MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
SEPTEMBER 10, 2013

The Niceville City Council met in regular session at 7:00 PM, September 10, 2013 in the Council Chambers, 208 N Partin Drive. All Council members and the Mayor was present. Also present were City Clerk, Dan Doucet; Public Works Director, Bruce Price; Police Department, Chief Popwell; Library Director; Sheila Bishop; a member of the press, and 19 visitors in the audience. Councilman Rominger 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 13, 2013
Special Council Meeting, August 20, 2013
Special Council Meeting, August 22, 2013
Special Council Meeting, August 27, 2013
Planning Commission Meeting, September 3, 2013
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS:

PRESENTATION:

2013 Community Development Block Grant (CDBG) – Update, Mr Dennis Dingman

Purpose of the Hearing

Mr Dennis Dingman, Summit Professional Services advised that two public hearings are required to ensure the public can voice opinions on the proposed application; Also, a motion to proceed with the Housing Rehabilitation application must be made.

He stated this hearing is held to outline the type of grants that are possible; the second hearing is held to review the draft application before it is submitted to Department of Economic Opportunity (DEO)

CDBG Program Objectives

Benefit low and moderate income persons (a minimum of 51%)
Aid in the prevention or elimination of slums or blight
Other community development needs

Regular Categories and Activities- $700,000

A local government may have only one of these grants open at any given time. There is a set deadline each year, projected to be early fall for the 2013 cycle.

Housing Rehabilitation (HR) - Assists low and moderate income residents with physical improvements that address code, safety and other rehabilitation items. In some cases, severely damaged structures may be demolished and replaced.

Neighborhood Revitalization (NR) - Assists communities with infrastructure improvements, such as paving, fire protection, drinking water, sewer, flood and drainage, handicap accessibility in public facilities, and other similar activities. It is required that no less than 51% of the residents who benefit from these activities be low to moderate income.

Commercial Revitalization (CR) - Provides funds to address improvements to downtown or commercial districts, including water, sewer, sidewalks, parking, building facades, etc.

Economic Development Category(ED) - $700,000

A local government can open one new economic development grant every year and there is no limit to the number of these grants which can be opened at any given time, provided all open CDBG grants are on schedule. A local government may apply for an economic development grant even if it has an open housing, neighborhood, or commercial grant, is on schedule. There is no deadline - funds are awarded on a first come/first serve basis. These funds are used to build infrastructure necessary to attract new businesses or retain expanding businesses. Job creation is required, and at least 51% of the jobs created must be available to low to moderate income persons. Low to moderate income jobs are defined as positions requiring no more than a high school diploma. If additional training is required, the company must provide this training at no cost to the employee. Councilwoman Boudreaux moved to submit a grant application for the Housing Rehabilitation Category. Discussion followed. Councilman Nodjomian seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Mr Dingman briefed the council concerning the following process:

Fair Housing Training Agenda:

1. To inform local elected officials and general public concerning fair housing requirements.

2. Laws that Protect Fair Housing:

- State Law (Statute 760.23 (1), Florida Statutes)

- Federal Law (Civil Rights Act of 1968, amended 1988)

3. Recognizing Discrimination

4. Several Ways to make a complaint.

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 mixed-use; providing for conflicting provisions; providing for severability; and providing an effective date (Third Reading)

Mr Doucet read Ordinance 13-09-01 by title. Councilwoman Boudreaux moved approval on third reading. Councilman Henkel seconded. Attorney Jeff McGinnis asked if there were any questions from the council. Discussion followed. Henkel-yes; Schaetzle-yes; 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. (Third Reading)

Mr Doucet read Ordinance 13-09-02 by title. Councilman Rominger moved approval on third reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-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. (Third Reading)

Mr Doucet read ordinance 13-09-03 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 13-09-04 – 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 an effective date and providing for filing with the Clerk of Court and Department of State. Metes and bounds description. Mr. John Duhaime, Fir Ave. (Third Reading)

Mr Doucet read ordinance 13-09-04 by title. Councilman Rominger 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 13-10-01 - 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 (Second Reading)

Mr Doucet read ordinance 13-10-01 by title. Councilman Rominger moved approval on second reading. Councilman Schaetzle seconded. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-11-01 – 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-1,

residential single family; providing for the severability of this ordinance; providing and effective date and providing for filing with the Clerk of Court and Department of State. Property is located on 1420 Bayshore Drive and the adjoining property to the north. Metes and bounds description. Exhibit A, parcels A and B. Mr Larry Wright. (First Reading)

Mr Doucet read ordinance 13-11-01 by title. Councilman Rominger moved approval on first reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-11-02 – An ordinance for the Rezoning of certain properties in the City of Niceville, Florida; providing zoning for same and an effective date. Property to the south and east of 1420 Bayshore Drive. Metes and Bounds description, Exhibit A, parcel C. Mr Larry Wright. (First Reading)

Mr Doucet read ordinance 13-11-02 by title. Councilman Rominger moved approval on first reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Resolution 13-09-01 – A resolution granting a special exception to the Land Development Code; section 7.14.02 (e)(1) to allow for a 5' front setback as opposed to the required 25'; and providing for an effective date. Property is located at 112 2nd Street. Denise Ford.

