MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
NOVEMBER 12, 2013

The Niceville City Council met in regular session at 7:00 PM, November 12, 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; Fire Department, Chief Mayville; a member of the press, and 26 visitors in the audience. Councilman Nodjomian 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, October 8, 2013
Planning Commission Meeting, November 4, 2013
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS:

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. (Third Reading)

Mr Doucet read ordinance 13-11-01 by title. Councilwoman Boudreaux moved 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 13-11-02 – 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. ( Third Reading)

Mr Doucet read ordinance 13-11-02 by title. Councilwoman Boudreaux 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 13-12-02 – 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. (Second Reading)

Mr Doucet read ordinance 13-12-02 by title. Councilman Schaetzle moved approval. Councilman Rominger seconded. Ms Lynn Yort, representing Waste Mgt introduced her Operations Manager Ms Pam LaCourse stating that her team takes care of the services provided to the City of Niceville. She stated in early 2012, Okaloosa County residents in the unincorporated area near Shalimar participated in a recycling pilot. In late 2012, the City of Niceville requested information to increase the amount of household garbage diverted. She stated in February, 2013, Domenica Farmer made that presentation to the City Council. She advised that in April 2013, an enhanced recycling pilot began in 90 homes for 90 days under the direction of the City Council. She advised that in October 2013, Niceville City Council voted to move forward in the first of three public readings toward enhanced recycling. Following the meeting, approximately 25 comments were received by the City and provided input to those concerns. Okaloosa County Survey Results: Overall opinion of pilot: 55% Excellent; 27% Good; 5% Fair; 11% Didn't like it; 2% provided no response. Do you want to continue the enhanced recycling program? 81% Yes; 10% No; 6% Don't care and 3% provided no response. Should the enhanced recycling program be expanded to County customers? 74% Yes; 8% No; 13% Don't care; and 5% provided no response. Ms Yort stated to keep in mind that 2200 surveys were mailed; 450 returned and she stated there were an additional 253 comments made and that information was provided to the City. City of Niceville Survey: Ms Yort stated that all 90 homes were surveyed. A Total of 50 responded which is a 55% response. The questions asked were: Is once weekly recycling with 96 gallon cart adequate? 50 yes; Is once weekly household garbage adequate: 44 yes, 6 no. Did your household increase amount recycled during pilot? 39 yes, 11 no. Should the program be expanded throughout City? 46 yes, 4 no. Ms Yort provided the following additional information: Current and Proposed Service Levels – Container Size: Current Service: Two times weekly household garbage service with 96 gallon cart and one time weekly recycling with 18 gallon bin provides 210 gallons of weekly capacity. Proposed Service: One time weekly household garbage and recycling with 96 gallon cart provides 192 gallons capacity weekly. Current and Proposed Service Levels Capacity: 100% volume will continue to be collected. The capacity will be reduced by 18 gallons weekly. Current and Proposed Service Levels – Costs: The following was quoted from

