

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
APRIL 14, 2009

The Niceville City Council met in regular session at 7:00 PM, April 14, 2009 in the Council Chambers, 208 N Partin Drive. All Council members were present except the Mayor who was ill and unable to attend. Also present were City Manager, Lannie Corbin; City Clerk, Dan Doucet; City Planner, Wanda Cruttenden; Police Department, Chief Cruttenden; Fire Department, Chief Mayville; Public Works Director, Bruce Price; a member of the press, and visitors in the audience. Councilman Henkel offered the prayer and Councilman Thomas let the pledge of allegiance. Mayor Pro-tem Smith called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

Regular Council Meeting, March 10, 2009

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

PLANNING COMMISSION REPORT

Planning Commission Meeting - April 6, 2009

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

Local Planning Agency Meeting - No Meeting Held

PUBLIC HEARING

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. (Third Reading)

Mr Doucet read Ordinance 09-04-01 by title. Councilman Swihart moved approval on third reading. Councilman Thomas seconded. Mr Doug Davis, 1700 Evans Court representing the Niceville Christian Church expressed his opposition for approving the amended ordinance and offered suggestions for making the ordinance more

restrictive. Discussion followed. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 09-04-02 - An ordinance of the City of Niceville, Florida establishing rates for the collection of Residential and Commercial Garbage; providing for a rate increase and providing for an effective date. (First Reading)

Mr Doucet read ordinance 09-04-02 by title. Councilman Swihart moved approval on first reading. Councilwoman Boudreaux seconded. Mr Eller, 1004 Regatta Drive recommended that the council not entertain a rate increase until a long standing issue regarding Waste Management is resolved. Mr Eller advised that Waste Management is emptying dumpsters at commercial establishments in nearby locations too early in the morning. He advised that they are coming in some instances at 4:15 to 4:30 in the morning. Mr Eller advised that this issue has been identified before with no resolution to the matter. Discussion followed. Ms Debra Wolfender, 1006 Regatta expressed her displeasure with the noise early in the morning and asked for support in resolving the matter. Mr Corbin advised that he visited with a commercial establishment in close proximity to Water Oaks over a month ago and felt the issue was resolved. Mr Doucet advised that the City has approximately 5,000 Sanitation customers and indicated that we basically have very few complaints from customers regarding the service provided by Waste Management and felt this is an isolated case. Mr Doucet advised that Waste Management has the authority to raise rates to the City based on the Consumer Price Index (CPI) in January each year per our Franchise Agreement. He advised those rates must be passed on to our customers since Sanitation is an Enterprise Fund and must make it=s own way. Discussion followed surrounding the need to resolve this issue before the next City Council Meeting. Council vote: Boudreaux-yes; Thomas-no; Henkel-no; 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. (Second Reading)

Mr Doucet read Ordinance 09-05-01 by title. Councilman Thomas moved approval on second reading. Councilman Henkel seconded. No one spoke for or against. Mayor Pro-tem Smith asked if any of the council members exparted the property. Councilmen Smith and Councilman Swihart 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. (Second Reading)

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

Ordinance 09-05-03 - An ordinance of the City of Niceville, Florida granting authority for service charges/fees to be enacted by Administrative Authority and providing for an effective date. (First Reading)

Mr Doucet read Ordinance 09-05-03 by title. Councilman Swihart moved approval on first reading. Councilman Henkel seconded. No one spoke for or against. Discussion followed. Council vote: Boudreaux=yes; Thomas=yes; Henkel=yes; Swihart=yes; Smith=yes.

Ordinance 09-06-01 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; from C-1, Limited Commercial to C-2, General Commercial. Providing for zoning for same and an effective date. Lots 20 and 21, Block 9, of the Powell Subdivision of Niceville, as recorded in the official records of Okaloosa County, Florida, book 62, page 71, and as recorded in plat book 1, page 96 fo the O.R. book of Okaloosa County, Florida. JB and Betty Henley, 616 Elm Street. (First Reading)

Mr Doucet read Ordinance 09-06-01 by title. Councilman Swihart moved approval on first reading. Councilman Henkel seconded. No one spoke for or against. Mayor Pro-tem Smith asked if any of the council members exparted the property. Councilman Smith; Henkel, and Swihart responded yes. Council vote: Boudreaux=yes; Thomas=yes; Henkel=yes; Swihart=yes; Smith=yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

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Mr Price briefed the status of current projects:

Bayshore Place Phase II: The contractor has completed the installation of the 36 inch storm water pipe to improve the capacity of this outfall system. The project was completed ahead of schedule and under budget by \$25,000.00.

Flood Damage; The recent heavy rains did cause some high water issues but all in all the city as a whole faired well compared to other areas. This was due in large part to the efforts of city crews maintaining open flow ways and monitoring the drainage systems during the heavy rains. Many of the ditches, channels and drainage systems were near or above capacity but in most areas the water levels subsided in a reasonable amount of time. Some of the problem areas include:

Bayshore Place and 13th Street: High water in roadway and back yards in Bayshore Place. City crews responded to this area during and immediately after the storm to open up a flow way and do emergency pumping. We are working with our engineers, the developer on Oak Avenue and Okaloosa County to determine what measures can be taken to alleviate the flooding and standing water. This is an area that we have been looking at for some time but were unable to determine what corrective measures could be taken until completion of the second phase of the Bayshore Place project. Now that the BSP Ph.II work is completed and operational we are proceeding with the engineering plans for this area.

