

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
OCTOBER 8, 2013

The Niceville City Council met in regular session at 7:00 PM, October 8, 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; Public Works Director, Bruce Price; Police Department, Chief Popwell; Library Director; Fire Department, Chief Mayville; Sheila Bishop; a member of the press, and 26 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, September 10, 2013
Special Council Meeting, September 12, 2013
Special Council Meeting, September 17, 2013
Special Council Meeting, September 19, 2013
Planning Commission Meeting, No Meeting Held
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS:

PRESENTATION:

Purple Heart City Designation – Mr Sam Houston, Military Order of the Purple Heart Association - Proclamation

Mr Houston provided an overview of the proclamation stating that the Purple heart is the oldest military decoration in use today and was initially created as the Badge of Military Merit that was created by General George Washington in 1782 and was the first decoration for the common soldier. He stated the Purple Heart is awarded to members of the United States Armed Forces that have been wounded or killed in combat with a declared enemy of the United States of America. He further stated the mission of the Military Order of the Purple Heart, chartered by an Act of Congress, is to foster an environment of goodwill among the combat wounded veteran and their families, promote patriotism, support legislative initiatives and most importantly, make sure we never

forget; and the City of Niceville, and its surrounding communities is the home of Eglin Air Force Base (The Largest Air Force Base in the Free World), US Air Force Special Operations Command, Hurlburt Field and Duke Field, and all components assigned, 7th Special Forces Group, 1st Special Forces (Airborne), and the US Air Force Air Armament Museum which houses the State of Florida's Memorial Wall honoring ALL deceased Florida resident Purple Heart recipients since September 11, 2001; and Okaloosa County, Florida has proclaimed the Month of January of each year as Military Purple Heart Month to honor and recognized those who have been killed or wounded in action and is so recognized by the City of Niceville, Florida; and John Sims Parkway (State Highway 20) which runs the entire East to West City Limits of the City of Niceville has been designated a Purple Heart Memorial Highway by the State of Florida; and the City of Niceville and surrounding communities is home to over 1,000 veterans and active duty military who are recipients of the Purple Heart; and we appreciate the sacrifices our Purple Heart recipients have made in defending our freedoms and believe it is important that we acknowledge them for their courage and show them the support they have earned, and we seek to honor, remember, and recognize those who are recipients of the Purple Heart and their families that the City of Niceville hereby proclaims that we are a Purple Heart City and fully recognize and support our county, Okaloosa County, as the first "Purple Heart County" in the State of Florida; the City Council for the City of Niceville, Florida does hereby support the City of Niceville, Florida becoming a Purple Heart City. Councilwoman Boudreaux moved approval. Councilman Nodjomian seconded. 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 (Third Reading)

Mr Doucet read ordinance 13-10-01 by title. Councilman Rominger moved approval on third reading. Councilman Schaetzle seconded. Mr H H Caldwell, 1743 18th street asked the council when approving this ordinance to consider the number of homes affected; the cost involved to the homeowner, and the estimated loss in property values. Mr Gregg Costablie, 325 Grand Oaks suggested to delete/amend certain language in the ordinance particularly paras 7.A.12.2 e. and f. A determination was made by Councilman Nodjomian that paragraphs referenced applied to City responsibilities not the resident. 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 an 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. (Second Reading)

Mr Doucet read ordinance 13-11-01 by title. Councilwoman Boudreaux moved approval on second reading. Councilman Schaetzle 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. (Second Reading)

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

Waste Management – Ms Lynn Yort, Enhanced Recycling Program – Update

Ms Yort stated that Waste Management values their relationship with the City of Niceville. She stated that WM has proudly served the needs of the City, its residents and businesses for some 25 years and appreciates the opportunity to continue providing solid waste services for the City. Ms Yort stated the City has moved forward toward providing residents options to enhance recycling efforts. This movement provides the foundation for the City to meet the 2020 State of Florida 75% diversion goal. She stated that on April 1, 2013 a recycling pilot project was conducted for ninety homes for ninety days. The recycling capacity for each home was increased from the 18 gallon open bin to a 96 gallon enclosed, wheeled cart. She advised that WM reduced the number of collection days for household garbage from two times weekly to once weekly. Participation in the pilot increased the amount of recycled materials from an average of 4.43 pounds per household (City average with 18 gallon bin) to an average of 15.67pounds per household (pilot area only with the 96 gallon cart). Fifty-six percent of the pilot participants responded to the survey conducted by the City. The survey indicated that 88% of the respondents felt that one time weekly household garbage service was adequate and 92%

