

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
MARCH 10, 2009

The Niceville City Council met in regular session at 7:00 PM, March 10, 2009 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; Fire Department, Chief Mayville; Public Works Director, Bruce Price; Library Director Sheila Bishop; a member 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, February 10, 2009

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

PLANNING COMMISSION REPORT

Planning Commission Meeting - March 2, 2009

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

Local Planning Agency Meeting - No Meeting Held

PUBLIC HEARING

Take Stock in Children Scholarships

Ms Cindy Frazier, the program coordinator briefed the council on the Take Stock in Children Program. She advised that the student, parents, and the foundation sign an agreement (contract). The student is selected in the 6th grade; is assigned a mentor; received a background check; must have a good attendance record; and must have and maintain good behavior. She advised that the program has zero-tolerance drug policy and the student must maintain an acceptable grade point average; must have a need for financial assistance and must reside within the cooperate limits of the City of Niceville.

She advised that the selection committee picked the two top candidates based on the selection criteria. Councilman Smith moved approval to purchase of two scholarships this fiscal year in the amount of \$5,000 each. Councilman Swihart seconded. Council vote: Boudreaux=yes; Thomas=yes; Henkel=yes; Swihart=yes; Smith=yes.

Presentation - O=Sullivan Creel - Tammy McGaughy, CPA

Ms McGaughy introduced Kristen McAllister, the assistant team chief who was deeply involved in this year=s audit. Ms McGaughy then provided an overview of the results of the City-wide Audit for fiscal year ending September 30, 2008 lauding the City=s overall management and sound fiscal status. Discussion followed.

Final Approval - Valparaiso Realty requests Planned Unit Development (PUD), approval for a church located in Block 5 of Niceville Heights Subdivision. South 14.14 feet of Lot 11, all of Lots 12-15, and a portion of Lot 41, all in Block 5, Niceville Heights Addition, Plat Book 1, Page 102, as recorded in official records of Okaloosa County, Florida. Councilman Swihart moved approval. Councilman Henkel seconded. Council vote: Boudreaux=yes; Thomas=yes; Henkel=yes; Swihart=yes; Smith=yes.

Ordinance 09-03-01 - An ordinance adopting the proposed amendments to the Niceville Comprehensive Plan, Ordinance No. 90-10, as amended; providing for revisions to the Capital Improvements Element; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (Third Reading)

Mr Doucet Read Ordinance 09-03-01 by title. Councilman Smith moved approval on third reading. Councilman Thomas seconded. No spoke for or against. Council vote: Boudreaux=yes; Thomas=yes; Henkel=yes; Swihart=yes; Smith=yes.

Ordinance 09-03-02 - 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 R-1, residential single family. Providing an effective date and providing for filing with the Clerk of Court and Department of State. Val P/C #6 All Blk 22 Ex parts sold. Holy Name Catholic Church. (Third Reading)

Mr Doucet read ordinance 09-03-02 by title. Councilman Smith moved approval on third reading. Councilman Henkel seconded. No one spoke for or against. Mayor Wise asked if any of the council members exparted the property. Councilmen Henkel and Smith responded yes, and Councilwoman Boudreaux responded yes. Council vote: Boudreaux=yes; Thomas=yes; Henkel=yes; Swihart=yes; Smith=yes.

Ordinance 09-03-03 - An ordinance vacating and closure of four Right-of-Ways being that portion of Ivy Avenue, from 18th Street, heading south along lots 26-21 of block 20; Juniper Avenue, from Valparaiso Blvd to 18th Street; Kumquat Avenue, from Valparaiso Blvd to 18th Street; 17th Street, from Ivy Avenue to Linden Avenue and transfer excess to same; and providing for an effective date. Holy Name Catholic Church. (Third Reading)

Mr Doucet read ordinance 09-03-03 by title. Councilman Thomas moved approval on third reading. Councilman Henkel seconded. No one spoke for or against. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 09-04-01 - An ordinance amending Section 3-2 of the City of Niceville, Florida Ordinance 459, January 13, 1981 pertaining to the sale and distribution of alcoholic beverages; repealing ordinance in conflict herewith and providing an effective date. (Second Reading)

