

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
AUGUST 9, 2011

The Niceville City Council met in regular session at 7:00 PM, August 9, 2011 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; City Planner, Wanda Cruttenden; Police Department, Chief Popwell; Public Works Director Bruce Price; Fire Department, Chief Mayville; Library Director, Sheila Bishop; a member of the press, and 47 visitors in the audience. Councilman Schaezle offered the prayer and led the pledge of allegiance. Mayor Wise called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

Regular Council Meeting, July 12, 2011
Special Council Meeting, July 19, 2011
Special Council Meeting, July 21, 2011
Special Council Meeting, July 28, 2011
Special Council Meeting, August 2, 2011

Councilman Henkel moved approval. Councilman Smith. Council Vote: Henkel-yes; Schaezle-yes; Rominger-yes; Smith-yes.

PUBLIC HEARING

Presentation - Northern Light Yacht Club, LLC - No Wake Zone Request

Mr Mark Waldron provided an overview regarding his request for a No Wake Zone to be established for his business. He advised that he has been in contact with Ms Dawn Griffin, Planning Manager, Florida Fish & Wildlife Conservation Commission in Tallahassee, Fl regarding guidance on how to proceed. Mr Waldron explained that a municipality has the authority to establish the no-wake zone as outlined in the Florida Statues Section 327-46-1b. He explained when fueling at the pumps the wakes of passing boaters make it difficult to safely fill the vessels with fuel. He stated we are requesting this ordinance for the safety of boaters, marine life and the environment. Discussion followed. Mr Smith recommended the issue be researched and a recommendation/proposal be made for council consideration. Mr Chase Elliot the dock manager for Giuseppe's wharf explained the issues he has with managing 42 boats parked at the dock. He advised there has been a number of instances in that wakes created by boaters caused damage to the dock and boats parked at the dock. He suggested our research should include expanding the Lion's Park no-wake zone to cover

the 3 docks near the park. Discussion followed.

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Presentation - Fray Municipal Securities - Mr Bill Fray

Sales Tax and Gas Tax Refunding Loans

Mr Fray provided calculations including bidder revised legal costs for the above loans. The Hancock Bank proposal after these cost revisions had the lowest True Interest Cost (TIC) of 2.15437% for the Sales Tax loan compared to 2.22947 for the BB&T loan. Hancock Bank's revised Gas Tax loan TIC of 2.12994% was lower than the BB&T bid of 2.17163% for the same loan. BB& T understood the situation causing the award to Hancock Bank and said they appreciated the City's consideration of their bid. Discussion followed.

Ordinance 11-08-01 - An ordinance authorizing the City of Niceville, Florida to obtain a commercial bank loan in the amount of not to exceed \$1,100,000 to accomplish refunding of the City's outstanding Sales Tax Revenue Bonds, Series 2003, to finance the cost of general capital expenditures; providing for terms and conditions of said loan;; authorizing the City to pledge Sales Tax Revenues of the City of Niceville as security for the Commercial Bank Loan; providing that interest from the loan will be tax exempt to the holder as a "Qualified Tax Exempt Obligation" within the meaning of §265(b)(3) of the Internal Revenue Code; providing that the holder shall have "Bank Qualified Tax Exempt Status" providing for proper advertisement; and providing for an effective date. (Third Reading)

Mr Doucet read Ordinance 11-08-01 by title. Councilman Henkel moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes.

Ordinance 11-08-02 - An ordinance authorizing the City of Niceville, Florida to obtain a commercial bank loan in the amount of not to exceed \$1,550,000 to accomplish refunding of the City's outstanding Gas Tax Revenue Bonds, Series 2003, providing for terms and conditions of said loan; to pledge Gas Tax Revenues of the City of Niceville as security for the Commercial Bank Loan; providing that interest from the loan will be tax exempt to the holder as a "Qualified Tax Exempt Obligation" within the meaning of §265(b)(3) of the Internal Revenue Code; providing that the holder shall have "Bank Qualified Tax Exempt Status" providing for proper advertisement; and providing for an effective date. (Third Reading)

Mr Doucet read Ordinance 11-08-02 by title. Councilman Henkel moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes

Ordinance 11-10-01 - An ordinance adopting amendments to the Niceville Land Development Code, Ordinance No. 91-1, as amended; providing for Residential Floor Level; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (First Reading)

Mr Doucet read Ordinance 11-10-01 by title. Councilman Henkel moved approval. Councilman Smith seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes

Resolution 11-07-05 - An amended resolution awarding a \$ 1,100,000 HALF-CENT Sales Tax Revenue Commercial Bank Loan, of the City of Niceville, Florida, to the successful proposer pursuant to limited competitive bids from Commercial Banks; fixing the interest rate and other terms for the loan; and providing an effective date.