Mr Doucet read Resolution 13-09-01 by title. Councilman Henkel moved approval. Councilman Schaetzle seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Water/Sewer/Drainage Projects – Update

Mr Price briefed the status of current projects.

Pump Station 33: Crews have completed the station installation, necessary line diversions, and the majority of the site work which included a retaining wall to stabilize the site. We are waiting for the gas hookup for the generator and additional parts to complete the control panel. We anticipate this station will be ready to go into operation by next week.

New 750,000 Tank Marysa Drive: The old tank demolition and remaining debris has been removed from the site. The sub contractor is scheduled to begin the foundation work for the new tank in October. Once that foundation work is completed the tank builder will start.

Rocky Bayou Surface Water Pump System: Work is underway to retrofit the pumping station at the Rocky Bayou Golf Course which will enable them to pump surface water and discontinue the use of reclaim water. This work includes installing the pumps and control panel. The supply line pipe was delivered to the project site last week and we will soon be installing it.

Well # 1 Repair: The contractor has pulled the pump and provided the damage report to our engineer for evaluation. There was some unusual wear detected on the pump stages and we are awaiting a final determination on what needs to be done to get this well back in service.

New Pump Station and Force Main for the South Bayshore Service area: We are reviewing the plans for the new station and force main for the south bayshore service area.

Reclaim Water Line Replacement & the Rocky Bayou Water Extension & Sewer Extension: We have directed our engineer to prepare a bid package that will include all three of these projects. We have done this in the past on other bid packages and it resulted in better overall pricing.

Reclaim Water Rationing: As you know we have recently had issues with the availability of reclaim water because of the construction at the treatment plant. We are also concerned with having an adequate supply when the county takes their flow from the plant. Jerry and Glenn Stevens are working together to come up with a network of valves that will enable us to better control the reclaim distribution system. Other actions we are taking include the golf course surface water pump system, establishing a rationing plan and educating the users on conservation.

Storm Water Projects

Valparaiso Boulevard Drainage Improvements Project: The original scope of work which included all the pipe, driveway crossings and swales are near completion. The new system appears to be working effectively however the recent heavy rains and high ground water levels have caused an unacceptable amount of water to remain in the bottom of the open ditches at the east end of the system. To eliminate this problem we plan to add additional under drain piping and inlets which will help to

remove the ground water and still provide a way to remove the surface run off effectively. We are also preparing to install the perimeter fencing at the pond site. Future plans include relocating the new Pump Station # 6 to this pond site. It is presently located in a low lying area south of this property along the Bayshore Drive right of way where it is more susceptible to flooding.

Palm Estates Outfall Replacement: City crews have completed the installation of a new manhole and approximately 300 feet of 18 inch pipe to alleviate the flooding and standing water issues we recently experienced in Palm Estates near Perdido Circle.

Juniper Avenue Improvement Project: Our engineer has informed me that DEP should be issuing a standard general permit for this project very soon. DEP originally ruled this project required an improvement permit which is much more costly and involves additional engineering. Our engineer was able to have that permit downgraded to a standard general permit.

Storm Water Utility Project Status: In our last budget meeting we had discussed the possibility of obtaining Restore Act funds for some or all the storm water projects in our facilities plan and the reference "shovel ready" was used. When the storm water facilities plan was initially put together it identified major storm water basin improvement projects throughout Niceville. This plan provided a scope of work along with cost estimates of construction, design and permitting. At the time our storm water utility was created these narratives provided the information needed to have a project submitted and approved for our facilities plan which in turn made those projects eligible for SRF funding and possible grants. When one of these facility plan projects was chosen for construction our engineers would then proceed with the necessary engineering to design and permit the project and make it "shovel ready". The only project listed on our facilities plan that is "shovel ready" now is the Vault Project on Bayshore Drive. I have talked to the City Manager about this situation along with our engineer. Some of the remaining projects in our Facilities Plan involve land acquisition, dredge and fill permitting, more extensive engineering which could take a extended period of time to be considered shovel ready. The larger basin projects in our facilities plan are set up so we could subdivide them into separate smaller projects. If only limited funding is available this would still allow us to get some of these projects done. I plan to get with our engineer and evaluate each of these projects to get a clearer picture of how long it would take to have them shovel ready.

Other Storm Water Activities

We are also preparing our annual CRS audit, compiling our Stream Maintenance Reporting and performing city wide drainage system inspections.

Repair & Maintenance Department Projects:

R&M personnel have been assisting in several projects that include:
Installation of 2 new antennas for the new meter reading system: Completed the installation of the antenna at North Light and relocated and secured the antenna off Linden Avenue.

