# MINUTES REGULAR COUNCIL MEETING CITY OF NICEVILLE, FLORIDA JULY 9, 2013

The Niceville City Council met in regular session at 7:00 PM, July 9, 2013 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; Library Director; Sheila Bishop; a member of the press, and 32 visitors in the audience. Councilwoman Boudreaux 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, June 11, 2013 Planning Commission Meeting, July 1, 2013 Local Planning Agency Meeting, July 1, 2013

Councilman Henkel moved approval. Councilman Schaetzle seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

**PUBLIC HEARINGS:** 

PRESENTATION:

Dennis Dingman - Summit Professional Services - CDBG - Update

Mr Dingman briefed the results the CDBG Program stating that the program approved by the City Council helped 25 families in the City. Their homes were either rehabilitated or replaced with the funds awarded by this grant. He also provided an update regarding the Port Security Grant. Discussion followed. Mr Dingman requested the council consider continuing the program for the next fiscal year and to advise him if his services were needed. Discussion followed.

Amendment to Final Review:

Valparaiso Realty requests the previously approved setbacks in The Stables Subdivision, zoned PUD, be reduced to 20' front and rear and 5' on the sides. Previously approved 25' front and rear and 7.5' on the sides. A 45 lot subdivision located off of Forest Road.

Councilman Rominger moved approval. Councilman Nodjomian seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-07-01 – 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; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Lots 4 and 5, Block 22, Pinecrest Subdivision 4, according to plat recorded in Plat Book 1, at Page 48 Public Records of Okaloosa County. Walter F and Jerry M Spence 301 Bayshore Drive. (Third Reading)

Mr Doucet read Ordinance 13-07-01 by title. Councilman Henkel approval on third reading. Councilman Rominger seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-07-02 – 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-1; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Lot 8, on New Market Road, Huntington Phase E. Michael S and Carrie Summerlin. (Third Reading)

Mr Doucet read Ordinance 13-07-02 by title. Councilman Henkel moved approval on third reading. Councilman Nodjomian seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-09-01 – An ordinance of the City of Niceville, Florida amending the 2035 comprehensive plan future land use map 1 of 4, to include a change in designation of certain real property located on the east side of State Road 285 approximately 0.4 miles south of College Blvd, comprised of 7.74 acres, more or less, from commercial to mixeduse; providing for conflicting provisions; providing for severability; and providing an effective date (First Reading)

Mr Doucet read Ordinance 13-09-01 by title. Councilman Henkel moved approval on first reading. Councilman Nodjomian seconded. Attorney Jeff McGinnis representing Ruckel Properties provided handout material to the council regarding their plans for development. He stated that his briefing will cover this ordinance and the following

request for rezoning. He stated that Ruckel Properties is proud to submit a zoning request for 7.7 acres between Rocky Bayou Christian School and Heritage Gardens Cemetery. Mr McGinnis requested the property be changed from a commercial zoning designation of C2 to a mixed-use P.U.D. He stated the plan approval would allow for 24 singlefamily, cottage-style homes surrounding a beautiful neighborhood park and two small retail/office/residential buildings facing Partin Drive (Hwy 285). The Residential Component: Mr McGinnis stated we plan to offer 24 homes with front porches facing the central park. The homes will feature rear-entry driveways, detached garages access by an alley, with side yards to create outdoor "rooms." We plan to partner with several local builders in our community. They will offer moderately priced one two-story homes on 45 to 55-foot wide lots. He stated the exhibits provided (not exact representation) provide a flavor of what the community will look like. The overall design of the neighborhood with a shared park at everyone's front door creates a charming hometown atmosphere. The Commercial Component: Mr McGinnis stated the planned commercial buildings will be similar in architecture to the homes and will blend with the overall feel of the neighborhood. He stated we envision two two-story buildings on either side of the entrance that look like large homes featuring wrap-around porches. The first floor of one of the commercial buildings will be two retail shops/offices. The second floor will consist of two apartments. The second building is designed for a 50-seat café and a retail/office space with two apartments on its second floor. The parking lots for each building will have the necessary spaces for the designated uses as presently configured. He stated while the residential portion of the PUD will start construction as soon as possible, the commercial buildings may be built at a future date. He advised there are no secured tenants at this time. Discussion followed. Mr John Williams, 312 Limestone Creek Cove expressed his concerns regarding the project. He submitted a petition for the record requesting to postpone the 1st reading on this requested Re-Zoning by Ruckel Properties. He stated that their Swift Creek Home Owners Association is controlled by Ruckel Properties and they are scheduled to relinquish control in September. He stated as soon as the HOA is in control by the owners we need to bring this issue to a vote to authorize our legal defense fund to protect the owners affected if this re-zoning is passed. He stated that 8 properties located on Limestone Creek Cove, Basin Creek Cove, and Trout Creek Cove are mostly affected that have a clear site to this two story home project if approved. Discussion followed. Mr Dan Gladman, 906 Trout Creek Cove expressed his opposition due to the traffic of the waste trucks and the loss of the trees, and the recommended setbacks. Mr Flora Saxon 4105 Callaway stated she is favor of residential near the school and cemetery. Ms Jacqueline Lynd 1206 Basin Creek Cove recommended that the developer attend and brief the residents of the homeowners Henkel-yes; Schaetzle-yes: Discussion followed. Council Vote: association. Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-09-02 – An ordinance for the rezoning of certain properties in the City of Niceville, Florida; providing zoning for same and an effective date. Property is located on Hwy 285 N, between Rocky Bayou Christian School and Heritage Gardens, from C-2, General Commercial to PUD, Planned Unit Development. Metes and bounds description. Exhibit "A". Ruckel Properties. (First Reading)