indicated the level of service should be made City wide. The Council requested we create options to include the use of the larger, wheeled, enclosed recycling carts. Over the last several weeks, we have worked to craft the requested proposals. It is our hope you will find a proposal that meets and exceeds the needs and expectations of the City of Niceville. Ms Yort proposed the two times household garbage service be modified to one time weekly service. She stated with one time weekly recycling service in an enclosed, wheeled cart, the additional capacity for recycling will significantly reduce the amount of household garbage, thus reducing the requirement for more than once weekly collection. She further stated that for residences desiring more capacity than one 96 gallon cart weekly a second cart will be provided at an additional fee (approx 75%) of monthly service. We will still collect and dispose of 100% of the volume at each residence and will provide an additional wheeled, enclosed cart. She stated current contract provides for services through October 31, 2017, she stated WM will reduce collection rates \$.47 per customer without an extension to the current contract. If the City Council extends the contract through October 31, 2022 the collection rate will be reduced \$ 1.00. Mr Doucet stated since there is no tipping fee paid for recycled materials that his office will track the bills paid by the City for solid waste disposal over several months after implementation and reduce tipping fee charges to our customers as appropriate. Discussion followed. Mr Doucet stated according to our billing records we have 5,521 single family accounts and 492 multi-family accounts such as apartments that are serviced by dumpsters. The total customers serviced is 6,013. Mr Doucet stated that we are not certain at this point how many customers actually put out recycling and/or if there is even room for a recycling bin which is currently the 18 gallon tub. He stated WM will survey each area serviced to determine needs prior to final approval of one of the following ordinances in December. He stated that carts and/or dumpsters would be placed on order at that time and it will take approximately 30 days for them to arrive. The planned implementation date is February 1, 2014. Mr Doucet further stated that since we bill behind our customers would be billed on/or about March 25th with payments due April 10th. He stated WM would receive payment from the City in May, 2014. Mr Doucet stated the Council should consider one of three options; (1) Consider approving Ordinance 13-12-01 for a collection rate reduction of \$.47 without a term extension which is October 31, 2017; (2) consider approving Ordinance 13-12-02 for a collection rate reduction of \$ 1.00 with a term extension to October 31, 2022, or (3) if the Council's decision is to take no action at this time to move forward with either option (1) or (2), then option (3) would be selected. Mr Doucet stated that WM is forgoing a possible annual CPI increase in January if option 1 or 2 is selected, however, they would seek the CPI if option 3 is selected. The council asked several questions regarding the enhanced recycling program. Discussion followed.

Ordinance 13-12-01 – An ordinance amending an exclusive franchise to Waste Management, Inc. of Florida for the purpose of establishing policy for a city-wide

enhanced recycling program, providing for a rate adjustment and providing for an effective date. (First Reading)

Mr Doucet read ordinance 13-12-01 by title. Councilman Rominger moved to deny this ordinance on first reading. Councilman Nodjomian seconded. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-12-02 – An ordinance renewing, extending, and amending an exclusive franchise to Waste Management, Inc. of Florida for the purpose of establishing policy for a city-wide enhanced recycling program, providing for a rate adjustment and providing an effective date. (First Reading)

Mr Doucet read ordinance 13-12-02 by title. Councilman Rominger moved approval on first reading to extend the franchise with Waste Mgt to October 31, 2022. Councilman Nodjomian seconded. Mr Bruce Fister, 400 Regatta Drive, Water Oaks stated that it would be difficult because of limited space to find room for a second 96 gallon cart for the recycling program. In addition, the feeling is there is no room to locate a small recycling dumpster vs using the covered wheeled cart. Mr Doucet suggested using a 33 gallon container for garbage and a same size container for recyclable materials. Discussion followed. Council Vote: Henkel-no; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Resolution 13-10-01 – A resolution of the city council of the City of Niceville adopting rules of procedure for council meetings; providing for authority; general rules; types of meetings; presiding officer and duties; order of business; ordinances, resolutions; and opinions; citizen presentations; suspension and amendment of rules and an effective date.