Bloomberg Business week Joe McDonald, October 3 2013: China has rejected hundreds of containers of waste … it is abruptly changing a multibillion-dollar global industry in which china is a major processing center for the world's discarded soft drink bottles, scrap metal, electronics and other materials." Ms Yort further stated that collection pricing will not be reduced proportionally with the number of services provided –prices are calculated with capacity and potential volume. Disposal of household garbage is paid by the City of Niceville and cannot effect the rates provided by Waste Management. Discussion followed. Odor: Okaloosa County Survey from 2012 asked participants about their concerns regarding odors prior to the pilot and after the five month period that extended through the summer: Concerns decreased by 65.4%. Recommendations: Utilize smaller bags in your kitchen so that it is removed more often; Utilize natural remedies such as baking soda; completely tie the bags; i.e. twist ties makes a more air proof seal than a draw string. Mr Douglas Beacon 311 Grove Park Dr, Swift Creek Plantation. He stated he lived in the Rocky Bayou County Club Estates some time ago and had twice a week garbage collection services provided by the county along with yard waste collection. He then moved to Northern Georgia with only once a week service. He stated the problem with once of week pickup is the garbage begins to smell. He recognizes there are certain remedies for this. He further stated that he and his wife were very careful to wrap their garbage twice to help reduce the odor and the cart provided was similar in size to the larger cart that is being shown tonight. He moved back to Niceville and was very pleased to know that Waste Management provided twice a week collection service and added they are doing a great job; their trucks are always clean, they don't spill garbage all over the street. I'm very impressed with the yard waste services provided by the City and the skill of the equipment operator who picks up the yard debris. Then I was horrified when I learned that the city was considering a proposal that will only provide once a week pickup. He stated that there are certain problems with that. He stated that he has a large garage and he can place the extra cart inside, however, other subdivisions do not have enough room and will be forced to locate the extra cart in their back yard to comply with restrictive covenants. The cart could block a sprinkler head, or disrupt the aesthetic quality of their yard. He stated there are other issues for example the City of Fort Walton Beach are dealing with bears and recommend locking your containers. He stated that locked container are not part of WM's proposal. He felt once a week pickup could be tolerated in the winter, however, it will be a big issue when the heat rises in the summer and the garbage begins to decay. He stated there are some remedies for this such as using baking soda. He feels that a resident should not have to apply chemical remedies to treat garbage all that has to be done is pick it up more frequently. He stated that he wasn't certain about the amount of the proposed reduction, however, he felt if the service is cut in half then the collection fees should also be cut in half. He recommends keeping the service as it is since it's not broke don't fix it. Councilman Nodjomian asked Ms Yort if our 90 pilot started in the summer months. She stated it ran from 1 Apr through 1 July, however, WM is continuing the once a week

pickup until such time that the City Council makes a final decision on the project. Councilman Rominger asked Ms Yort if she could provide more information regarding the legislation that is driving the issue. Ms Yort stated that there is current legislation outlined in the Florida Statutes that states 75% of solid waste must be diverted away from the landfills by year 2020. She stated it applies to counties with 100,000 populations and cities with 50,000 populations. Ms Yort stated that Okaloosa County falls in that mix, however, there is no written penalty for not complying. She stated that state legislators are currently putting teeth into the legislation that will be forthcoming. She stated that the City of Mary Esther starts their enhanced recycling January and carts will be delivered around Christmas time. Ms Lynne Waltz, Juniper Avenue stated she is 100% for the new proposal. She stated she recycles all that she possible can. She has two full 18 gallon recycle bins every week along with a bag full of recycle materials. She stated she is looking forward to a lid to prevent wild animals such as foxes, coyotes, and raccoons from disrupting her garbage bins searching for food. She urged that everyone to take their environmental responsibility seriously and make every effort to recycle. Mr Bruce Fister, 400 Regatta Drive, Water Oaks stated that he is surveying residents in an effort to determine the size of cart they prefer and will pass that information to Ms Lynn Yort. He felt this approach could be explored in other neighborhoods that have limited space for the addition cart. Mr Wes Lassiter, 401 Sugar Cane Run, Swift Creek stated he just returned from visiting his sister in Knoxville, TN who lives in an upscale neighborhood. He was surprised to learn that her garbage collection was once a week pickup. He stated in hind sight he should have built a 3 car garage, however he only has a 2 car garage to fit two cars, two kayaks and a garbage cart. He stated he has talked to a number of his neighbors and reviewed a number of e-mails back and forth on the subject. He stated after his visit and discussions with his wife they will find room in his garage for the additional cart thus he supports approval of the project. Discussion followed. Mr Doucet stated that we plan to track our tipping fees once we go city-wide if the council approves it and based on participation we'll lower the tipping fee to the customer as appropriate. The more they participate the lower the rate will become. He stated his office will track it for about 6 months and recommend the appropriate tipping fee rate reduction for approval by the council. He stated he visited a neighborhood similar to Swift Creek two weeks ago called Grand Point located near IHOP on Hiway 98 in the unincorporated area of Gulf Breeze. He spoke to a realtor there who had an open house for a $700,000 home. He stated the recycle cart with the yellow top and the regular garbage cart were located near the garage. When questioned the realtor explained there are no problems with once a week pickup. She stated that most residents store their recycling bin in their garage and the garbage cart inside their privacy fence in a secluded area since they have to comply with covenants. She further stated it was a little bit of an issue at first until the residents became adjusted to the new procedures which is human nature. In addition, I made calls to the City of Pensacola and Gulf Breeze who have had once a week pickup for quite sometime with no

