

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
AUGUST 11, 2009

The Niceville City Council met in regular session at 7:00 PM, August 11, 2009 in the Council Chambers, 208 N Partin Drive. All Council members, except for Council Swihart, and the Mayor were present. 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 led the pledge of allegiance. Mayor Wise called the meeting to order at 7:00 PM.

#### APPROVAL OF MINUTES

Regular Council Meeting, July 14, 2009  
Special Council Meeting, July 23, 2009

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

#### PLANNING COMMISSION REPORT

Planning Commission Meeting B August 3, 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; Smith-yes.

Local Planning Agency Meeting - No Meeting Held

#### PUBLIC HEARING

Ordinance 09-08-01 - An ordinance amending Section One of the City of Niceville, Florida Ordinance 09-05-01, May 12, 2009, pertaining to the annexation of property located at 1415 Bayshore Drive to include the legal description; repealing ordinance in conflict herewith and providing an effective date. (Third Reading)

Mr Doucet read Ordinance 09-08-01 by title. Councilman Smith moved approval on third reading. Councilman Henkel. No one spoke for or against. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Smith-yes.

Ordinance 09-09-01 - An Ordinance of the City of Niceville, Florida relating to a Natural Gas Utility Franchise to the Okaloosa County Gas District, created under the laws of the State Of Florida, the right, authority, easement, and privilege to install, operate and maintain a natural gas manufacturing plant or plants; natural gas transmission and distribution system and such other necessary facilities for the purpose of providing natural gas services to all classes of customers within the City of Niceville, Florida; providing for non-exclusive grant; providing geographic area; providing a term; providing consideration; providing accounting; audit; inspection; providing City not to compete; providing relocation at district expense; providing relocation for private enterprise; providing right to purchase after expiration of franchise; providing notice of exercise of option; providing transmission system and interruptible customers; providing annexation; providing default clause; providing proper operation; providing hold harmless clause; providing sovereign immunity; providing exclusivity of ordinance sections; providing repealing clause; providing severability; and providing for an effective date. (Second Reading)

Mr Doucet read Ordinance 09-09-01 by title. Councilman Thomas moved approval on second reading. Councilwoman Boudreaux seconded. No one spoke for or against. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Smith-yes.

Ordinance 09-09-02 - An ordinance adopting amendments to the Land Development Code to update provisions of Article 9.06.04, Swimming Pools, Subsection (f) (1) and (2) Fencing, by changing the minimum height requirement from six feet to four feet; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (First Reading)

Mr Doucet read Ordinance 09-09-02 by title. Councilman Smith moved approval on first reading. Councilwoman Boudreaux seconded. Discussion followed. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Smith-yes.

Resolution 09-08-01 - A resolution granting special exception to the Land Development Code , 7.14.02 (e) (2), to allow for a 12' rear setback as opposed to the required 25'. Metes and bounds description. Property is located at 1015 S Cedar Avenue. Margaret Phelps.

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

Resolution 09-08-02 - A resolution authorizing the City Manager to purchase services for manhole and Wet-well rehabilitation.

Mr Doucet read Resolution 09-08-02 by title. Councilman Thomas moved approval. Councilwoman Boudreaux seconded. No one spoke for or against. Council vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Smith-yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of current projects.

**Christy Drive:**

Crews are making the final repairs to the drainage outfall system on Christy Drive. This project involved the replacement of approximately 100 feet of 18 inch pipe and modifications to the inlet and curbing on Christy Drive.

**Magnolia Shores:**

City crews have completed the installation of approximately 600 feet of 6 inch under drain to improve the ground water problem in this area.

**Palm Boulevard Project:**

Crews have started the work to widen and resurface Palm Boulevard from SR 20 to just north of Old Coastal Road. Once the base work is completed APAC will begin the asphalt work and re-striping. This widening will provide additional turn lanes for the north and south bound traffic. There will be approximately 5,000 Sq. Ft. of widening and approximately 26,000 Sq. Ft. of resurfacing along with new striping. This should improve the congestion problem encountered during school and rush hour periods.

The limits of Project are approximately 710 L.F. This is the final phase of this work which included new side walks, additional parking and additional drainage.

Initial paving and striping@ \$33,000.00

Additional Thermo striping \$6,000.00

Total Projected widening & Resurfacing Cost \$45,000.00

This is funded through the Resurfacing Fund

Balance \$100,000.00

**Oak Avenue and 13<sup>th</sup> Street:**

The permit for this project has been submitted for approval to the Water Management District. Our Engineers have been working closely with the Water Management officials and we are expecting a quick turn around in the approval of the permit. The emergency

measures we installed last month to alleviate the standing water issues on Persimmon Way have improved that situation.