Mr Doucet read Resolution 13-10-01 by title. Councilman Rominger moved approval. Councilman Nodjomian seconded. Council Nodjomian asked that we consider adding language in support of SB 50. Attorney Powell stated he will review the bill and incorporate necessary language if required. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Resolution 13-10-02 – A resolution of the City of Niceville commending the Florida Association of City Clerks for its 40th anniversary.

Mr Doucet read Resolution 13-10-02 by title. Councilman Rominger moved approval. Councilman Nodjomian seconded. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Resolution 13-10-03 – A resolution of the City of Niceville recognizing the week of October 20-26, 2013 as “Florida Government Week” and encouraging all Florida City Officials to support this celebration by participating in the “My City: I’m part of it, I’m Proud of it!” activities.

Mr Doucet read Resolution 13-10-03 by title. Councilman Henkel moved approval. Councilman Rominger seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Resolution 13-10-04 – A resolution of the City of Niceville urging the Obama Administration to preserve the current tax-exempt status of Municipal Bonds and to reject any proposal that would reduce or eliminate the federal tax exemption on interest earned from tax-exempt municipal bonds.

Mr Doucet read Resolution 13-10-04 by title. Councilman Rominger moved approval. Councilman Henkel 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.

Water & Sewer Projects

Pump Station 33: Pump station installation has been completed along with the line diversions into the station. Some additional site work remains but this facility is operational.

New 750K Tank: The preconstruction meeting was held today and the contractor has started preliminary site work for the new tank. Geotechnical and footer work will take approximately 3 months. Actual tank construction will begin at the end of February and completion of the tank will be sometime towards the end of next year.

Rocky Bayou Surface Water Pumping System: Crews have installed approximately 1300 linier feet of 12 inch line from the pumping station to the storage reservoir and the modifications to the pump house building are nearly completed. Remaining work includes installing the pumps and control panel and completing approximately 200 linier feet of supply line at the pumping station and the storage reservoir.

Well #1 Repairs: The contractor is awaiting the arrival of materials to complete the replacement of the pump and will be re-installing it once it is re-assembled.

Fir Avenue Sewer extension: Crews completed a sewer line extension on Fir Avenue.

Force main Rocky Bayou Road: City crews along with Okaloosa County Water & Sewer have completed the force main relocation on Rocky Bayou Road that will allow us to make the necessary improvements to the stormwater out fall system.

Storm Water Projects:

Valparaiso Boulevard Drainage Improvements: We are awaiting the engineer's approval of the change order submitted by the project contractor to install the additional pipe. The materials are on site and will be installed when that authorization is approved.

Palm Estates Drainage (2 sites): (1) Crews made additional modifications to the new outfall line that was installed last month in order to alleviate some standing water at the northwest corner of the Palm Estates subdivision. (2) We are preparing to replace 70 linier feet of 18 inch pipe at the intersection of Royal Palm and Plumosa Palm. This road crossing had deteriorated causing sink holes in the roadway. This work will be performed when the ground water levels subside.

Juniper Avenue: Beaver activity blocked the outfall system and crews were dispatched to re-open the flow way. In addition to that work we also removed several popcorn trees that were blocking the outfall. Final approval to begin work on this project is pending.

Rocky Bayou Road: We are reviewing a proposal to replace the outfall pipe under Rocky Bayou Road. The pipe for this work has been delivered and we are evaluating the quote submitted by the contractor. This work will require the closing of Rocky Bayou Road and will be done at night to lessen the effect on traffic in that area.

Other Activities:

Mullet Site: Crews have been making site preparations at the Mullet Site. (Site cleanup, painting, checking the electrical services)

Twin Oaks Service Road: Crews also regraded and repaired the service road around the Twin Oaks Complex.

