

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
SEPTEMBER 13, 2011

The Niceville City Council met in regular session at 7:00 PM, September 13, 2011 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; Police Department, Chief Popwell; Public Works Director Bruce Price; Fire Department, Asst Chief Tony Lorman; Library Director, Sheila Bishop; a member of the press, and 19 visitors in the audience. Councilman Thomas 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, August 9, 2011  
Special Council Meeting, August 23, 2011  
Special Council Meeting, August 25, 2011  
Special Council Meeting, August 30, 2011  
Special Council Meeting, September 8, 2011  
Planning Commission Meeting - No Meeting Held  
Local Planning Agency Meeting - No Meeting Held

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

PUBLIC HEARINGS

Ordinance 11-09-01 - An ordinance of the City of Niceville, Florida amending and restating ordinance No. 11-08-01 enacted by the City Council on August 9, 2011, and titled: "An ordinance authorizing the City of Niceville, Florida to obtain a Commercial Bank Loan in the amount 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, 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" to conform certain provisions to the terms of the proposal to purchase such bonds from Hancock Bank; and providing an effective date. (Third Reading)

Mr Doucet read Ordinance 11-09-01 by title. Councilman Thomas moved approval on third reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Thomas-yes; Rominger-yes; Smith-yes.

Ordinance 11-09-02 - An ordinance of the City of Niceville, Florida amending and restating Ordinance No. 11-08-02 enacted by the City on August 9, 2011 and titled: “ An ordinance authorizing the City of Niceville, Florida to obtain a Commercial Bank Loan in the amount 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; authorizing the City 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” to conform certain provisions to the terms of proposal to purchase such bonds from Hancock Bank; and providing an effective date. (Third Reading)

Mr Doucet read Ordinance 11-09-02 by title. Councilman Henkel moved approval on third reading. Councilman Schaetzle seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Thomas-yes; Rominger-yes; Smith-yes.

Ordinance 11-09-03 - An ordinance of the City of Niceville, Florida, authorizing the issuance of not exceeding \$5,500,000 Water and Sewer Revenue Bonds, Series 2011 to refund a portion of the City’s outstanding Water and Sewer Revenue Bonds, Series 2005 Loan and Water and Sewer 2008 Loan to pay the costs of improvements to the Water and Sewer System, providing for the payment of such bonds from the revenues of the Water and Sewer System, providing for repeal of inconsistent provisions, providing for severability; and providing an effective date. (Second Reading)

Mr Doucet read Ordinance 11-09-03 by title. Councilman Thomas moved approval on second reading. Councilman Schaetzle seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Thomas-yes; Rominger-yes; Smith-yes.

Ordinance 11-11-01 - an ordinance pertaining to creating restricted areas on certain waters identified as a section of Boggy Bayou lying in front of the North Light Yacht Club; defining “No Wake Zones,” “Idle Speeds” and “Regulatory Markers;” requiring the posting of “Regulatory Markers;” requiring State and Federal Permits; requiring compliance with the Uniform State Waterway Marking System and the United States

Aids to Navigation Systems; providing a penalty for violations; and providing an effective date. (First Reading)

#### MINUTES, REGULAR COUNCIL MEETING, SEPTEMBER 13, 2011 PAGE THREE

Mr Doucet read Ordinance 11-11-01 by title. Councilman Smith moved approval on first reading. Councilman Henkel seconded. Ms Judy Kruger, 502 Helms Street expressed her opposition to the request for establishing a No Wake Zone that would restrict the public from enjoying recreational activities. Mr Ronald Matthews, 1723 23<sup>rd</sup> street stated he was totally against the request preventing residents from enjoying water skying, tubing, and jet skis. Ms Theresa Ogel, 100 Regatta Drive stated the request crosses into the deep area of the bayou. She stated everyone feels concerned since it's a intercostal waterway and their use of the bayou will be cut off if approved. Ms Michelle Johnson, 1012 Bayshore Drive expressed her opposition to request stating she was born and raised here and explained that her grandparents were fishermen in the area. She stated that her family goes tubing and jet skying. Mr Michael Kruger, 502 Helms Street expressed his opposition to the No Wake Zone request stating that if approved other property owners will submit similar requests resulting in limited use of the waterway. Ms Linda Regans, 402, 13<sup>th</sup> Street recommended the council stand against the request allowing residents to enjoy the waterways. She stated the requestor built this Marina let them deal with the expense. Mr Jerry Regans, 402 13<sup>th</sup> Street stated he is here to oppose the request. He stated he grew up on these waterways and enjoys this way of life. He is against any ordinance that will restrict the use of the bayou. Mr Ken Johnson, 1012 Bayshore Drive stated he owns a ski boat and will be forced to teach his children how to ski in a different location causing him more expense if this request is approved. Discussion followed. Council Vote: Henkel-no; Schaetzle-no; Thomas-no; Rominger-no; Smith-no. Motion failed.

#### CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

##### Water/Sewer/Drainage Projects - Update:

Mr Bruce Price briefed the status of ongoing projects.

**City Hall Pump Station Project:** The contractor has completed the force main installation from the pump station to the treatment plant and the pressure test for that line is underway. The contractor is installing the remaining lines for the service area along north Palm and final electrical and control installations are being completed at the pump station site. When the station is fully operational the final line will be installed that will divert the flow from the north Cedar area into the new station.

**Pump Station #1 Replacement:** A pre-construction meeting has been held with the contractor, city staff and the land owner affected by this project and material submittals have been forwarded to the engineer for review. Actual construction will begin when materials arrive in 4 to 6 weeks.

MINUTES, REGULAR COUNCIL MEETING, SEPTEMBER 13, 2011 PAGE FOUR

**Bayshore Drive Pipe Replacement:** The final restoration of the site is underway which will conclude the work for this project.

**Pin Oak Pipe Replacement:** City crews have completed the removal and replacement of 60 feet of damaged drainage pipe on the easement between Pin Oak Avenue and the Dana Pointe subdivision. We are also preparing to modify this system to alleviate some standing water issues near the entrance to Dana Pointe and Dolphin Point.

**Dana Pointe Drainage Issues:** We are looking at possible options to resolve a flooding issue in the lower southeast quadrant of Dana Pointe. A Survey is being performed so the engineers can determine what options are available to improve the drainage system.

**Tropical Storm Lee:** We did experience periods of heavy rainfall as a result of Tropical Storm Lee and some high winds. We had crews out over the weekend monitoring our drainage system and with the exception of the Dana Pointe area we had a minimal number of problems. This was the first time some of our more recently completed drainage improvement projects were put to the test. The new pipe installation on Bayshore Drive and the new collection and conveyance system at Bayshore Place both performed well. We have removed several trees that fell or were damaged as a result of the rain and wind. The water and sewer systems worked well with the exception of a high water issue in one of the pump stations in the lower end of town. This could have been the result of storm water going into the collection system.

**Lions Park Bathrooms:** The building construction is completed and final sidewalk and parking area accommodations are being finished.

**New Storage Area:** Work has started on the perimeter wall for the new storage compound on Campbell Drive.

#### Regional Sewer System - Update:

Mr Corbin provided an overview regarding the new method of treating sewer in the future that will impact residents sewer bills. Discussion followed.

## **FIRE DEPARTMENT - UPDATE**

Tony Lorman, Asst Fire Chief 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 121 calls. There were 118 calls within the City limits, and 3 mutual aid calls. Mr Lorman stated that department personnel attended several 9/11 ceremonies throughout the city and county. He advised that during the month of August (53) hydrants were tested. Discussion followed..

MINUTES, REGULAR COUNCIL MEETING, SEPTEMBER 13, 2011 PAGE FIVE

## **POLICE DEPARTMENT - UPDATE:**

Chief Popwell briefed the status of current projects. He advised that during the month of August the Police Department responded to 1720 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 \$ 122,907. A total of 108 Traffic Citations were issued, 26 were Misdemeanor, 13 Felony and 4 DUI arrests were made. Discussion followed.

Other Business:

Okaloosa-Walton Transportation Planning Organization (TPO) - Appointment

Mayor Wise announced the need to appoint a replacement for Ms Boudreaux to serve on the TPO. Councilman Henkel moved to appoint Councilman Thomas to serve as the City's primary representative on the TPO. Councilman Smith seconded . Council Vote: Henkel-yes; Thomas-yes; Schaetzle-yes; Rominger-yes; Smith-yes.

Mr Corbin provided an overview to the council regarding the results of a \$4,600,000 grant application for the Turkey Creek Walk Park, Phase IV. He stated the City ranked # 4 in the state and was approved. Mr Corbin stated the Turkey Creek Walk Park Phase IV includes a 43.5 acre parcel owned by Ruckel Properties, an 8 acre parcel owned by Safe Mini-Storage of Niceville, a 1.5 acre parcel pre-acquired from the Neal family, a.66 acre parcel to be donated by FDOT and a 10.37 acre parcel to be donated by Safe Mini-Storage. All are contiguous to the City's Turkey Creek Walk Park. Discussion followed.

Ms Vicki Ritchson, 105 Lincolnshire Dr provided information regarding the condition of the Dog Park. She stated that residents allow their dogs to dig leaving large holes in the ground. Mr Corbin stated that City workers will assist in resolving this issue.

Ms Ritchson expressed concern that residents may not always know about public hearings that are scheduled. Mr Doucet stated that ordinances coming before the council for public hearing are advertised via the legal section of the Northwest Florida Daily News. Discussion followed.

#### BILLS PAYABLE

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

MINUTES, REGULAR COUNCIL MEETING, SEPTEMBER 13, 2011 PAGE SIX

The meeting adjourned at 8:05PM

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MAYOR

ATTEST:

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CITY CLERK