**Valparaiso Boulevard:**

The engineers are currently working on revising the plans to include the property we purchased for the treatment pond. The surveying of the pond property should be completed by the middle of this month. The design and permitting will be started once the survey data is collected.

**Turkey Creek Site A:**

The permit exemption was granted for this project. The engineers are finalizing the bid documents and updating the treatment vault design. We expect to have this project ready for bid by the end of August.

We are also working with our Engineers to determine the best alternative for treating the run along Bayshore Drive in the area of Partin Drive and 31<sup>st</sup> Street. We are also looking at replacement of the out fall pipe under Bayshore Drive south of 31<sup>st</sup> Street. Our hope is to install a storm water vault system or systems to treat the run off before it reaches the Bayou.

**Water and Sewer Projects**

We received notice from Northwest Florida Water Management District that our Consumptive use permit has been approved. Our maximum daily withdrawal amount has increased from 5.3 million to 6.0 million. The annual daily average has increased to 3.0 million. This permit will carry us until June 2014.

**Well 8:**

City crews are continuing the reconstruction of the well building. The slab and outer walls are in place. We are also working out an easement issue with the home owners association and Gulf Power. This is an up-grade from 300 gpm to 600 gpm.

**Well 4:**

We are now performing the final compliance sampling for this well located at the mullet site.. The raw water sampling is completed and the treated water sampling is underway. The well is on line.

**Water Main Extension:**

City crews have installed approximately 700 feet of 6 inch water main on the Hickory Avenue right of way behind the new Fire Department and are preparing to install a 10 inch reuse main in the same right of way.

**Other Projects**

**Kiwanis Park Landscaping:**

City crews installed new landscaping at Kiwanis Park. The plants were provided by Gulf Power in exchange for an additional easement needed by GP to install guide wire supports for the transmission poles running through the park area.

**New FD Landscaping:**

City crews also installed additional landscaping at the new Fire Department.

**Public Works Building:**

The dry in of the building is complete and we are preparing to have the foam insulation installed.

**City Auction:**

We recently had a auction of surplus city equipment which included police cars, and public works equipment that netted \$6,700.00.

**Regional Sewer System - Update**

Mr Corbin advised that the board is still working on the impact of the by-pass and how it will affect the Sprayfield operation.

**POLICE DEPT - UPDATE**

Chief Cruttenden briefed the status of current projects in the department. During the month of June the Police Department responded to 1701 calls for police assistance. A total of 66 vehicles were involved in reported crashes. The estimated amount of damage to these vehicles and related property was \$140,918. A total of 143 Traffic Citations were issued, 47 Misdemeanor, 20 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 June the Fire Department responded to a total of 77 calls. There were 71 calls within the city limits and 6 mutual aid calls. A breakdown of calls: 5 fires; 43 medical calls; 11 accidents and 18 miscellaneous calls. He advised 15 children from a local summer daycare center came to the station for a tour on July 18<sup>th</sup>. Firefighters went to CD Williamson Karate on July 22<sup>nd</sup> and talked to children in a summer program about fire safety. Several firefighters completed the State of Florida Boater Safety Course. Chief Mayville advised two firefighters completed and passed the EMT and one firefighter has completed and passed fire standards. He advised that firefighters completed multi-company training at the CITGO terminal using Pumper # 1. He advised that Senator Gaetz visited the station July 30 for a tour and to meet with firefighters. The fire boats will be in the bay this weekend for quick response training in case of emergencies during Boat Week and the Poker Run. Firefighters tested 18 hydrants.

Other Business:

Dolphin Point - Update

Mr Corbin advised that he had met with Mr Jack Garnett and other Dolphin Point residents; a member of the Dana Point Association, and the City Attorney regarding issues raised at our last council meeting. He advised that a review of the public records determined that the green belt was never dedicated to the City. The residents on Yacht Club drive actually pay taxes on the property in question even though it=s not a fenced in area. Mr Corbin advised he felt strongly that when the City Council at that time approved the establishment of Dana Point would not have done so if it was known that the green belt would be compromised.

