

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
OCTOBER 13, 2009

The Niceville City Council met in regular session at 7:00 PM, October 13, 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; City Planner, Wanda Cruttenden; Police Department, Lt Sallee; Fire Department, Chief Mayville; Public Works Director, Bruce Price; a member of the press, and visitors in the audience. Councilman Thomas offered the prayer and Councilman Henkel led the pledge of allegiance. Mayor Wise called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

Regular Council Meeting, September 8, 2009  
Special Council Meeting, September 10, 2009  
Special Council Meeting, September 15, 2009  
Special Council Meeting, September 17, 2009  
Planning Commission Meeting B October 5, 2009

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

PUBLIC HEARING

CDBG - UPDATE: Mr Dennis Dingman representing Summit Professional Services, Inc. briefed the council on the current status of the Community Development Block Grant.

Ranking of Homeowner Applications:

Mr Dingman advised that four homeowner applications were scored and ranked. He advised that council members are required to publicly disclose any business or familial relationships with any of the ranked homeowners. In addition, the CDBG program also requires that each applicant provide information on family relationships with City elected officials, City employees or Citizen Advisory Task Force Members. He advised when a relationship such as this exists the City is required to obtain a conflict of interest waiver form DCA. As part of this process, the City will need to disclose names of any participants with a conflict during a City Council meeting, provide a legal opinion from the City's attorney and submit a letter from the City to DCA requesting the waiver. Mr Dingman advised there are three applicants in the CDBG Housing Rehabilitation program that will require a conflict of interest waiver. He advised of the following recommended actions:

Recommended Action #1. Council to adopt the ranking list for the current grant funded program.

Motion: A Motion to adopt the ranking list, dated October 13, 2009, for the current grant funded program: Councilwoman Boudreaux moved approval. Councilman Smith seconded. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Recommended Action #2. Council members to disclose business or familial relationships with any of the homeowners listed on the attached ranking list.

Motion: A Motion for Council members to disclose any business or familial relationships with any of the homeowners listed on the ranking list and abstain from voting on those homeowners. @ Mr Dingman advised since there are no business or familial relationships involving the council this item is non-applicable.

Recommended Action #3. Council to vote to submit the Conflict of Interest waiver Request to DCA.

Motion: Motion to waive the conflict of interest for applicants Burnett, Mason and Whitfield and submit the Conflict of Interest Waiver Request to DCA for approval. @ Councilman Smith moved approval. Councilman Henkel seconded. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 09-11-01 - 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-1B, residential single family. Property is located at the corner of Valparaiso Blvd and Thomas Street; providing for the severability of this ordinance; providing an effective date and providing for filing with the clerk of court and Department of State. Mike Parrish. (Second Reading)

Mr Doucet read Ordinance 09-11-01 by title. Councilman Thomas moved approval on second reading. Councilman Smith seconded. Mayor Wise asked if anyone had exparted the property. Councilmen Smith, Thomas, and Councilwoman Boudreaux indicated they had made a site visit. No one spoke for or against. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 09-12-01 - An ordinance adopting amendments to the Land Development Code to update provisions of Article 7.14.00, Districts and Boundaries, to add Community Planned Unit Development (C-PUD) District; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (First Reading)

Mr Doucet read Ordinance 09-12-01 by title. Councilman Smith moved approval on first reading. Councilwoman Boudreaux seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 09-12-02 - 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 C-PUD, Community Planned Unit Development. Property located at the NE corner of Forest Road and Rocky Bayou Drive. Metes and bounds description; providing for the severability of this ordinance providing and effective date and providing for filing with the clerk of court and Department of State. Ruckel Properties. Exhibit A. (First Reading)

Mr Doucet read Ordinance 09-12-02 by title. Councilman Smith moved approval on first reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 09-12-03 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; providing zoning for same and an effective date. Ruckel Properties request their property known as Hawks Landing be rezoned from R-1, Single Family Residential to R-3, Multiple Family. Metes and bounds description. Exhibit A. (First Reading)

Mr Doucet read Ordinance 09-12-03 by title. Councilman Smith moved approval on first reading. Councilman Swihart seconded. Mr Charles Pitts, 807 Sparkleberry Cove stated he was opposed to this re-zoning because he felt it would lessen his property value; increase traffic and the recommended zoning would allow 4-Plex units up to 4 stories high. Attorney Jeff McInnis representing Ruckel Properties stated there is no concrete plan as of yet. The recommended zoning would allow the developer the flexibility because of the declining housing market. He advised there are no plans to build rental units; all construction will be for sale. Ms Lisa McMahan, 809 Sparkleberry Cove feels that the current residents would be in agreement with R-2 vs R-3 zoning. She stated it would help alleviate some of the concerns for our property values. She feels R-2 zoning would be a compromise. Ms Marion Cook, Community Planner, 96 Civil Engineer Group from Eglin AFB addressed the council and advised the proposed amendment is an increase from a maximum of 5 DUPA to a maximum of 15 DUPA. This amendment would allow 240 town homes on the 16.6 acre site. This is a substantial increase over the