Mr Doucet read Ordinance 13-09-02 by title. Councilman Schaetzle moved approval on first reading. Councilman Henkel seconded. Mr John Williams, Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed.

Ordinance 13-09-03 – 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; providing for the severability of this ordinance; providing an effective date and providing for filing with Clerk of Court and Department of State. All of Block 48, Valparaiso Pine Crest 2. Property is located on Fir Avenue. (First Reading)

Mr Doucet read Ordinance 13-09-03 by title. Councilman Henkel moved approval on first reading. Councilman Schaetzle seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed.

Ordinance 13-09-04 – 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; Lots 3,4,5, and the east 62' of lot 6, block 34, Valparaiso Pine Crest 2; providing for the severability of this ordinance; providing and effective date and providing for filing with the Clerk of Court and Department of State. Metes and bounds description. Mr. John Duhaime, Fir Ave. (First Reading)

Mr Doucet read Ordinance 13-09-04 by title. Councilman Rominger moved approval on first reading. Councilman Nodjomian seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed.

Ordinance 13-10-01 – An ordinance of the City of Niceville, Florida, relating to Military Base Compatibility; providing for authority; providing for findings of fact; providing for amendments to the Comprehensive Plan Future Land use element and intergovernmental coordination element pursuant to Chapter 163, Florida Statutes; amending the future land use map to include a Military Influence Planning Area (MIPA) overlay zone; providing for conflicting provisions; providing for severability; and providing an effective date (First Reading)

Mr Doucet read Ordinance 13-10-01 by title. Councilman Henkel moved approval on first reading. Councilman Schaetzle seconded. Mr Price briefed the purpose of the ordinance and answered several questions regarded the proposed amendment to this ordinance that will be incorporated in the ordinance before the next public hearing. Marian Cook, planner representing Eglin AFB expressed her support for this ordinance sighting the crash zone criteria is important. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed.

## CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Water/Sewer/Drainage Projects - Update

Mr Price briefed the status of ongoing projects.

Heavy Rains Response:

Water and sewer crews along with other public works personnel worked throughout this holiday weekend in response to issues caused by the heavy rainfall. Sewer crews performed pump out operations and by pass pumping operations at some of our lift stations to prevent overflows and other Public Works personnel responded to flooding and roadway issues.

**SEWER:** O & M personnel conducted by pass pumping at some of our lift stations to prevent sewer spills and cleared lines to prevent sewer backups into homes. Rain fall levels of this magnitude often result into water main breaks and sewer line infiltration. Other contributing factors to these high flows are unauthorized opening of sewer manholes in low lying areas to alleviate standing water. When this happens these high flows can compromise the station's pumping capacities resulting in overflows. The immediate responses by our crews prevented this from occurring. The service area south of Valparaiso Boulevard is where we experienced the most problems. During this rain fall we did discover some gravity lines that area had been damaged by recent directional boring that was done by other utilities. Often times this damage is not revealed until these lines are exposed to high flows or severe infiltration which will cause sink holes. Thus far O&M have made 4 point repairs on sewer lines and 1 water line repair.

**WATER**: The water main breaks on the other hand are often the result of ground shifts which are caused when the ground becomes saturated allowing the lines to move and separate.

Storm Drainage: Many of the underground drainage culverts in this area are metal and over time they rust and deteriorate. When these pipes are exposed to high flows the water escapes the pipe and creates voids which often times cause sink holes. Thus far we have identified 4 sites where these pipes will require replacement. The other area that our crews responded to was the drainage improvements project site on Valparaiso Boulevard. The construction erosion controls established by the contractor would have been adequate for a normal rainfall event however they were compromised because of the heavy volume of runoff. City crews and contractor crews responded on multiple occasions to reestablish erosion controls, open up flow ways and repair temporary driveways. We are also having an onsite meeting with the engineer and contractor tomorrow morning and I will be going over some other concerns that came to light this weekend. I have also been in contact with some of the residents along Valparaiso Blvd. and Magnolia Shores.