Mr Doucet read Ordinance 09-04-01 by title. Councilwoman Boudreaux approval on second reading. Councilman Smith seconded. Mr Doug Evans, 17 Evans Court expressed his opposition for changing the original ordinance and requested an explanation of the amendment. Wanda Cruttenden explained the reason for amending the ordinance was for clarification purposes in that the ordinance would then be in line with policy as it is currently enforced. Discussion followed. Rev Dan Friedsberg, 311 Tala Way, pastor of the Niceville Christian Church expressed his opposition to the amended ordinance. Mr Walter Johnson a church member also expressed his opposition to the amendment. Discussion followed. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 09-05-01 - 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 R-1, Single Family Residential; lot 7, Block A, Magnolia Shores, Okaloosa County, Florida, an unrecorded plat; providing an effective date and providing for filing with the Clerk of Court and Department of State. Allen and Martha Tucker, 1415 Bayshore Drive. (First Reading)

Mr Doucet read Ordinance 09-05-01 by title. Councilman Smith moved approval on first reading. Councilman Thomas seconded. No one spoke for or against. Mayor Wise asked if any of the council members exparted the property. Councilmen Smith and Councilwoman Boudreaux responded yes. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 09-05-02 - 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 R-2, one or more Multiple Family; lot 16, Block 23, Plat of Valparaiso Realty Company=s Pine Crest Addition to Valparaiso, Florida, Sheet No. 1, Subdivision No. 4, according to the plat thereof as recorded in Plat Book 1, Page 48, Public Records of Okaloosa County, Florida; providing an effective date and providing for filing with the Clerk of Court and Department of State. Roy Sutton, Jefferson Street. (First Reading)

Mr Doucet read Ordinance 09-05-02 by title. Councilman Thomas moved approval on first reading. Councilman Henkel seconded. No one spoke for or against. Mayor Wise asked if any of the council members exparted the property. No response. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Resolution 09-03-01 - A resolution of the City of Niceville, Florida, establishing Election Procedures.

Mr Doucet read Resolution 09-03-01 by title. Councilman Swihart moved approval. Councilman Thomas seconded. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Resolution 09-03-02 - A resolution pertaining to the funding of Pump Station # 1 replacement using State Revolving Loan (SRF) Low-Interest Loan.

Mr Doucet read Resolution 09-03-02 by title. Councilman Smith moved approval. Councilman Thomas seconded. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of current projects.

New Fire Department: The office areas and interior work are completed with the exception of the communication system. City crews completed the painting of the floor in the bay area yesterday. Once Embarq ties in the communications to the building and switches over the phones we should be able to begin relocating from the old station.

Bayshore Place Drainage: We have issued the Notice to Proceed to the contractor for this project. City crews have completed the removal of trees and other structures from the easement and the contractor should begin the pipe installation this week.

Other SRF Funding Issues: The city has received construction funding for 3 projects; Linden Avenue which is completed, Bayshore Place Phase 2 which is under construction and Site A the storm water vault system at Palmetto Avenue. We are also seeking approval for the finalized plans for the Valparaiso Blvd Project.

13th Street & Oak Avenue Project: We are also developing preliminary plans for designing a storm water pond to alleviate drainage problems in this area. We have acquired right of way and are working with the developer on Oak Avenue. Our first objective will be to develop a design that will address the problems and satisfy the regulatory agencies.

Water and Sewer Projects

Turkey Creek Water Main Boring: The boring contractor encountered problems with first boring and more pipe has been ordered and a new bore will be made.

Lift Station #1 Replacement: (Bayou Plaza) Plans and specifications are completed and under review. When the review is completed the permit will be obtained and this project will be in line for funding. (permit must be in hand by May 1st for SRF stimulus funding)

Lift Stations #3 and #4 Relocation: The plans and permitting are completed and we are awaiting SRF funding for this project.

Edgewater Force main diversions: We are determining the re-routing of the force main from the Duncan Drive lift station (#15) as part of the overall pumping plan for the new Home Depot Station. When that decision is made a project will be presented for approval.

NWFSC: We are also reviewing alternatives for upgrading our existing sewer lines that serve the college. The expansion of the college will require us to increase the capacity of our system in that area.

REUSE System: We are also determining the best alternatives for providing reuse to the city hall complex and other sites.