Children's Park: Crews made repairs to equipment in the Children's Park.

New Sanitation Relay Truck: We accepted delivery of our new relay truck which will be put into service when additional modifications are completed.

Tropical Storm Preparations: This past week and weekend we made the necessary preparations for the forecasted storm which fortunately did not materialize.

Planning Activities & Development Updates

C R S Report: We have completed the submission of the annual Community Rating System recertification report.

Fl. Defense Support Task Force Grant: We are still awaiting final word from the Governor's Office on our grant request to help fund the Mapping and Land Development Code adoptions of the JLUS recommendations.

Residential Developments

Stables Subdivision Project (45): There are 4 homes under construction at this site.

Magnolia Woods Phases 1 (31) & 2 (39): Phase 1 is near built out with only 2 vacant lots remaining. Initial road clearing is near completion for Phase 2 of this development.

VRC Bayshore Development (17): Preliminary road clearing underway.

Parkview Place (24/2): City staff has completed their final review of the site plans and final comments have been provided to the developer.

Commercial

Publix: Work continues on the Publix Building.

Wal Mart Site: The site work is continuing at the out parcel across from Wal Mart off SR 20.

Palm & HWY 20: An urgent care facility is under construction in the shopping center at SR 20 & Palm Blvd.

Regional Sewer System – Update

Councilman Rominger stated that the 60 day trial phase for train # 3 resulted in everything working very well as reported by the Plant Manager. Councilman

Rominger stated they will be updating trains #1 and # 2. They estimate the plant completion to be Mar 2014.

LIBRARY – UPDATE

Ms Bishop stated the Friends of the Niceville library conducted a fish fry fund raiser that took in approximately \$ 3,200 and a book sale that netted approximately \$ 2,400.

POLICE DEPT – UPDATE

Chief Popwell stated that during the month of September the Police Department responded to 2072 calls for police assistance. A total of 42 traffic crash reports were written involving 78 vehicles and 1 pedestrian. The estimated amount of damage to these vehicles and related property was \$128,011. A total of 251 Traffic Citations were issued, 19 Misdemeanor, 8 Felony and 1 DUI arrest was made.

FIRE DEPT – UPDATE

Chief Mayville stated that during the month of September the fire department responded to a total of 143 calls. There were 139 calls located within the city limits and 4 mutual aid calls. He stated that firefighters are in the process of repainting hydrants. He advised that since October is Breast Cancer Awareness Month the City Hall hydrants have been painted pink and firefighters are wearing Breast Cancer Awareness shirts. Chief Mayville stated they tested all hydrants for the year. Chief Mayville stated they are scheduled to talk to approximately 2000 children regarding Fire Prevention. The theme this year “Prevent Kitchen Fires” is set by The National Fire Protection Association. He advised they attended the 911 ceremony at Choctaw High School on September 13. Chief Mayville advised that our fire engines were in the Niceville High School Homecoming Parade carrying the cheerleaders.

Other Business:

Mr Corbin announced the following new businesses are/will open in Niceville in the very near future including a new Crystals; Firehouse Subs; Dockside Restaurant; Helen Back Again; another restaurant near the Marina; and a new O’Reilly Auto Parts Store.

Mr Corbin stated that he is in receipt of a letter from the Bernstein family regarding issues near their subdivision. He advised that he will meet with them next week to hopefully resolve the issues vs bringing it before the council. Discussion followed.

Mayor:

Appointment – Mayor Protem

Mayor Wise stated that Councilman Henkel has done a great job as Mayor Protem and during the month of October a new Mayor Protem is appointed as per our charter. Discussion followed. Councilwoman Boudreaux moved to appoint Councilman Schaetzle as the new Mayor Protem. Councilman Nodjomian seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Planning Commission Appointment.

Councilman Nodjomian moved to reappoint Mr Fred Jones to serve on the Planning Commission. Councilman Rominger seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

BILLS PAYABLE:

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

The meeting adjourned at 8:35 PM.

MAYOR

ATTEST:

CITY CLERK