real issues. Discussion followed. Council Vote: Henkel-no; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Resolution 13-11-01- A resolution granting a special exception to the Land Development Code, to allow for more square footage of signs on the building; and providing for an effective date.

Mr Doucet read Resolution 13-11-01 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.

Resolution 13-11-02 – A resolution accepting liability associated with the closing of a state roadway for purposes of a parade.

Mr Doucet read Resolution 13-11-02 by title. Councilman Henkel moved approval. Councilman Nodjomian 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**

**New 750K Tank**: The foundation work is done and the column work is underway.

**Rocky Bayou Surface Pumping Station**: The pump house, controls and pumps are in place and operational. Remaining work includes the tie ends at the pump station and the out fall into the reservoir.

**Well #1 Repair**: The repairs and re-installation were completed last week and the required compliance sampling was finished yesterday. The well was put back on line today.

**Storm Water Projects**

**Valparaiso Boulevard Drainage Improvements** : All of the storm pipe is installed and a punch list has been provided to the contractor which includes repairing the remaining driveways, replacing irrigation systems and installing sod on the right of way.

**Palm Estates**: City crews replaced a 70' section of 18" storm pipe at the intersection of Royal Palm and Plumosa Palm Drive.

**Rocky Bayou Road**: We issued a purchase order to the contractor to lower and replace the storm out fall pipe under Rocky Bayou Road near the intersection of Roscommon Drive. (road closing required and night work).

**Juniper Avenue**: I will be meeting with the engineer this Thursday to review the design plans and discuss the sequence of construction.

**Bayshore Drive Vault Project**: We are meeting with church representatives to discuss this project. The church recently completed a survey and agreed to provide us with that information. We in turn have given them a set of plans for the treatment vault and new collection system.

**Other Public Work Activities**:

Christmas Display work is underway.
Niceville FD upstairs work is underway.
Installed and modified turn arrows at both exits onto SR-20 from Walmart and installed a 3-way stop on Plew Panther Way .
Installing new and replacing damaged Storm Drain Inlet Markers city-wide.
We are prepared to begin the replacement entry way sign at Rocky Bayou Estates.
Checking with nurseries for plants to install on green belt.

**Planning & Development**

**Florida Defense Support Task Force Grant**: We received official notification from the state that the City will be getting a 25,000.00 grant to prepare zoning and future land use mapping and updating our LDC to comply with the JLUS & SEIS recommendations. This will enable us to identify specific parcels that are within the APZ, MIPA 1 & 2.

**Magnolia Woods Phase II** (39 lot): The underground utility work is underway on site. The de-watering lines have been installed along Palm Blvd. for the sewer main serving this subdivision and the new force man that will be run from the new pump station that will be built on Bayshore Drive.

**V R C Bayshore** (17 lot R-1): The clearing of the roadways has been done along with the installation of the de-watering line to begin the underground utility work .

**Publix**: Construction continues on the building and parking areas. We have approved the plans for the new bridge on the connecter road that will parallel SR 20 from the Traffic Circle at Revell Drive to the Publix Site. We are still waiting for the roadway plans. Some ground work has started on the new Traffic Circle on Rocky Bayou Road.

**Bayshore Wright Project**: (16 lot, 4.38 Acres, R-1). We are looking at the site plans for this proposed development .

**Other Proposed Commercial Projects include**

A new 4,000 sq ft **storage building** expansion on SR 85 N at One Hour Heating & Air Conditioning.