**Damage Assessment**: On a more positive note, some of the recently completed projects such as the sewer line replacement and rehabilitation work for the replacement pump station #1, Dana Pointe, Oak Avenue, Bayshore Place and Linden work very well. We did not receive one high water alarm from the recently completed pump station in Bayou Plaza. Prior to this work that station was notorious for high water alarms due to ground water infiltration. Regarding recent drainage improvement project sites we faired well. There were no flooding calls received from Bayshore Place, Linden Avenue & Valparaiso Boulevard, Dana Pointe or Oak Avenue & 13<sup>th</sup> Street. Previously all of these areas would have experienced serious flooding and standing water problems.

#### Water & Sewer

Forest Road Water Main: Crews have installed approximately 1,000 feet of 12 inch water main which will be a main supply line for the new tank.

23<sup>rd</sup> Street Sewer Extension: City crews have completed a sewer extension project on 23 rd Street.

Fir Avenue: Crews also completed water service extensions on Fir Avenue.

**Control Panel Projects**: Electrical Crews have re-wire and replaced 6 control panels at various Pump Stations .

**Pump Replacement**: Crews also replaced of the 160 hp pumps at the Cedar Street Lift Station

**Training**: 3 people from water and sewer recently completed a reclaim water system training course.

## Repair & Maintenance

**Mast Arms:** We experienced some mechanical problems with our fork lift but it is back in service and work is schedule to start back up on the mast arm refurbishing.

**Equipment Storage Building**: City crews also completed the construction of a covered equipment building at the Cedar Avenue Shop.

## **Streets Department:**

**Sidewalks**: Crews have completed the installation of the sidewalk segments along Bayshore Drive.

**Damage Assessment:** We are also in the process of identifying pipes that need to be replaced as a result of the heavy rains.

#### Storm Water

The Valparaiso Drainage Improvements: More than half of the underground piping has been installed and the pond excavation was close to completion but some of that work was compromised by the heavy rainfall and that will have to be regarded. As I mentioned earlier we are having a onsite meeting with the engineer tomorrow to discuss some of the problems we encountered as a result of the heavy rainfall this past weekend.

**Juniper Avenue:** We are also expecting to hear from the state as early as next week on approval of the Juniper Avenue Project. When that approval is received we will be meeting with Ruckel Properties to get their authorization to begin construction

Regional Sewer System – Update

No report.

## **POLICE DEPARMENT – UPDATE**

Chief Popwell stated that during the month of June the Police Department responded to 1894 calls for police assistance. A total of 37 vehicles were involved in reported crashes. The estimated amount of damage to these vehicles and related property was \$159,360. A total of 242 Traffic Citations were issued, 20 Misdemeanor, 4 Felony and 3 DUI Arrests were made.

Other Business:

Waste Mgt Line of Stream Recycling Program.

Ms Lynne Yort representing Waste Mgt provided an overview of the program. She stated the pilot program ended on the 30<sup>th</sup> of June. She stated her people are evaluating the statistics. Her firm is gathering the data in order to provide some detailed analysis to be presented at our next regular council meeting. She stated that an average of 4.83 pounds per household was recycled prior to the pilot and that figure rose to 15.67 pounds at the completion of the pilot which a 300% increase. She advised that she will work with the City Manager and staff to discuss options regarding this program/project. Discussion followed.

Niceville Housing Authority Appointment

Mayor Wise stated that Mr Eugene Griner is resigning from the Housing Authority after over 30 years of faithful service. He recommended that Mr Stanley Griner, 623 McKinney Street be appointed to replace him. Councilman Henkel moved approval. Councilman Nodjomian seconded. No one spoke for or against. Council Vote: Henkelyes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed.

Mr Corbin briefed the council regarding the use of Fluoride in our potable water system. He stated this issue came up at the last council meeting. He cited several sources of information that supports the continued use of fluoride in our water system from a health standpoint. Discussion followed. Mrs. Nancy McLain, 544 Golf Course Drive reiterated that her research on the use of fluoride causes health issues and urged the council to discontinue its use, however, did not provide documented evidence to support her position on the matter.

#### **BILLS PAYABLE:**

Councilman Henkel moved approval. Councilman Rominger seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed.

The meeting adjourned at 8:40 PM.	
ATTEST:	MAYOR
CITY CLERK	