Attorney Powell advised that we received a copy of the plat concerning the green belt dedication. Attorney Powell read the dedication of the green belt as follows: those areas designated herein as private road quote and green belt quote are hereby dedicated to the Dana Point Owners Association. As more fully provided in the decoration of covenants, conditions, and restrictions. Attorney Powell then went on to state that he had reviewed the convents, conditions and restrictions and the green belt was not described or referenced in the covenants, conditions and restrictions. That being the case the city does not own the green belt as it was dedicated to the individual lot owners and/or the association. Therefore the City cannot either enforce or not enforce the green belt but it would be a civil matter between the individual lot owners and homeowners of Dana Point Assn and Dolphin Point

Assn. Further the lot owners and home owners each own a portion of the green belt which extends to the City Right of Way. And until and unless  
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the green belt is dedicated to the City the City has no responsibility or right to control or deny access to or upon the green belt. The City can however, control it=s own right of ways. Further, according to Attorney Powell and Don Baccadutre, the City Building Inspector; the City has no ordinance limiting only one access to lot owners or home owners. Mr Garnett, 128 Dolphin Point Road credited the City Manager with working with them on a very difficult situation. He advised that the residents present tonight would like the City to consider placing a Split Rail Fence along the front of the Right of Way and planting of Wax Myrtle shrubby along it=s edge of the Right of Way for beautification and protection of it=s Right of Way. Discussion followed. Councilman Smith moved to install the Split Rail Fence and appropriate shrubby along the right of way and for Code Enforcement to be involved to correct garbage dumping issues. Residents would contact the City to gain access to the rear of their property. Councilman Thomas seconded. Discussion followed. Council vote: Boudreaux=yes; Thomas=yes; Henkel=yes; Smith=yes.

#### Fireworks - Update

Mr Corbin advised that we have had several meetings regarding donations made via the Water Billing. Mr Doucet explained the Utility Billing Office will include Fireworks Donations as a separate billing item on the water bill. Customers must authorize this service by signing a form that will be sent to them as an insert to their bill. He explained that we need their authorization to post a specific amount to their bill. That deduction will continue on a monthly basis until the customer cancels, or changes it. He advised those customers who want to make a one time contribution can indicate a specific amount in the space provided on the stub of the bill. Mr Doucet stated we have over 2,000 customers who use our auto debiting service and others pay on line thru their bank, or a bill pay service. Since those customers do not write a check and mail it to us they can choose to establish a monthly deduction, or they can write a separate check to make a contribution by mail, or visit our office and donate by check or cash. Discussion followed. Mr Corbin advised that he will include a letter insert with the next water bill asking for support of the program. The Fireworks Trust Account balance will be added to our City Web Site and updated on a periodic basis so the residents can track performance of the project. Mr Doucet advised that our auditing firm has been appraised of the program. Councilman Thomas moved approval to proceed with the project. Councilman Smith seconded. Council Vote: Boudreaux=yes; Thomas=yes; Henkel=yes; Smith=yes.

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MAYOR

Housing Authority Appointment:

Mayor Wise recommended Ms Frieda Spence be appointed to serve on the Housing Authority replacing Mr Ted Reaves. Councilman Thomas moved approval. Councilman Smith seconded. Council vote: Boudreaux-yes; Henkel-yes; Thomas-yes; Smith-yes.

Planning Commission Appointments:

Mayor Wise recommended Ms Judy Bryne Riley be appointed to serve on the Planning Commission replacing Ms Christine Bishop. In addition, he recommended Mr Chris McLeaish be re-appointed to the Planning Commission. Councilman Smith moved approval. Councilman Henkel seconded. Council vote: Boudreaux-yes; Henkel-yes; Thomas-yes; Smith-yes. Councilman Smith moved to re-appoint Mr Fred Jones to serve on the Planning Commission. Councilman Henkel seconded. Council vote: Boudreaux-yes; Henkel-yes; Thomas-yes; Smith-yes.

Methodist Church Expansion - Grand Opening

Mr Corbin made reference to an invitation received from the church regarding their Grand Opening. He stated the church as done a tremendous job of developing their property. He praised their efforts in providing your services programs which takes a lot of pressure off of the City. Discussion followed. Mr Corbin recommended the City Council consider a Resolution thanking them for their support to the local community. Councilman Smith moved approval. Councilwoman Boudreaux seconded. Council Vote: Boudreaux-yes; Henkel-yes; Thomas-yes; Smith-yes.

BILLS PAYABLE:

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

The meeting adjourned at 8:30 PM.

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MAYOR

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CITY CLERK