Rocky Bayou Road and Roscommon Blvd: The high volume of run off in this area caused structural failure to the outfall structure and we are determining what repairs are required.

Water & Sewer Projects:

Turkey Creek Boring: The contractor has completed the boring for the new water main under Turkey Creek which will provide an additional supply line to the west side of town. The final tie in will be made this week then activated.

Home Depot Lift Station: The installation of the station is near completion and we are waiting for Gulf Power to provide power to the site.

Well 8 Repairs: The contractor has completed the air lift of the well and is in the process of cleaning and disinfection. After this procedure is completed a pump test will occur to determine the production capabilities of the well.

Generator Installations: We have completed the installation of 6 additional generators at various lift stations. This brings to a total 25 pump stations that have on site auxiliary power.

We have 71 total stations but the majority of the critical stations are equipped with stationary back up power and as we upgrade and relocate some of those facilities we include auxiliary generators as part of the upgrade. Examples Lift stations # 1 and the consolidation of lift stations 3&4.. We also have completed the installation of quick connects at 23 smaller pump stations giving us the ability to hook portable generators up to those facilities. In the event of a major power outage our ability to continue service has been greatly enhanced.

Water Storage Tank Maintenance: The maintenance has been completed at three water storage tanks, this included the wash out of two tanks, the inside painting of one and the outside painting of another.(Cedar Tank inside wash out and inside painting, Complex tank inside wash out and the outside painting of the Kilcullen Tank.)

Lift Station 3&4 (Lions Park/Giuseppi) Relocation & Consolidation Project: This project is ready for letting.

Other Projects:

Old Fire Department Demolition: City crews have completed the take down of the old fire department building and we are acquiring prices for the removal and disposal of the slab.

New Public Works Building: Materials are on site and construction is starting on this facility. This building will house the Public Works office, Inventory warehouse and the vehicle maintenance shop.

Kiwanis Park Landscaping: Gulf Power has requested an easement in Kiwanis Park to install additional supports for the existing transmission lines. In exchange for this easement the city asked for money to do additional landscaping to minimize the impact of the supports. We were notified today that a check was being sent to cover the cost of the additional landscaping.

Triangle Area: We have also been notified that we can reassume the maintenance of the triangle and right of ways affected by the road widening work and we will be meeting with DOT to work out the details of the partial ownership of this area.

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Bullock Property Purchase and Pond Acquisition:

Ms. Essex owns a parcel of property between Bullock Pond and McEwen Drive containing .58 Acres.

Ms. Essex also owns Bullock Lake.

This property was passed down to her from her father John Bullock who originally owned most of the property in this block.

In 1992 Mr. Bullock granted a 10 foot easement to the city to allow the installation of a 36 inch storm pipe to alleviate the storm water runoff problem from McEwen Drive. The installation of this drainage system included an inlet structure on McEwen, containing 180 feet of 36 inch pipe and an outfall structure. This easement and drainage system are within a 20 foot wide strip of land that connects McEwen Drive to the Essex parcel and provides the only access to that property.

Ms Essex is now planning to sell this property and has approached the city regarding the access. At the present time the inlet structure and the outfall structures would need to be relocated to allow access to this land in the event it were sold and developed. We would also most likely be required to add an additional 200 feet of pipe to the existing system to allow for any development of this property. Any modifications to the existing system would require engineering and permitting.

This property is on the market for \$20,000.00, it is safe to assume that making the necessary changes and modifications to the drainage system to provide access and accommodate development would cost considerably more. \$30,000 to \$40,0000.

Mr Price advised he had discussed this issue with the City Manager and we propose that the council consider purchasing the property. Mr Corbin advised that he has coordinated with Attorney Powell regarding the purchase of the property. The purchase would be made using existing Stormwater Funds and requested council approval. Councilman Henkel moved approval. Councilman Thomas seconded. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Regional Sewer System - Update:

No Report.

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POLICE DEPT - UPDATE

Chief Cruttenden briefed the status of current projects in the department. During the month of February the Police Department responded to 1,791 calls for police assistance. A total of 99 vehicles and 1 pedestrian were involved in reported crashes. The estimated amount of damage

to these vehicles and related property was \$111,650. A total of 222 Traffic Citations were issued, 28 Misdemeanor, 15 felony and 5 DUI Arrests were made. Chief Cruttenden advised that appropriate security was provided for the Easter Egg Dash.

FIRE DEPT - UPDATE

Chief Mayville briefed the status of current projects in the department. He advised that during the month of March the Fire Department responded to a total of 88 calls within the city limits and 4 mutual aid calls. A breakdown of calls: 4 fires; 61 medical calls; 14 accidents and 13 miscellaneous calls. He advised that 31 fire hydrants were tested. He advised that the Fire Dept participated in the Home Show at Northwest Florida State College and the City's Easter Egg Dash.

OTHER BUSINESS:

BILLS PAYABLE:

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

The meeting adjourned at 8:10 PM.

MAYOR PRO-TEM

CITY CLERK