City Wide Sign Maintenance

Modifications to the pump building for RBCC
Constructing a Retaining wall at PS # 33
Fire Dept. upstairs area: Some lay out of the upstairs area at the FD.
Upgrading and replacing some of the control panels at pump stations

Development Updates & Planning Activities

Stables Project: Home construction underway
Commercial outparcel at Walmart: Approved site plan
Commercial Parcel Project south side SR 20 at Walmart: Reviews & comments
Hurricane Ivan Audit: Closed out

Fl. Defense Support Task Force Grant: Award announcement date September 19th 25,000.00

Regional Sewer System – Update

No Report.

LIBRARY – UPDATE

Ms Bishop stated that a record number of 950 kids attended parties this year in the Children's Park. She stated that employees in the Community Center are replacing the Ceiling Tiles to absorb noise. She stated that 18,000 e-books were checked out this past year. In addition, a new fee scale will be in place by 1 Oct for patrons who will be renting the community center.

POLICE DEPT – UPDATE

Chief Popwell stated that during the month of July the Police Department responded to 1940 calls for police assistance. A total of 88 vehicles were involved in reported crashes and 2 pedestrians. The estimated amount of damage to these vehicles and related

property was $142,308. A total of 306 Traffic Citations were issued, 24 Misdemeanor, 9 Felony and 1 DUI Arrests were made.

FIRE DEPT – UPDATE

Chief Mayville stated that during the month of August the fire department responded to a total of 90 calls. There were no mutual aid calls. Chief Mayville stated they tested all hydrants for the year. Chief Mayville stated they are gearing up and scheduling the schools and day care centers for Fire Prevention Week that begins October 7th. He stated this year's topic of our campaign is all about preventing kitchen fires. He stated firefighters have participated in several public relations activities around the city and have had several groups come to the station for a tour and to hear about fire safety and what firefighters do.

Other Business:

Interlocal Agreement - Local Option Gas Tax - Approval

Mr Doucet briefed the council regarding the proposed agreement.

He stated our former agreement that was in place since 2003 expired in May of this year. When this agreement was approved it was based on a 60/40 split. (60 % County and 40% Municipalities)

The proposed agreement is for another 10 years that will extend through 2023.

The new percentage split is 64% County 36% Municipalities.

Mr Doucet stated we submitted our transportation expenses, however, all the expenses were not used such as drainage expense that are costed to our Stormwater Enterprise fund. The transportation expenses were taken from each City's Annual Financial Report (AFR). This information is available on line via a website. Our auditors submit the AFR each year electronically when they complete our external audit. As stated above drainage expense is considered a transportation expense, however, a determination was made for those municipalities that have a Stormwater Utility are not able to count that expense since a user fee is charged and as a result it is a revenue source for the City. Ft Walton Beach, and Valparaiso both have a Stormwater Utility and will not receive credit for those expenses as well.

Mr Doucet stated we are working with our auditors to make sure in the future we capture all allowable expenses and still be in compliance with established policy. For example, future Annual Financial Reports (AFRs) will include salaries for street personnel and other allowable transportation expenses. This data will be captured under "Transportation Expenditures" which is a total figure in the AFR.

Mr Doucet stated the County recently approved an additional 3 cents tax on gasoline to be effective 1 January 2014. The new 3 cent levy is projected to earn $94,759.38. The original 5 cent levy is projected to earn $266,069.80 for a total of $ 360,829.18. The overall projected gain for Niceville is 22% more revenue in FY-14.

We depend on the Local Option Gas Tax Revenue to pay the debt service on a bond issue to overlay 50 miles of streets, and fund related transportation expenses. The Gas Tax Bond issue was executed in 2003 and was refunded in 2011 to obtain a lower interest rate.

He stated that he attended a meeting last week and all Cities are requested to gain approval from their respective councils as soon as possible. The County Administrators will bring this item before the Board of County Commissioners on September 17, 2014 for their approval.

The County has a deadline to execute the agreement and it must be received and processed by the Department of Revenue in Tallahassee no later than 1 October 2013.

In the future if we determine that our expenditures warrant another review there is a provision in the last paragraph of the agreement to accomplish this. We are very much in favor of moving ahead with this agreement. Otherwise, if the agreement fails to achieve a majority vote (county wide) the only other option would be for the county to use the 70/30 default formula and we would only lose instead of gaining revenue as projected above with an approved agreement. The council asked several questions regarding the agreement. Councilman Henke moved approval. Councilman Schaetzle seconded. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Planning Commission Appointment.

Councilman Rominger stated that he is recommending Ms Theresa Johnson, 307 Osceola Ct, Niceville to serve on the Planning Commission replacing Mr Bobby McElroy. Councilman Henkel seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

BILLS PAYABLE:

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

The meeting adjourned at 8:05 PM.

Randall Wise
MAYOR

ATTEST:

Daniel J. Doucet
CITY CLERK