Small commercial Building (1800 sq. ft. 2 story) SR 85-S between Government and Iowa Street.

**O'Reillys** Auto Parts on SR 20 east of Partin Drive

**Krystal Restaurant** on SR 20 across from the Chick Fil-a

**MISC:**

DOT is planning to increase the length of the west bound left turn lane on SR 20 at Redwood Avenue.

The new pole and street light has been installed on Walton Avenue.

Regional Sewer System – Update

Councilman Rominger provided updated information regarding the system. He stated a 60 day test of train # 3 was completed the end of October and work will begin on Trains # 1 and #2 this month. Discussion followed.

**POLICE DEPT – UPDATE**

Chief Popwell stated that during the month of October the Police Department responded to 1976 calls for police assistance. A total of 59 traffic crash reports were written involving 117 vehicles and 2 pedestrians. The estimated amount of damage to these vehicles and related property was $208,277. A total of 237 traffic citations were issued, 19 misdemeanor, 6 felony and 4 DUI arrests was made. Chief Popwell advised that according to a real-estate relocation firm that analyzes crime and other data from the 358 residential communities statewide, Niceville is one of Florida's safest cities in which to live and raise a family. Chief Popwell presented the letter to the City Council outlining the statistical findings over the past six years. Governor Rick Scott's desire to reduce crime throughout the state, and commended Niceville for leading that battle. The relocation firm based on its comprehensive analysis of six-year crime data stated that Niceville's police department should be commended for its "above-average contributions to this result and goal." The crime data showed the following: In 2012 (the latest year

available) residents of Niceville had less of a chance of being a victim of a serious crime than the average for residents of all 358 Florida locations surveyed. Chief Popwell acknowledged that Niceville still has a "small-town" police department, but called his officers "highly trained professionals." He stated we are able to balance those two things to our benefit and the benefit of our citizens", Our officers really do care about the citizens. They are not just here for a paycheck. They actually believe in this city and they really want to do their best for the citizens. I think receiving a commendation like this really shows that commitment.

**FIRE DEPT – UPDATE**

Chief Mayville stated that during the month of October the fire department responded to a total of 127 calls. There were 126 calls located within the city limits and 1 mutual aid call. He stated that October was Fire Prevention month and the Fire Department had several groups visit the fire station and we also visited the schools as well as many day care centers talking to approximately 1400 children about fire safety. He advised that the Fire Department observed Breast Cancer Awareness month by designing and wearing shirts with pink insignia and writing. He advised that Firefighters were on duty at the Mullet Festival each day for any medical or fire related calls. Chief Mayville stated that Firefighter of the year Brandon Murphy was honored by the Exchange Club at a luncheon. Some discussion centered around the topic on whether or not fire department first responders should perform duties that Emergency Management Technicians normally provide. A nurse in the audience stated it would be a step in the right direction to have our firemen receive EMT training since first responders can actually save lives while waiting for an EMT to arrive. Mr Corbin stated that Fire Department personnel are not legally allowed to do anything else other than take vital signs and make them comfortable until an EMT arrives on the scene. He stated that we are in current litigation over a similar issue and we need to use extreme caution to prevent liability issues in the future. He further stated that we pay taxes to the county that help fund EMT Training. Discussion followed.

Other Business:

Okaloosa County Public Library Cooperative Interlocal Agreement – Approval

Councilman Nodjomian moved approval. Councilwoman Boudreaux seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Mayor:

Niceville Housing Authority – Appointments/Reappointments

Mayor Wise stated that terms for the following members expire this month and recommended they be reappointed: Stan Griner; Dennis Branton; and Freida Spence. No one spoke for or against. Councilman Nodjomian moved approval. Councilman Henkel seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

BILLS PAYABLE:

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

The meeting adjourned at 8:50 PM.

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MAYOR

ATTEST:

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CITY CLERK