35 single family homes previously approved by the Council on the Hawk=s Landing Plat. The proposed increase in density is not consistent with Eglin=s AICUZ or JLUS findings. Mr Tom Murray 811 Sparkleberry Cove stated he has lived in Niceville for approx 3 2 years. He is concerned about the increase in traffic and the recommended zoning is not compatible with the current neighborhood and sited several examples why the proposed zoning will not benefit the neighborhood. He stated a more creative approach would be to consider PUD Zoning allowing clustering not to exceed 35 homes per acre. Mr Jayson Allen, 805 Sparkleberry Cove expressed his opposition to the proposed zoning. He feels that 35 home sites would be no problem however 200 units would be a problem. He recommended that the developer should disclose their records/plans before approval consideration. Discussion followed. Council Vote: Boudreaux=yes; Thomas=no; Henkel=no; Swihart=no; Smith=yes. Motion failed.

Resolution 09-10-09 - A resolution accepting liability associated with the closing of a state roadway for purposes of a parade.

Mr Doucet read Resolution 09-10-09 by title. Councilman Smith moved approval. Councilman Thomas seconded. No one spoke for against. 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:

**Oak Avenue & 13<sup>th</sup> Street:** The NFWFMD made a request for additional information (RAI) on September 21<sup>st</sup> Baskerville Donovan is in the process of responding to that request. The allowed response time for the district is 30 to 45 days. As you know we met with the district during the initial permitting and received verbal approval for this project but we are now required to respond to this RAI.

**Turkey Creek Site A:** 12 bids were received on October 8<sup>th</sup> for this project. The apparent low bid was submitted by G2C Enterprises for \$284,926.00. Baskerville Donovan is presently reviewing the bids and checking contractor references. In addition, Baskerville Donovan will be requesting approval of the bid from the FDEP State Revolving Fund prior to issuing a letter of recommendation to the City Council at our next council meeting.

**South Partin and 31<sup>st</sup> Street:** The design for the road crossing is 95% completed. Baskerville Donovan is applying for a maintenance exemption for this pipe replacement project. The design for

the storm water vault project will continue after the pipe replacement project is approved. We had initially considered combining these projects but due to the urgency of replacing the pipe  
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crossing we feel this work should be expedited. We plan to add the Vault project to our facilities plan so SRF money can be used to finance that work. We may experience a delay with the pipe replacement project because of permitting associated with the Vault project.

**Partin Drive Sidewalk and Drainage:** City crews have completed the installation of the additional storm water pipe and preparations are underway to extend the sidewalk.

**Sidewalk 285:** The contractor has completed the installation of the sidewalk on SR 285. There have been some questions about the terrace or step down design on the steep grade but this was done to meet the ADA requirements.

### **Water and Sewer**

**Lift Station 3&4 relocation:** The contractor has started the site work.

**City Hall Water, Sewer and Reuse Extension Project:** City crews have completed the water main installation and will be installing sewer and Re-use lines. We are also working with APAC to resurfacing the parking lot when the line installations are completed.

**Well 8:** (Ruckel Airport) We are in the process of acquiring a easement to provide power to the well site. The construction on the well building is nearly completed.

**Manhole Rehabilitation:** The contractor completed the re-lining of 10 man holes and 1 wet well. The hydrogen sulfide gases caused deterioration of the concrete in these manholes.

**Mullet festival site Preparations are underway.**

### 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 September the Police Department responded to 1918 calls for police assistance. A total of 81 vehicles were involved in reported crashes. The estimated amount of damage to these vehicles and related property was \$159,570. A total of 310 Traffic Citations were issued, 14 Misdemeanor, 4 Felony and 4 DUI Arrests were made.

FIRE DEPT - UPDATE

Fire Director Rick Vandyke briefed the status of current projects in the department. He advised that during the month of August the Fire Department responded to a total of 90 calls in the City and 3 mutual aid calls. He advised there were no structure fires during the month of September. Firefighters tested 280 hydrants.

OTHER BUSINESS:

CITY CLERK:

Aid to Organizations.