Mr Doucet read Resolution 11-07-05 by title. Councilman Smith moved approval. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes

Resolution 11-07-06 - An amended resolution awarding a \$ 1,550,000 Gas Tax Revenue Commercial Bank Loan, of the City of Niceville, Florida, to the successful proposer pursuant to limited competitive bids from Commercial Banks; fixing the interest rate and other terms of the loan; and providing an effective date.

Mr Doucet read Resolution 11-07-06 by title. Councilman Smith moved approval. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of on-going projects.

Regional Sewer System - Update:

No Report.

LIBRARY - UPDATE

Ms Bishop welcomed Councilman Schaetzle and Councilman Rominger. She stated **she** looked forward to working with them . Ms Bishop stated because of age they are proposing to change out the ceiling tiles in the Community Center and plan to replace the entry way carpet in the Library (Phase One). Discussion followed.

Ms Bishop stated that Mr Swihart has graciously served on the Library Governing Board for a number of years. She advised that Councilman Swihart served as primary and Councilman Smith served as the alternate on the Library Governing Board. She advised that Councilman Schaetzle has volunteered his time and recommend council appoint Councilman Smith as the lead person and Councilman Schaetzle as the alternate. Councilman Henkel moved approval. Councilman Smith seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes.

FIRE DEPARTMENT - UPDATE

Chief Mayville briefed the status of current projects in the department. He advised that during the month of July the Fire Department responded to a total of 108 calls. There were 104 calls within the City limits, and 4 mutual aid calls. Chief Mayville advised that during the month of July (30) hydrants were tested. Chief Mayville stated that firefighters are dealing with extreme heat indexes. Discussion followed..

POLICE DEPARTMENT - UPDATE:

Chief Popwell briefed the status of current projects. He advised that during the month of January the Police Department responded to 1649 calls for police assistance. A total of 88 vehicles were involved in reported accidents. The estimated amount of damage to these vehicles and related property was \$ 159,860. A total of 137 Traffic Citations were issued, 14 were Misdemeanor, 21 Felony and 4 DUI arrests were made. Discussion followed.

Planning Commission Appointments

Mayor Wise announced that several appointments/reappointments were prompted by the election on July 19, 2011 and the run-off election on August 2, 2011.

Councilman Schaetzle recommended that Tony Namlick be re-appointed to serve as the Chairman of the Planning Commission. Councilman Henkel recommended that Ms Vickie Ritchson be re-appointed to serve on the Planning Commission. Councilman Rominger recommended that Mr. Robert McElroy, Jr be appointed to serve on the

Planning

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Commission replacing Mr Thomas Churan. Councilman Smith moved approval. Councilman Henkel seconded. No one spoke for or against. Council Vote Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes.

Swearing in Ceremony - Chief David Popwell

Mayor Wise swore in Chief Popwell as the new Chief of Police for the City of Niceville replacing Chief Brian Cruttenden. Several uniformed police officers and their families were in attendance to celebrate the event.

CITY MANAGER/CLERK COMPENSATION

Councilman Smith stated that it has been at least 5 years since the City Manager and City Clerk have received any type of compensation regarding their salary. He stated the state law changed effective 1 July of this year that requires all participates of the Florida Retirement System to pay 3 % of their gross salary to basically help fund the retirement program. In an effort to prevent them from going backwards on their pay Councilman Smith proposed to increase their salaries by 3% retroactive back to 1 July to offset their expense. Councilman Henkel seconded. Council Vote: Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes.

BILLS PAYABLE

Councilman Smith moved approval. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Rominger-yes; Smith-yes.

The meeting adjourned at 8:25PM

MAYOR

ATTEST:

CITY CLERK