Water Well Problems #5 & #8

Well 5 Repairs: The repairs to well 5 are completed and that facility is up and running. (Well motor failure)

Well 8 Rehab: We have determined the well hole at well 8 (Ruckel System) must be vacuumed and cleaned. Once we complete this work we can test the well and determine the amount of upgrading that can be done to increase the out put of the well.

Sanitation Truck: We also accepted delivery of our new sanitation relay truck and have completed the set up to put it into service.

Triangle Landscaping Project: We held a meeting with representatives of DOT, PBS&J and our landscape Architect regarding the transfer of ownership and the landscaping of the triangle. The meeting was productive and we are establishing a time table to begin the landscaping.

Regional Sewer System - Update: No Report.

POLICE DEPT - UPDATE

Lt Sallee briefed the status of current projects in the department. During the month of February the Police Department responded to 1,736 calls for police assistance. A total of 67 vehicles and 2 pedestrians were involved in reported crashes. The estimated amount of damage to these vehicles and related property was \$126,525. A total of 166 Traffic Citations were issued, 24 Misdemeanor, 12 felony and 3 DUI Arrests were made.

FIRE DEPT - UPDATE

Chief Mayville briefed the status of current projects in the department. He advised that during the month of February the Fire Department responded to a total of 70 calls within the city limits and 6 mutual aid calls. A breakdown of calls: 3 fires; 50 medical calls; 7 accidents and 10 miscellaneous calls. He advised that 25 fire hydrants were tested.

LIBRARY - UPDATE

Sheila Bishop, Library Director discussed the current status of ongoing projects in her departments. She discussed upcoming Library Programs outlined in a handout published by the Library.

OTHER BUSINESS:

Mayor Wise requested council approval to sign a County Resolution in support of F-35 bed down that is being circulated to all municipalities within the county for signature. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

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CORPORATE RESOLUTION - APPROVAL

Mr Doucet advised that we competitively shop for CD Rates as our CD's mature. He stated we have a corporate resolution giving us the ability to invest in a CD with all banks except First National Bank and Trust; Regions Bank; People's First; Beach Community Bank and Compass Bank.

Mr Doucet requested the council consider a motion giving the City Clerk, Deputy City Clerk, Mayor, City Manager (Two Signatures Required), permission to purchase a CD from these banks providing they have the highest interest rate. Councilman Smith moved approval. Councilman Henkel seconded. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

LAND PURCHASE - APPROVAL

Wanda Cruttenden briefed the council in that the property purchase that was discussed during the June 2007 meeting is now available for purchase at a reduced price of \$158,000. Plans are to construct a holding pond at the corner of Valparaiso Blvd and Bayshore Drive to support a stormwater project. She advised that existing Stormwater Funds are available to fund the purchase. Councilman Smith moved approval to proceed with negotiations to purchase the property. Councilman Henkel seconded. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

EGLIN LEASE AGREEMENT - APPROVAL

Mr Corbin advised that the lease with Eglin AFB for the Mullet Site has been approved. Wanda Cruttenden provided an overview of the enhanced use of the lease. She advised that the lease covers 46.91 acres of Eglin AFB Property for the purposes of operating and maintaining a public park and recreational area for the joint benefit of the Air Force and the public. Ms Cruttenden explained that the government reserves the right to enter to extent needed for the operation, security, or safety of Eglin AFB, or it's assigned personnel, or for any other reasonable purposes. The property shall be used for recreational activities and civic programs, such as sports and park activities. The Boggy Bayou Mullet festival is also an authorized activity. The City is required to acquire Commercial General Liability insurance with single limit coverage of \$5,000,000 each occurrence and \$10,000,000 aggregate. The government would be named as additional insured. Ms Cruttenden advised it's a ten year lease with the fair market value being \$1,711,000. She advised that considerations enumerated within the lease (including existing site improvements, necessary future maintenance and improvements, utility services on premises, utility services to other Eglin Facilities in Niceville, and effluent for irrigation use), are accepted as payment-in-kind and payment-in-full!! There is no monetary consideration for this

lease!! Discussion followed. Councilman Smith moved approval to sign the lease. Councilman Swihart seconded. No one spoke for or against. Council vote: Boudreaux yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

BILLS PAYABLE:

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

The meeting adjourned at 8:30 PM.

MAYOR

CITY CLERK