Mr Doucet advised that the City budgeted \$15,000 in fiscal year 2010 to fund Aid to Organizations. He recommended the following funding:

\$ 6,000 Chamber of Commerce  
\$ 2,000 Economic Development Council  
\$ 2,000 Bridgeway Center  
\$ 500 Okaloosa - Walton Child Care Svcs  
\$ 500 Shelter House  
\$ 2,000 Children=s Advocacy Center  
\$ 2,000 Sharing & Caring  
\$15,000 Total

Councilman Thomas moved approval. Councilman Smith seconded. Discussion followed. Council Vote: Smith=yes; Swihart=yes; Thomas=yes; Boudreaux=yes; Henkel=yes. Councilwoman Boudreaux recommended that we decrease the amount for the Children=s Advocacy Center by \$500 and donate that to the Head Start Program. Councilman Thomas agreed to amend his motion accordingly. Seconded by Councilman Smith. Council Vote: Smith=yes; Swihart=yes; Thomas=yes; Boudreaux=yes; Henkel=yes.

MAYOR PRO-TEM - APPOINTMENT

Councilman Thomas moved to re-appoint Councilman Smith as Mayor Pro-tem. Councilman Swihart seconded. Council Vote: Smith-yes; Swihart-yes; Thomas-yes; Boudreaux-yes; Henkel-yes.

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#### DOLPHIN POINT/DANA POINT UPDATE:

Mr Corbin advised the property was annexed back in 1992. The residents of Dolphin Point followed the annexation of the property very closely by attending all the council meetings. Their main objective was to make sure nothing negatively impacted their residences. The developer assured the residents and the city that there would be a 20 foot green belt that it would be established behind the homes that were being built on Yacht Club Drive. A total of 8 homes at the time. It was not given to the City like all other green belts. Mr Corbin advised that We did know it at the time and the plat was signed off in 1992. The developer by the name Mr Malas gave the green belt to the Dana Point Homeowner=s association as noted in the developer=s official records. In 1993 I wrote a letter to the developer stating that the 20' green belt that runs along Dolphin Point as shown on the Dana Point Plat was to advise him that this green belt would not be disturbed by a fence. The letter explained that the notice would be adhered to. At the time it was unknown that the green belt was part of the property owner=s lots on Yacht Club drive and they were actually paying taxes on it. This was surfaced later on when the property owners began to access the rear of their properties. During our August Council meeting the council made a decision to fence that with decorative type fence to prevent egress and digress from happening. I have had several meetings since that time with both the home owner associations and the residents affected by this decision. The Dolphin Point residents do not want the City to expend funds to build a fence and plant the shrubby. So, we are scratching that idea. However, they do not want garbage placed on Dolphin Road. They do feel that the egress and digress should be coordinated with the City. The do feel that green belt as depicted on the plat map should stay in tact. The Dana Point homeowners feel strongly that they should have the ability to access the rear of their property. They feel that they should be able to place yard debris (like cutting a tree down) and placing it on Dolphin Point Road would be acceptable rather than taking it all the way around the front of their property for pickup by the city. The City can be notified in these cases in order to pick up the debris on a case by case basis vs a scheduled pickup. Mr Corbin advised that both the Dolphin Point residents and the Dana Point residents have very strong opinions regarding these issues. He advised that we basically have an Aimpasse@. After lengthy discussion Councilman Smith moved to rescind his motion made during the August 11, 2009 Council Meeting to install the Split Rail Fence and appropriate shrubby along the right of way. Councilman Thomas seconded. Council

Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes. Councilwoman Boudreaux moved to review our code of ordinances that apply to debris pickup to determine if a revision is required to accommodate the issues discussed in the Dolphin Point and Dana Point locations. Councilman Thomas seconded. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes. Mr Charles Robinson, 216 Yacht Club Drive advised that he is the president of the Dana Point Homeowner=s Association. He thanked Mr Corbin for meeting with the members of the association and affected residents in a effort

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to resolve the issues. He recommended the City consider picking up yard debris at locations other than the front of homes near mail boxes, sidewalks, etc in an effort to have better access. Mr Jack Garnett 128 Dolphin Point Road stated that the only issue he has is not putting trash on the Right of Way. He expressed his appreciate for Mr Corbin for all of his assistance in response the issues. He expressed his appreciation to the City Council for their patience and understanding. Ms Kurtz, 219 Yacht Club Drive expressed her concern for debris pickup. Discussion followed.

BILL PAYABLE:

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

The meeting adjourned at 8:55 PM.

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MAYOR

CITY CLERK