution 08-09-04 - A resolution granting a special exception to the Land Development Code to allow for a 5' front setback as opposed to the required 25'; and providing for an effective date. Lot 17, Block 8, Edgewater Village Subdivision, according to the plat thereof recorded in Plat Book 4, Page 38, of the Public Records of Okaloosa County, Florida. Jerry Cowing, 2335 Canal Drive.

Mr Doucet read resolution 08-09-04 by title. Councilwoman Boudreaux moved approval. Councilman Henkel seconded. Mr Cowing provided a power point presentation explaining his plans to expand his garage. Mr Pat Tidwell, 2337 explained his opposition to the project. Mr Stewart Davis 2325 Canal Drive explained his opposition to the request. Discussion followed. Council Vote: Smith-no; Swihart-no; Boudreaux-yes; Henkel-yes.

Motion failed. Councilman Smith moved to deny the request. Councilman Swihart seconded. Council Vote: Smith-yes; Swihart-yes; Boudreaux-no; Henkel-no. Motion failed.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of current projects.

Regional Sewer System - Update:

No report.

FIRE DEPT - UPDATE

Chief Mayville briefed the status of current projects in the department. He provided statistical data and the number of calls responded to regarding medical aid; and automobile accidents. Discussion followed.

LIBRARY- UPDATE

Sheila Bishop briefed the status of current projects in the Library, Community Center and the Children's Park.

POLICE DEPT - UPDATE

Lt Sallee briefed the status of current projects in the department. He provided statistical data and the number of calls responded to regarding arrests, and citations issued.

Other:

Mr Corbin advised that the encroachment issue regarding Mr Alan Cornwell is still not resolved. Attorney Dixie Powell briefed the council in that several attempts have been made to resolve the issue and the case is going to litigation. Discussion followed.

Mr Corbin advised that during heavy rains we are experiencing leaks in the Council Chambers at the far end of the tile side and near the bathroom on the carpeted side. Mr Corbin advised the quote to make the necessary repairs is approximately \$12,000 and requested approval to utilize available funds this fiscal year. Councilman Smith moved

approval. Councilman Swihart seconded. Council Vote: Smith-yes; Swihart-yes; Boudreaux-yes; Henkel-yes.

BILLS PAYABLE:

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

The meeting adjourned at 8:50 PM.

Mayor

City Clerk